

Minot Land Development Ordinance

Adopted April 5, 2021; Amended November 17, 2025

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Article 1: Title and Application

Chapter 1.1. – Title

SECTION 1.1-1. TITLE

This ordinance shall be known and may be cited and referred to as the Land Development Ordinance of the City of Minot.

SECTION 1.1-2. PURPOSE

- A. The purposes of the Land Development Ordinance of the City of Minot are to:
- B. Serve the public health, safety, and general welfare of the City and its jurisdiction.
- C. Classify property in a manner that reflects its suitability for specific purposes.
- D. Provide for sound, attractive and resilient development within the City and its jurisdiction.
- E. Encourage compatibility of adjacent land uses.
- F. Protect environmentally sensitive areas.
- G. Further the objectives of the Comprehensive Development Plan of the City of Minot.

Chapter 1.2. – Application

SECTION 1.2-1. APPLICATION OF ORDINANCE

The provisions of the ordinance shall apply to all land development activities in the City of Minot and the extra-territorial district as follows:

- A. Zoning/Rezoning. A base zoning district designation shall apply to each lot or site within the City and its planning jurisdiction. A site must be in one (1) base district. Overlay districts may be applied to any lot or site or any portion thereof, in addition to a base district designation.
- B. Subdivision of Land. Land within the corporate limits of the City of Minot shall be divided into lots, blocks, and streets in compliance with City procedures and City design and construction standards set forth in the ordinance.
- C. Subdivision of land in the Two-Mile Extraterritorial Jurisdiction shall meet city standards for subdivision process and design, but Ward County requirements for roads and transportation issues and First District Health Unit requirements for rural septic systems and well water, and North Prairie Rural Water District for rural water.
- D. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule, or regulation of the City, the

ordinance, rule, or regulation which imposes the more restrictive condition, standard or requirement shall prevail.

- E. Except as herein provided, no building, structure, or premises shall hereafter be used or occupied, no building permit shall be granted, and no plat approved that does not conform to the requirements of this Ordinance.
- F. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose which is not in conformity with the provisions of this Ordinance.
- G. Whenever in any zoning district a use is neither specifically allowed nor specifically prohibited, the use shall be evaluated by the Community Development Director or their designee and assigned to an existing land use category as set forth in Chapter 2-2, Use Types. Any appeal to an administrative decision shall follow the appeals processes as provided in Section 9.1-9. Appeal of Administrative Decisions or related procedure available at the time of the appeal should the Land Development Ordinance of the City of Minot be changed in the future.
- H. Upon adoption of the land development ordinance April 5, 2021, zoning district names changed. Below is a table with the previous zoning district and corresponding new zoning district.

Table 1.2: Zoning Equivalency Table	
Previous Zoning District	New Zoning District
"R-1" Single Family Residence District	"R1" Single Family Residential District
No comparable previous district	"R1S" Single Family Residential District with Small Lot Flexibility
"RA" Agricultural Residential District	"RR" Rural Residential District
"R-2" and "R-2B" Two-Family Residence District	"R2" Two-Family Residential District
"R-3" and "R-3B" Multiple Residence District	"RM" Medium Density Residential District
"R-3C" Townhouse Residence District	"R3C" Townhouse Residence District
"R-4" Planned Residence District ¹	"RH" High Density Residential District with "PUD Overlay" Planned Unit Development ¹
"C-1" Limited Commercial District	"C1" Neighborhood Commercial District
"C-2" General Commercial District	"C2" General Commercial District
"C-3" Central Business District	"CBD" Central Business District
"C-4" Planned Commercial District ¹	"C2" General Commercial District with "PUD Overlay" Planned Unit Development
"M-1" Light Industrial District	"M1" Light Industrial District
"M-2" Heavy Industrial District	"M2" Heavy Industrial District
"M3" Office Park District	"OP" Office Park District
"I1" Light Industrial Park District	"I1" Light Industrial Park District
"I2" Heavy Industrial Park District	"I2" Heavy Industrial Park District
"P" Public Zone	"P" Public Zone
"MH" Manufactured Home District	"MH" Manufactured Home District
"O" Office District	No comparable district was recreated
No comparable previous district	"GMU" General Mixed Use District
"AG" Agricultural District	"AG" Agricultural District

¹Developed properties zoned C-4 and R-4 shall attend to the underlying "C2" General Commercial District or "RH" High Density Residential District respectively, except in cases of alterations or changes of use. If an alteration or change of use is proposed, refer to Section 2.23-8 to determine whether a modification qualifies as a minor or major change to the original development plan. Major changes shall require a zoning map amendment to the new zoning district as provided in this table. Minor modifications may be approved administratively.

SECTION 1.2-2. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The City of Minot intends that this Land Development Ordinance and any amendments to it shall be consistent with the City's Comprehensive Plan. It is the City's intent to amend this ordinance whenever such action is deemed necessary to keep regulatory provisions in conformance with the policies, goals, and objectives contained in the Comprehensive Plan.

SECTION 1.2-3. CONFLICTING PROVISIONS

The Land Development Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare of the community of Minot, North Dakota and its jurisdiction. If any provision of the Land Development Ordinance conflicts with any other provision of the Land Development Ordinance, any other ordinance of the City of Minot, or any applicable state or federal law, the more restrictive provision shall apply.

SECTION 1.2-4. RELIEF FROM OTHER PROVISIONS

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, conditional use permit, variance, development permit, development agreement, or other permit or contract issued under any local, state, or federal ordinance or statute.

SECTION 1.2-5. SEVERABILITY OF PROVISION

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 1.2-6. PUBLICATION

This ordinance shall be published in book or pamphlet form and shall, along with the maps being a part hereof, shall be filed with the City Clerk of the City of Minot, North Dakota. An electronic version of the ordinance shall be maintained on-line at the City of Minot website, however the accuracy of the on-line version is not guaranteed due to periodic updates and amendments.

SECTION 1.2-7 LAND USE APPLICATION FEES, SIGN PERMIT FEES, AND ADMINISTRATIVE REVIEW FEES

The Community Development Director or their designee shall devise a schedule of (1) Land Use Application Fees, (2) Sign Permit Fees, and (3) Administrative Review Fees which may be amended from time to time as necessary, provided that, however, no schedule or fees nor amendment thereof shall become effective until ratified, by way of resolution, of the City Council.

Article 2: Districts

Chapter 2.1. – Establishment of Districts

SECTION 2.1-1. DISTRICTS

For the purpose of this land development ordinance, the City of Minot is divided into various zoning districts. The name of each district and the restrictions, limitations, rights and privileges attributable to each of the districts are set forth in the Chapters which follow. The classification of property within a district shall be by the enactment of an appropriate ordinance, which ordinance need not specifically amend this ordinance, but which ordinance need only set forth the legal description of the property in question and the district in which it is placed. In some instances, a parcel of land may be placed in more than one district if the district is subject to "overlay zones", or if the parcel is to be zoned more than one base zoning district, the areas to be rezoned shall be described by metes and bounds or other legal description.

SECTION 2.1-2. MAPS

A. Adoption of Zoning Map

Boundaries of zoning districts established by these zoning regulations shall be shown on the Zoning Map maintained by the City of Minot. This map, together with all legends, references, symbols, boundaries, and other information, shall be and is hereby adopted as a part of, and concurrent with, these regulations. Copies of the Zoning Map are available at City Hall and at the Public Works Building. A digital copy of the Zoning Map shall be made available on the City of Minot website.

B. Changes to the Zoning Map

The Zoning Map shall be kept continuously current to reflect all changes authorized and approved by the City Council as to regulations, restrictions, and boundaries of zoning districts created or amended by law, and the Engineering Department shall maintain the Zoning Map in such a manner as to reflect all lawful changes authorized or approved by the Minot City Council.

C. New Official Zoning Maps

The City Council may, from time to time, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map, in the event that the Official Zoning Map becomes damaged or destroyed; or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof.

SECTION 2.1-3. DISTRICT BOUNDARIES

A. Boundary Rules

The district boundary lines on said map are intended to follow either streets, alleys or lot lines. The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

1. Where district boundaries are indicated as approximately following lot lines, such lines shall be considered the district boundaries.
2. Where district boundaries are indicated as within street or alley, railroad, streams, creeks, rivers, or other identifiable rights-of way, the centerline of such rights-of-way shall be deemed the district boundary.
3. Where a district boundary divides a property, the location of the boundary shall be determined by use of the scale appearing on the Zoning Map.
4. Where district boundaries are indicated as approximately following corporate limits, such corporate limits shall be considered the district boundaries.
5. Where district boundaries are indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines, such lines shall be considered the district boundary.
6. Boundaries not capable of being determined as set forth in this section shall be determined by the scale shown on the map.

SECTION 2.1-4. STREET, ALLEY, OR PUBLIC WAY VACATION-EFFECT ON ZONING BOUNDARIES

Whenever any street, alley or other public way is vacated by official action of the city council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and hence forth be subject to all appropriate regulations of the extended districts.

SECTION 2.1-5. WATER AREAS

All areas within the corporate limits of the City of Minot, which are under water and not shown as included within any district, shall be subject to all of the regulations of the district which immediately adjoins the water area. Where said water area adjoins two (2) or more districts, the boundaries of each district shall be construed to extend to the center of the water area.

Chapter 2.2. – Table of Uses

SECTION 2.2-1. USE TABLE DESCRIPTION

Table 2.2 organizes common existing and potential future land uses by zoning districts in the City of Minot. It is intended to help Ordinance users easily identify where a specific use is permitted, prohibited, or permitted subject to additional regulations or permitting procedures. The last column in the table indicates whether special standards apply and provides a reference to Article 4: Standards Specific to Uses and Districts.

SECTION 2.2-2. UNLISTED USES

If an application is submitted for a use that is not listed in Table 2.2, the Planning Division is authorized to classify the new or unlisted use according to listed uses that are most similar. If no similar determination can be made, 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.

SECTION 2.2-3. USE TABLE KEY

Code	Description
P	Permitted by right, or permitted by right subject to supplemental regulations
C	Permitted by Conditional Use Permit
I	Permitted by Interim Use
Blank	Use not permitted in zoning district

Rural and Agricultural Uses

Table 2.2. Table of Uses																					
Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
Agricultural Sales	Livestock Sales	C												C	P					P	4.1-3.A.
Animal Services	Veterinary Clinic (Small Animal)	C										C		P			C				4.1-6.N.
	Veterinary Clinic (Large Animal)	P	C											P	P						4.1-6.N.
	Kennels	P										C		P							4.1-6.N.
	Dog Grooming/Daycare	P									C	P	P								
	Stable (Commercial)	P	C																C		
	Stable (Private)	P	P																		4.1-3.B.
	Pet Boarding Facility (up to 5)	P	P	P							P	P		P							4.1-6.O.
	Pet Boarding Facility (6+)	P	C	C							C	C	C	P							4.1-6.O.
Farming and Ranching	Animal Production	P																			4.1-3.A.
	Animal Feeding Operation (AFO)																				
	Crops and Horticulture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Housing

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
Group Living	Boardinghouse					C	C			C											
	Group Home (Up to 6 residents plus staff)	P	P	P	P	P	P	P	P	P	P	P	P						P	P	4.1-4.B.
	Group Home (7+ residents plus staff)		C	C	C	C	C	C	C		P	P	P						P	P	4.1-4.B.
	Lodging House										C		C								
	Fraternity/Sorority						C	C	C										C		
Multi-family	Apartments (5 units and above)						P		P											P	4.1-4.C.
	Duplex (2 units)					P	P		P												
	Triplex (3 units)						P		P												
	Quadplex (4 units)						P		P												
Single Family	Single-family Attached (Twin Homes)					P	P		P												
	Single-family Attached (Town Homes)						P	P	P												4.1-4.D.
	Single-family Detached	P	P	P	P	P	P			P										P	
Other Housing	Accessory Dwelling Unit	P	C	C	C	C															4.1-4.E.
	Assisted Living Facility						C	C	P		P		C						C	C	
	Nursing Home						C	C	P		P		C						C	C	
	Manufactured Home	P								P											4.1-4.F.

Public and Private Institutional Uses

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
Civic	Banquet/Reception Hall	C									P	P	P						P		
	Clubs	C									P	P	P						P		
	Convention Center/Civic Center											P	P						P	P	
	Library											P	P						P	P	
	Museum											P	P						P	P	

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
	Religious/Public Assembly	P	P	P	P	P	P	P	P	P	P	P	P	P		P			P	P	4.1-5.A.
Medical	Hospital											P	P								
Parks and Open Space	Campground (Tent and RV)	C										C							C		4.1-5.B.
	Columbarium	P	P	P	P	P	P	P	P	P	P	P	P	P		P			P	P	4.1-5.C.
	Cemetery	C	C																P		
	Golf Course	C	P	P	P	P	P												P		
	Park and Associated Facilities		P	P	P	P	P	P	P	P	P	P	P						P	P	
Public Services	Administration Offices										P	P	P	P		P			P	P	
	Emergency Residential Services	P	P	P	P	P	P	P	P	P			P						P	P	
	Detention Facilities												C	C	C				P		
	Postal Facilities										P	P	P	P	P	P	P	P	P	P	
	Public Safety and Emergency Response Services	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	
Schools	College and University Facilities	C									C	P	C			C			P	C	
	Portable Classroom	I	I	I	I	I	I	I	I	I	I	I	I				I	I	I	I	
	Educational Facilities (Primary and Secondary)	C	C	C	C	C	C	C	C	C	C	C	C						C	C	
	Pre-School (Public and Private)	C	C	C	C	C	C	C	C	C	P	P	P						P	P	
	Vocational School	C									C	P	C	P	P	P	P	P	C	C	

Commercial Uses

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
Adult Entertainment Center															P						4.1-6.A.
Business Incubator												C	C	P		P					
Commercial Recreation	Commercial Recreation Indoor	C		C	C	C	C	C	C		P	P	P	P	P	P			C	P	
	Commercial Recreation Outdoor	C		C	C	C	C				P	P	C	P	P	P			C	C	
Food and Drink	Brew Pub, Cocktail Lounge, Bar, Winery	C	C								P	P	P	P	P	P			C	P	
	Restaurant (Dine-in Only)	C									P	P	P			P				P	
	Restaurant (Drive-thru)										P	P	C			P				P	4.1-6.B.
Motor Vehicle Uses	Auto Repair											P		P	P		C		C		4.1-6.C.
	Auto Maintenance											P		P	P		C		C		4.1-6.C.
	Oil Change Facility											P		P	P		C		C		4.1-6.C.
	Car Wash										C	P		P ¹			C			C	4.1-6.F.
	Convenience Store/Fuel Station										C	P		P ¹			P			C	4.1-6.D.
	Motor Vehicle Sales (Cars, Boats, RVs, Motorcycles, etc.)											P		P							4.1-6.G.
	Manufactured Homes and Modular Homes Sales Lot											C		C							
Office	Corporate Offices, Financial Offices, General Offices, and Medical Offices										P	P	P	P		P	P			P	
Parking	Off-Street Parking (Commercial)											C	C						C	C	
	Off-Street Parking (Non-Commercial)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
Retail Sales and Services (Small)	Parking Structure											P	P						C	P	
	Clinics and Pharmacies										P	P	P						P	P	ND Century Code (Medical Marijuana Dispensaries)
	General Merchandise										P	P	P	P ¹						P	
	Green House/Nursery	P	C									P		P			P				
	Laundry Services										P	P	P	P	P	P				P	
	Limited Food Sales										P	P	P	P ¹						P	
	Liquor Stores										P	P	P	P ¹						P	
	Salons										P	P	P							P	
Retail Sales and Services (Large)	Department Store										C	P	P							P	
	Furniture Stores and Showrooms											P	P	P		P				P	
	Home Improvement Center										C	P	P							P	
	Hotels and Motels											P	P							P	
	Retail Center, Mall, or Shopping Center										C	P	P							P	
	Supermarket										C	P	P							P	
	Truck Stops											C		P	P			P			4.1-6.E.
Specialty Businesses	Funeral Homes	C									C	C	C	P						C	
	Crematories	C									C	C		P	P		C	P			
	Day Care Centers		C	C	C	C	C	C	C		P	P	P	P ¹					P	P	4.1-6.M.
	Day Care, Home-based	P	P	P	P	P	P	P	P	P										P	4.1-8.E.

Industrial Uses

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
General Industry	Construction Yards											C		P	P						4.1-7.C.
	Manufacturing, fabrication, processing, assembly, and packaging facilities											C		P	P		P	P			
	Research Park											C				P	P	P			
	Sales or service of industrial, agricultural, and construction equipment and semi-trucks											C		P	P	P	C	P			4.1-7.A.
Heavy Industry	Construction Batch Plant (Permanent)														C		C	P			4.1-7.B.
	Construction Batch Plant (Temporary)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
	Grain Elevators														P		C	P			
	Manufacture or storage fertilizer, petroleum, and similar hazardous materials and compounds											C		C	C			C			4.1-7.G.
	Mining or extraction of oil, mineral, or aggregate resources	I												I	I		I	I			4.1-7.D.; 4.1-7.E.
	Stockpiling of aggregate or dirt fill not associated with active development project											C									
Warehousing and Freight	Cargo Container Yards											C		P	P			P			4.1-7.F.
	Commercial Self Storage											C		P	P	P					
	Warehousing (Enclosed)											C		P	P	P	P	P	C		4.1-7.J.
	Warehousing (Open)											C		C	P	C	C	P	C		4.1-7.H.

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
Waste Related Uses	Railroad Terminals and Truck Terminals													P	P		P	P			4.1-7.I.
	Salvage Yards														C		C	C			4.1-7.K.
	Landfill														C				C		
	Recycling Collection and Processing (Hazardous)													C	C		C	C			
	Recycling Collection and Processing (Non-hazardous)													P	P		P		P		
	Sewer or Flood Protection Pumps																		P		
	Sewage Treatment Plant/Lagoons														C			C	C		

Miscellaneous Uses

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
Accessory Uses	Accessory Buildings, No Primary Dwelling or Use	C	C	C	C	C	C	C	C	C											4.1-8.B.
	Accessory Barns or Stables	P	P																C		4.1-8.A.
	Accessory Storage or Garage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.1-8.A.
	Home Occupation/Home Based Business	P	P	P	P	P	P	P	P	P		P	P							P	4.1-8.C.
	Residential Association Management Building		P	P	P	P	P	P	P	P	P	P	P								
	Bed and Breakfast	C	C	C	C	C	C														4.1-8.D.
	Outdoor Seating (Restaurant)	C	C								P	P	P							P	
	Rooftop Solar Installation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.1-8.K.
Medical Marijuana Production	Medical Marijuana Production Facility	C												C	C						ND Century Code
Community Infrastructure	Airport and Associated Facilities																		P	C	
	Utility Facilities	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	P	P	C	C	
	Wireless Communication Towers	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C		Article 8
	Large Wind Energy Conversion System (LWECS)	C												C	C		C	C	C		4.1-8.I.
	Radio Tower	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C	C	Article 8
	Small Wind Energy Conversion System (SWECS)	C	C											C	P		C	C	C		4.1-8.J.
	Utility-Scale Solar Facilities	C												C	P	C	C	P	C		
	Transportation Terminal											C	C	P	P	C	P	P	P		
Mixed Use	Mixed-Use Building, Horizontal										C	C	C							C	4.1-6.I.
	Mixed-Use Building, Vertical										P	P	P							P	4.1-6.J.
	Mixed-Use Development, Horizontal										C	C	C							C	4.1-6.K.
	Mixed-Use, Live-Work Unit										C	C	C							C	4.1-6.L.
Temporary Uses	Amusement Park (Temporary)	I	I									I	I						I	I	
	Farmers Market	I	I								I	I	I						I	I	4.1-8.G.
	Temporary Real Estate Office for New Development		I	I	I	I	I	I	I	I			I							I	
	Temporary Sales (e.g., Outdoor)	I									I	I	I	I			I		I	I	4.1-8.H.

	Temporary Worker Living Quarters	I											I			I	I			
	Temporary Office	I								I	I	I	I	I	I	I	I	I	I	
	Temporary Storage	I								I	I	I	I	I	I	I	I	I	I	

Footnotes:

¹ Compatible “C2” General Commercial District uses are permitted in industrial zones fronting on major arterials, minor arterials, and collector level streets. For the purpose of this chapter, “compatible” shall mean capable of coexisting in harmony.

Chapter 2.3. – Definitions

Accessory Use (Use Table Definition): A use of land or property that is found on the same parcel as the primary use but is incidental and subordinate to the primary use. Examples include accessory dwelling units, accessory offices to business or industry, and home occupations.

Adult Bookstore (Use Table Definition): A commercial enterprise or activity at a fixed place of business which consists of the sale on a recurring basis of materials such as books, magazines, films and video tapes, which materials depict visually or describe verbally specified sexual activities, and which materials are delivered to or obtained by the purchaser at such place of business.

Adult Cabaret (Use Table Definition): A cabaret that features Go-Go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

Adult Cinema (Use Table Definition): A commercial enterprise or activity at a fixed place of business which consists of the direct or indirect projection on a regular basis of materials which visually depict specified sexual activities for observation by persons who pay.

Adult Entertainment Center (Use Table Definition): A “sexually oriented business”. Examples include an adult bookstore, adult cinema, or adult cabaret.

Agricultural Market (Use Table Definition): Retail sale of fresh agricultural products, grown either on or off the site, but may include as incidental and accessory to the principle use, the sale of factory sealed or prepackaged food products and some limited non-food items. This definition does not include the sale of livestock.

Agricultural Sales (Use Table Definition): Uses involving sales of livestock or crop products. Examples include livestock sales or auction facilities, Christmas tree farms with onsite sales, or feed sales facilities.

Airport and Associated Facilities (Use Table Definition): An area which is used for the landing or taking off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all related areas used or acquired for airport buildings or other airport facilities, and all associated rights-of-way.

Amusement Park (Use Table Definition): An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

Animal Feeding Operation (Use Table Definition): A lot or facility, other than normal wintering operations for cattle and an aquatic animal production facility, where the following conditions are met:

1. Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for at least forty-five days in twelve-month period.
2. Crops, vegetation, forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Animal Production (Use Table Definition): The raising of animals or production of animal products, such as eggs or dairy products. Typical uses include grazing, dairy farming and poultry farming.

Animal Services (Use Table Definition): Service-related uses involving animals. Examples include commercial stables, large animal clinics, or horse-riding academies.

Apartments (Use Table Definition): A housing structure or group of structures designed with multiple separate housing units for multiple households. Dwelling types include duplexes, triplexes, quadplexes, and apartments.

Assisted Living Facility (Use Table Definition): A facility offering residence, supervision, and daily assistance to individuals who generally need assistance to perform daily, routine tasks, non-medical in nature.

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

Auto Repair (Use Table Definition): Specialized service 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. Does not include heavy equipment, such as for construction or agriculture.

Banquet/Reception Hall: A meeting facility which may also include on-site kitchen/catering facilities. The banquet/reception hall's primary purpose is a location for activities such as weddings and other such gatherings by appointment. In some cases, a restaurant may be associated with a reception hall where permitted in the underlying zoning district.

Base Zoning District: A zoning district that establishes the primary permitted uses, conditional uses, and dimensional standards for a parcel.

Bed and Breakfast (Use Table Definition): A private home that is used to provide accommodations for a charge to the public with not more than four lodging units, in which no more than two family style meals per day are provided.

Boardinghouse (Use Table Definition): A building other than a hotel where, for compensation and by arrangement, meals, lodging, or both, are provided for three (3) or more persons. A boarding house is occupied by the owner, who rents out rooms.

Brew Pub (Use Table Definition): A restaurant that sells alcoholic beverages brewed or crafted on premises.

Building, Principal: A building used in conjunction with the principal use of the lot on which it is situated.

Campground, Tent and RV (Use Table Definition): Facilities providing camping or parking areas and incidental services for travelers in camping cabins, tents, and/or recreational vehicles which accommodates each guest or visitor for no more than fourteen (14) consecutive days in any one (1) month period. A camping cabin is a temporary living quarters only to be used in campgrounds.

Cargo Container: A metal crate designed to store goods for freight transport, typically by ships, rail, or other types of transport.

Cargo Container Yard (Use Table Definition): A facility where cargo containers are stored, transshipped, manufactured, and recycled.

Civic (Use Table Definition): Uses that serve a governmental, public, or institutional purpose. Examples include libraries, places of religious assembly (e.g. churches or mosques), or civic centers.

Clinic (Use Table Definition): An establishment where outpatients obtain medical examination, medical treatment, or medical advice, and/or employees of the establishment disburse medication to outpatients. This definition includes, but is not limited to, medical clinics, eye clinics, pharmacies, compassion centers operating as a dispensary, dental clinics, and addiction treatment centers.

Club (Use Table Definition): A building or portion thereof or premises owned or operated by any corporation or association organized for civic, fraternal, social, or business purposes, or for the promotion of sports.

Commercial Parking Lot (Use Table Definition): Any parking facility in which charges are made for vehicular parking privileges.

Commercial Recreation (Use Table Definition): A commercial establishment where athletic, recreational or physical fitness facilities are provided for gain or profit. Examples include indoor and outdoor operations such as a commercial health fitness and exercise spa or club, indoor or outdoor commercial ice- or roller-skating rink, or a commercial golfing facility. This use category does not include a commercial stable or an amusement park.

Commercial Self Storage (Use Table Definition): A building or group of buildings containing storage areas that are generally rented or leased by an individual, group, or business, for the purpose of storing personal property.

Commercial Stable (Use Table Definition): An operation, including associated buildings, in which any horses are kept for remuneration, sale or hire. Training, therapy, and other onsite activities may also take place.

Community Infrastructure (Use Table Definition): Public and semi-public infrastructure related to transportation, utilities, wireless services, energy generation, and other related basic infrastructure that a community relies upon. Examples include utility facilities, radio and wireless towers, or transit facilities.

Conditional Use: A land or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions provided that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the City, and the use is compatible with the existing neighborhood. See the Use Table for further information.

Confined Animal Feeding Operation (CAFO) (Use Table Definition): Any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate. The term does not include normal wintering operations for cattle. Adjoining animal feeding operations under common ownership are considered to be one animal feeding operation, if they use common areas or system for manure handling. An animal feeding operation is equivalent to a "Concentrated Feeding Operation" defined in NDCC Section 11-33-02.1(a).

Construction Yard (Use Table Definition): An area used for the parking and storage of construction-related equipment. Such yard may include construction offices and such shops as are necessary for the business.

Day Care Center (Use Table Definition): A business licensed with the State of North Dakota located within a non-residential building dedicated to the care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours per day.

Day Care, Home-based (Use Table Definition) A business licensed with the State of North Dakota located within a residence dedicated to the care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours per day.

Detention Facility (Use Table Definition): Facilities for the detention or incarceration of people.

Dog Grooming/Daycare (Use Table Definition): Any building or fenced area where pets are temporarily kept for grooming, training, or daycare. Such uses are permitted during daytime business hours. In addition, any building or fenced area where five (5) or more pets, six (6) months or older, are kept for other than an individual's own use.

Duplex (Use Table Definition): Two units under common ownership either located side-by-side or on more than one level, owned by the same entity.

Dwelling Unit: Any building or portion thereof designed and used for residential occupancy by a single household, which includes provisions for sleeping, eating, cooking, and sanitation.

Educational Facilities, Primary (Use Table Definition): Pre-schools and grade/elementary schools and associated facilities.

Educational Facilities, Secondary (Use Table Definition): Middle schools, junior high, and high schools, and associated facilities.

Emergency Residential Services (Use Table Definition): A facility or use of a dwelling to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

Family: An individual, or two (2) or more persons living together as a single housekeeping unit maintaining a common household and using common cooking and kitchen facilities.

Farming and Ranching (Use Table Definition): The use of land for growing crops and raising livestock, excluding Animal Feeding Operations (AFOs).

Food and Drink (Use Table Definition): Establishments with a primary focus on serving food and drink items. Examples include bars, restaurants, or brew pubs.

Fraternity/Sorority House (Use Table Definition): Includes every building or structure, or any part thereof, occupied primarily by members of any social fraternity or sorority, with accommodations for four (4) or more boarders, which is kept, used or maintained as a place where food or sleeping accommodations are furnished to regular boarders for one week or more.

General Industry (Use Table Definition): General industrial firms or activities which produce limited impacts to the natural environment, adjacent uses, and community infrastructure. Noise, odor, light, dust, and other emissions are minimal or carefully managed, with limited impacts to adjacent uses.

Examples include implement dealerships, food processing facilities, packaging facilities, or research parks.

Greenhouse/Nursery (Use Table Definition): Establishment focused on the exclusive sale of horticultural or floricultural stock.

Group Home (Use Table Definition): A community based residential home licensed by the appropriate North Dakota State Licensing Authority that provides room, board, personal care, habitation, services, or supervision in a family environment.

Group Living (Use Table Definition): A category of housing that generally does not fit within the definition of a “family” because of the number of unrelated residents. Commonly recognized as an important component of the community that must be accommodated but can have external impacts related to their size and outside services provided. Examples include fraternity/sorority homes, group homes, or boarding homes.

Hazardous Materials: Includes hazardous materials, hazardous substances, or hazardous waste as these terms are defined by the Code of Federal Regulations (list and definitions of hazardous materials), if the amount of hazardous materials, hazardous substance, or hazardous waste on a particular premise at any one time exceeds the “reportable quantity.” The reportable quantity shall be as specified in Title 49 of the Code of Federal Regulations at Section 172.101.

Heavy Industry (Use Table Definition): Intense industrial uses which must be carefully sited due to the potential for substantial impacts to the natural environment, adjacent uses, and community infrastructure. Such uses may be regulated by state or federal environmental laws and/or subject to additional local requirements designed to mitigate or offset their impacts. Examples include grain elevators, construction batch plants, or manufacturing involving hazardous materials (such as fertilizer manufacturing).

Home Occupation (Use Table Definition): A business, profession, occupation, or trade conducted for gain, conducted within a dwelling unit for gain or support by a resident of the dwelling unit. In-home businesses are intended to be compatible with other permitted uses and with the residential character of the neighborhood where they are located. Includes a gainful occupation within the dwelling or on the premises, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

Hospital (Use Table Definition): An institution providing medical and surgical treatment and nursing care for sick or injured people, primarily involving in-patient care.

Hotel (Use Table Definition): A building in which lodging or boarding is provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging-house, or an apartment, which are herein separately defined. Sleeping and lodging quarters for hotel personnel is permitted.

Interim Use: A use of property which shall be permitted for a temporary duration with conditions established by the City Council. See the Use Table for further information.

Kennel (Use Table Definition): Any building or fenced area where pets are kept for breeding, sale, training, or boarding. In addition, any building or fenced area where five (5) or more pets, six (6) months or older, are kept for other than an individual's own use.

Limited Food Sales (Use Table Definition): Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, small grocery stores.

Livestock Sales (Use Table Definition): Sale or transfer of livestock by auction, consignment, or other means in an enclosure or structure designed or used for holding livestock.

Lodging House (Use Table Definition): A building other than a hotel where, for compensation and by arrangement, meals, lodging, or both, are provided for three (3) or more persons. A lodging house is not occupied by the owner. This includes rooming houses..

Manufactured Home (Use Table Definition): A single dwelling unit which is prefabricated in factories and transported to site, pursuant to federal housing regulations enacted in 1976. Manufactured homes may be composed of a single section or multiple sections which are assembled on site.

Manufacturing and Production (Use Table Definition): Firms engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods.

Medical (Use Table Definition): Uses primarily for medical purposes. Examples include hospitals, dentist offices, or clinics.

Medical Marijuana Production Facility (Use Table Definition): Facility dedicated to growing, processing, and manufacturing medical marijuana to supply the product to dispensaries.

Mixed-Use (Use Table Definition): Development that blends two or more residential, commercial, cultural, institutional, and/or industrial uses. Examples include downtown commercial and residential in one multi-story building, live-work units with businesses on the bottom floor and living above, or governmental offices with attached day care and gym service businesses.

Mixed-Use Building, Horizontal (Use Table Definition): A building with both residential (i.e. apartments) and non-residential (i.e. retail, office, or restaurant) uses on the ground floor of a building. Floors other than the ground floor may be occupied by either residential or non-residential uses subject to all other applicable regulations (i.e. International Building Code).

Mixed-Use Building, Vertical (Use Table Definition): A building with two or more stories where the ground floor is dedicated to a non-residential use (i.e. retail, office, or restaurant) and any of the upper or lower floors are dedicated to residential use (i.e. apartments). Residential and non-residential uses are strictly separated and independently functional from one another.

Mixed-Use Development, Horizontal (Use Table Definition): Two or more buildings on the same lot or parcel where one or more buildings is dedicated to residential and one or more buildings is dedicated to non-residential uses.

Mixed-Use, Live-Work Unit (Use Table Definition): A unit which contains separate residential and non-residential areas for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the non-residential area on the ground floor and the residential areas below or above. The residential use is considered accessory to the primary, non-residential, use. The non-residential use must be established prior to in conjunction with a residential use.

Motor Vehicle Sales (Use Table Definition): Sales lot that includes the sales of various motor vehicles, but not including heavy machinery, semi-trucks, construction equipment, or agricultural machinery.

Motor Vehicle Uses (Use Table Definition): Uses primarily dependent on business involving motor vehicles. Examples include car washes, fuel stations, or car sales lots.

Multi-family (Use Table Definition): A classification of housing where multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex. Examples include apartments, duplexes, or triplexes.

Nursing Home (Use Table Definition): An extended or intermediate care facility licensed or approved to provide full- time convalescent or chronic medical care to individuals who by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

Office (Use Table Definition): Activities conducted in an office setting, generally focusing on business, government, professional, medical, or financial services.

Oil Change Facility (Use Table Definition): Operations that provided lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle; the customer generally waits in the vehicle or nearby while the service is performed.

Other Housing (Use Table Definition): Housing that may or may not meet the definition of group living, multi-family, or single family, but deserves its own category due to unique qualities of function or design. Examples include manufactured homes, nursing homes, or assisted living facilities.

Overlay Zoning District: A zoning district that adds special or additional requirements beyond or in place of the requirements of the Base Zoning District.

Parks and Open Space (Use Table Definition): Any area of land or water which is dedicated or reserved for public or private use or enjoyment. Open space may include landscaping, buffer strips, and storm water management features, but does not include roads, parking areas, driveways, or other areas intended for vehicular travel. Subdivision regulations determine the amount of open space which must be set aside for development.

Parking (Use Table Definition): Facilities dedicated to the parking of motor vehicles. Examples include parking garages, parking lots, or a commercial parking lot.

Pet Boarding Facility: (Use Table Definition): Any building or fenced area where pets that are not licensed by the owner of the property are kept for boarding. There are two classifications of boarding facilities. One being a facility that house up to five (5) pet six (6) months or older, and the other facilities that house six (6) or more pets, six (6) months or older. Boarding can be for the day or overnight but for not more than three (3) consecutive nights.

Permitted Use: Any use which is allowed by right in a zoning district and which is subject to the restrictions applicable to that zoning district. See the Use Table for further information.

Planned Unit Development (PUD): An overlay zoning district used to develop a planned and coordinated mix of uses, higher densities, or improved amenities for a tract of land which is at least five (5) acres in size and which is controlled by a single owner or unified ownership.

Portable Classroom (Use Table Definition): A temporary structure connected or immediately adjacent to a school or institutional facility for additional classroom or facility space.

Prohibited Use: A use that is not permitted in a Zoning District. See the Use Table for further information.

Public Services (Use Table Definition): Not for-profit services purporting to serve all members of a community. Examples include post offices, fire stations, or detention facilities (e.g. prisons).

Quadplex (Use Table Definition): Four units under common ownership either located side-by-side or on more than one level, owned by the same entity.

Recreational Vehicle: A unit primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive power, is mounted onto, stored in or drawn by another vehicle.

Recycling Collection and Processing, Hazardous (Use Table Definition): Post-consumer hazardous resource processing and recovery facility, and hazardous resource collection facility.

Recycling Collection and Processing, Non-hazardous (Use Table Definition): Post-consumer non-hazardous resource processing and recovery facility, and non-hazardous resource collection facility.

Religious or Public Assembly (Use Table Definition): A place intended for large assemblies of people to accommodate religious or public/civic functions.

Research Park (Use Table Definition): Facilities providing research and development services that do not involve the mass manufacture, fabrication, processing, or sale of products. Office buildings as ancillary support services to primary light industrial uses.

Retail Sales and Service – Large (Use Table Definition): Large-lot retailers, services, and shopping centers with a regional customer base and significant parking requirements; they generally have access to arterial roads and major collectors. Examples include hotels, department stores, or supermarkets.

Retail Sales and Service – Small (Use Table Definition): Small-lot retailers, specialty stores, and convenience stores with a neighborhood customer base and moderate parking requirements; they may have access to neighborhood collectors and local streets. Examples include pharmacies, convenience stores, or salons.

Rooftop Solar Installation (Use Table Definition): Rooftop solar energy systems located on-site and designed to provide solar thermal energy or solar photovoltaic electricity to a property owner, occupant, business, or other onsite facilities. Also includes batteries located on the same site associated with storage of associated energy.

Salvage Yard (Use Table Definition): The use of any part of any premises, whether inside or outside of a building, for the storage of, keeping or abandonment of junk, including scrap metals, rags, paper or other scrap material, used lumber, salvage from structure demolition and used structural steel material and equipment for dismantling. Does not include the keeping of any hazardous materials.

Schools (Use Table Definition): Public and private educational and related facilities. Examples include elementary or primary schools, colleges, or vocational schools.

Single Family (Use Table Definition): Housing that is maintained and used as a single dwelling unit. Even though a dwelling unit may share one or more walls with another dwelling unit, it is a single family residence if it has direct access to a street or common space and does not share heating facilities, hot water equipment, nor any other essential facility or service with any other dwelling unit. Examples include detached single family homes, townhomes, or “cottage homes” (small single family detached units surrounding a common open space).

Single Family Attached (Use Table Definition): Dwelling attached on one side to one other single-family dwelling, with attachment made along a common or "Party" wall. Each dwelling is located on an independent lot and does not share a common entrance. This definition includes twin homes (two attached units) and townhomes (three or more attached units).

Single Family Detached (Use Table Definition): Complete independent single-family dwelling not adjoining or physically attached to another dwelling. This definition includes modular homes which are functionally and aesthetically similar to site-built homes. Manufactured homes are not included in this definition.

Specialty Businesses (Use Table Definition): Commercial businesses that have a unique service that does not fit other commercial use categories. Examples include day care centers, kennels, or crematories.

Subdivision: The division of a lot, tract, or parcel of land into lots for the purpose of immediate or future sale or development.

Temporary Sales (Use Table Definition): A business operating at a location for a finite period of time. Examples include roadside vegetable/fruit stands, Christmas trees sales, or various merchandise sales within a parking lot. Typically an outdoor operation.

Temporary Uses (Use Table Definition): The short-term placement of public or private events or business activities. Examples include farmers markets, temporary construction office, or a traveling amusement park/circus.

Temporary Worker Living Quarters (Use Table Definition): Residential units for use by persons employed within the facility and their families when the housing is secondary to, and in conjunction with a primary permitted or interim use.

Townhouse/Townhome (Use Table Definition): A single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, each dwelling is located on a separate lot, and each unit is separated from any other unit by one or more common fire resistant walls.

Triplex (Use Table Definition): Three units under common ownership either located side-by-side or on more than one level, owned by the same entity.

Truck Stop (Use Table Definition): A use where the primary function is providing fuel and other services to semi or tractor-trailer trucks. A truck wash or restaurant may be a secondary use.

Twin Homes (Use Table Definition): Two single-family dwelling units attached with a common wall. Each unit extends from foundation to roof and with a yard or public way on at least two sides. Each single-family dwelling unit is on a separate lot.

Use: the purpose for which land or a building or structure thereon is designed, arranged, intended, or maintained or for which it may be used or occupied under the regulations of the applicable zoning district. See also: accessory use, conditional use, interim use, nonconforming use, permitted use, principal use, prohibited use.

Use, Principal: The primary or predominant use of any lot or building.

Utility Facilities (Use Table Definition): A building or structure that houses a public utility. Examples include water and sewage pumping stations, telephone exchange buildings, electrical substations, and gas regulator substations. Does not include transmission facilities, such as pipelines or electrical lines.

Utility-Scale Solar Facility (Use Table Definition): Solar-power generating facilities that convert solar energy (energy from the sun) into electrical power. Facilities include, but are not limited to, photovoltaic, solar thermal, and concentrating solar power (CSP) methods utilized at a large scale for commercial purposes. Utility scale solar facilities do not include facilities intended only for individual buildings or businesses.

Veterinary Clinic, Large Animal (Use Table Definition): A place where livestock and related large animals in addition to domestic pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Veterinary Clinic, Small Animal (Use Table Definition): A place where domestic pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Vocational School (Use Table Definition): A privately-owned or publicly-owned post-secondary school, other than a community college or four-year college/university institution, providing occupational or job skills in a variety of technical subjects and trades for specific occupations.

Warehousing and Freight (Use Table Definition): Uses that primarily involve the storage and freight/transportation of goods. Examples include truck terminals, self-storage facilities, or lay-down yards.

Warehousing, Enclosed (Use Table Definition): The storage, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and frac sand.

Warehousing, Open (Use Table Definition): Open air storage, distribution, and handling of goods and materials. Typical uses include pipe yards, grain elevators, or open storage.

Waste Related Uses (Use Table Definition): Uses that receive solid or liquid wastes for disposal on site or for transfer to another location; uses that manufacture or produce goods or energy from the composting of organic material. Such uses are also classified as heavy industrial. Examples include salvage yards, landfills, or sewer treatment plants.

Wind Energy Conversion System, Large (Use Table Definition): A device such as a wind charger, windmill, or wind turbine and associated facilities that convert wind energy to electric energy, with a capacity of 5,000 kilowatts or more.

Wind Energy Conversion System, Small (Use Table Definition): A device such as a wind charger, windmill, or wind turbine and associated facilities that convert wind energy to electric energy, with a capacity of less than 5,000 kilowatts.

Wireless Communication Tower (Use Table Definition): A freestanding structure, such as a monopole or tower, designed to support wireless facilities. Such towers may support services such as radio, television, phone to the general public. This definition does not include utility poles.

Zoning District: Any section of the City of Minot for which the zoning regulations governing the use of buildings and premises, dimensional standards, and the density or intensity of use are uniform. See also: base zoning district, overlay zoning district.

Zoning Map: The official map(s) which is part of the zoning ordinance and delineates the boundaries of the zoning districts.

Chapter 2.4. – “AG” Agricultural District

SECTION 2.4-1. GENERAL DESCRIPTION

The AG (Agricultural) District is established as a district, in which the principal use of the land shall be for farming, ranching and related uses. The AG District falls within the Agricultural and Open Space (AOS) Land Use Category within the City of Minot Comprehensive Plan.

SECTION 2.4-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.4-3. BUILDING PERMITS

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

SECTION 2.4-4. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.4-4. Lot, Height, Areas, and Yard Setback Requirements (AG District)	
Dimension	Requirement
Maximum Height of Building	None
Maximum Lot Coverage	None
Minimum Yard Setbacks	From all Property Lines – 35 feet
Minimum Lot Dimensions	None
Minimum Lot Area	10 acres (note conditional uses may be different)

Chapter 2.5. – “RR” Rural Residential District

SECTION 2.5-1. GENERAL DESCRIPTION

The RR (Rural Residential) District (previously named “RA” Agricultural Residential) is established as a district in which the principal use of the land shall be for low density, large lot single-family dwellings, limited agriculture, and limited equine husbandry. The RR District falls within the Rural Residential Category of the City of Minot Comprehensive Plan.

SECTION 2.5-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.5-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.5-3. Lot, Height, Areas, and Yard Setback Requirements (RR District)	
Dimension	Requirement
Maximum Height of Building	Residential – 35 feet Accessory – 16 feet
Maximum Lot Coverage	10%
Minimum Yard Setbacks	Front – 35 feet Front (facing platted or proposed arterial/collector street) – 40 feet Front with side load garage on interior lot, at least one window to the street – 20 feet Side – 20 feet Side (facing platted or proposed arterial/collector street) – 40 feet Rear – 35 feet *Additional setbacks may be required on county roads within the two-mile jurisdiction
Minimum Lot Dimensions	Depth – 150 feet Width – 150 feet
Minimum Lot Area	2 acres

SECTION 2.5-4. MISCELLANEOUS PROVISIONS

A. Parking

Refer to Article 6, Parking and Loading.

B. Detailed Site Development Requirements

Refer to Article 3, Standards General to All Development.

Chapter 2.6. – “R1” Single-Family Residential District

SECTION 2.6-1. GENERAL DESCRIPTION

The R1 (Single-Family Residential 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 Suburban Residential Land Use Category of the City of Minot Comprehensive Plan with a density range of four (4) to eight (8) dwelling units per acre. With rare exception, the R1 District should be reserved for in-city development.

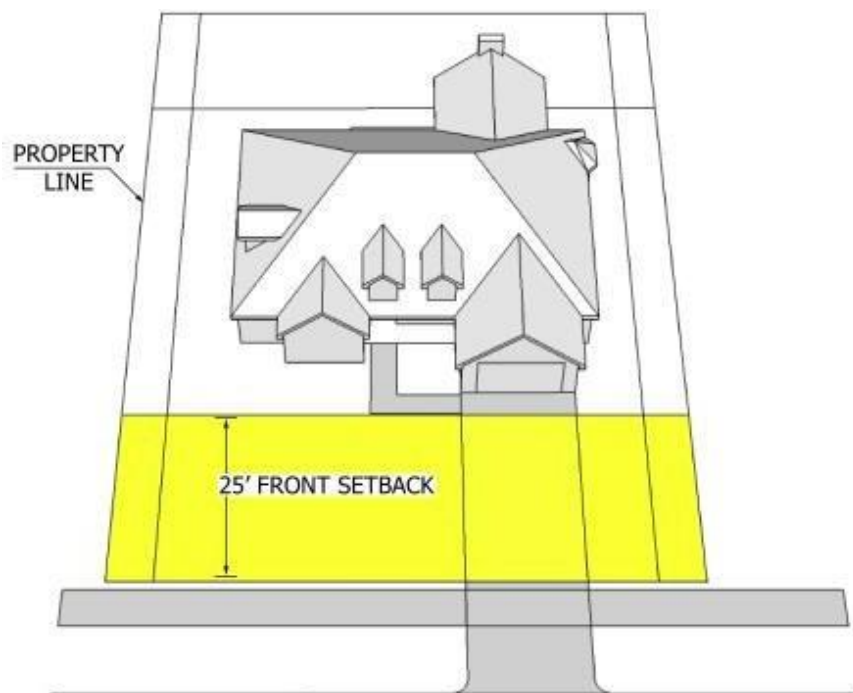
SECTION 2.6-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

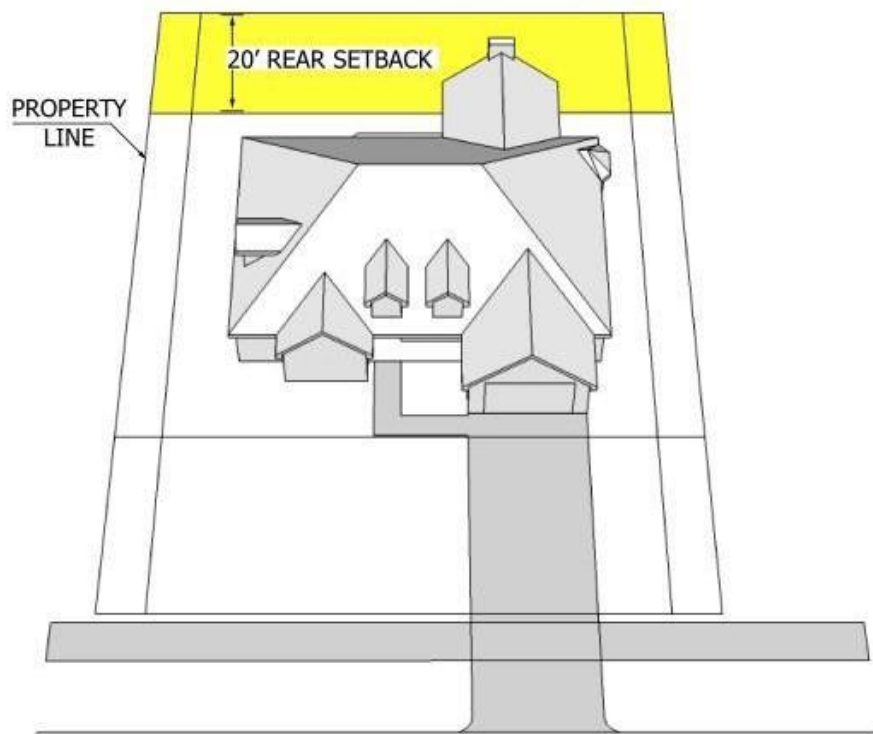
SECTION 2.6-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.6-3. Lot, Height, Areas, and Yard Setback Requirements (R1 District)	
Dimension	Requirement
Maximum Height of Building	Residential – 35 feet Accessory – 16 feet
Maximum Lot Coverage	40%
Minimum Yard Setbacks	Front – 25 feet (see exception below) Front facing platted or proposed arterial/collector street – 40 feet Front with side load garage on interior lot, at least one window to street – 20 feet Side (interior lot line) – 6.5 feet or 0 feet wherever units are joined Side (corner lot or abutting street) – 25 feet Side (facing platted or proposed arterial/collector street) – 40 feet Rear – 20 feet Rear – from detached garage parallel to alley – 3 feet
Minimum Lot Dimensions	Depth – 85 feet Width (interior lot) – 65 feet Width (corner lot) – 75 feet
Minimum Lot Area	Interior lot – 7,500 square feet Corner lot – 9,500 square feet Extraterritorial Lot with wastewater disposal system approved by First District Health Unit – 2 acres

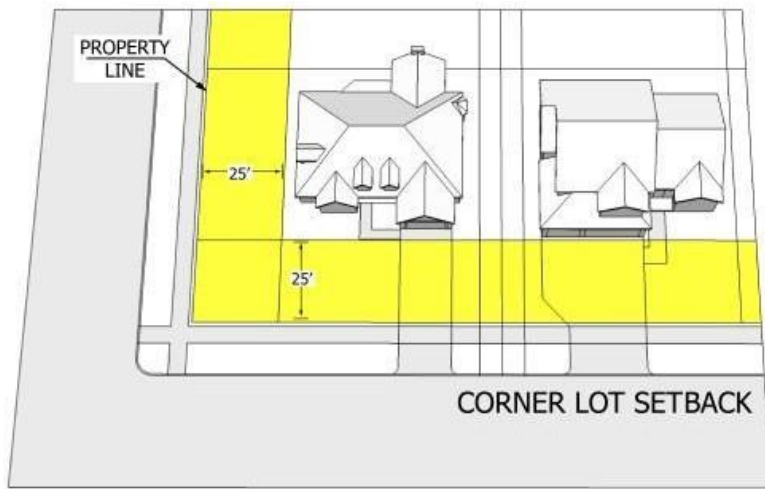
Front Setback



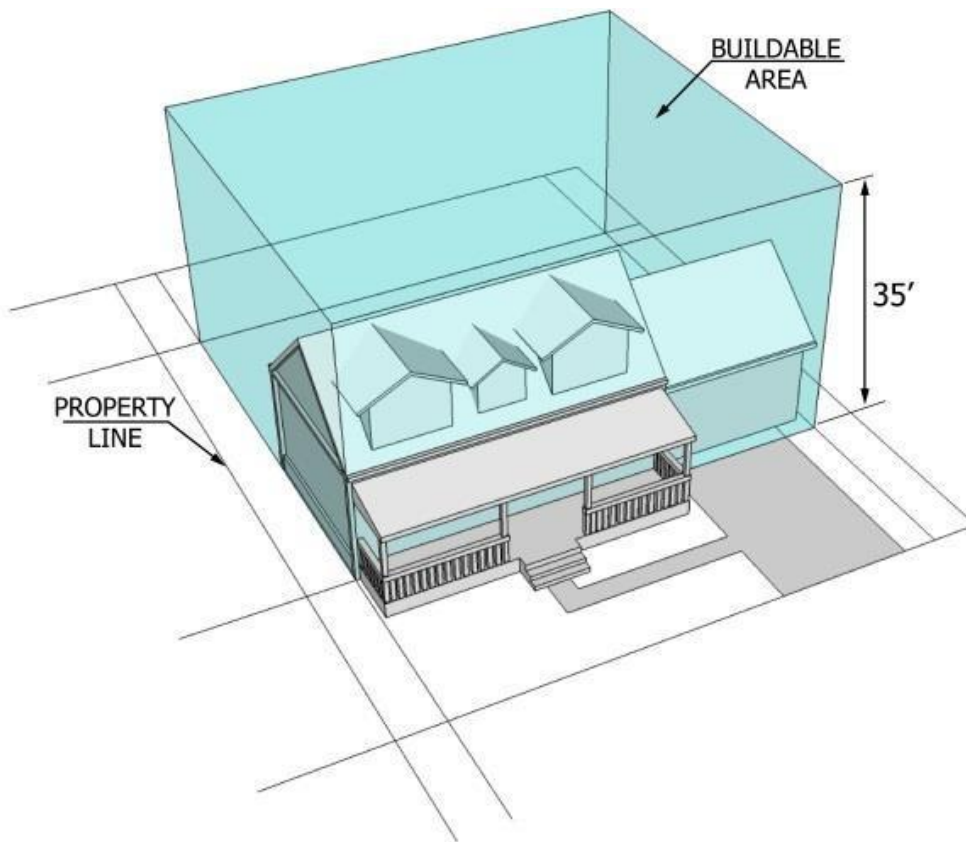
Rear Setback



Corner Lot Setback



Building Envelope



SECTION 2.6-4. MISCELLANEOUS PROVISIONS

A. Parking

Refer to Article 6, Parking and Loading.

B. Detailed Site Development Requirements

Refer to Article 3, Standards General to All Development.

Chapter 2.7. – “R1S” Single-Family Residential District with Small Lot Flexibility

SECTION 2.7-1. GENERAL DESCRIPTION

The R1S (Single Family Residential District with Small Lot Size Flexibility) is established as a district in which the principal use of land is for varying lot sizes, with support for small lot single-family dwellings, in a planned residential neighborhood. Developments shall be planned in a manner that maintains the natural topography of the site, preserves open space, and preserves or enhances natural features on the site within private common and public open space. Development in an R1S District shall provide shared amenities on site together, with the variety of lot width and lot sizes. This is an integrated and well planned development including a greater variety in home design. The R1S District falls within both the Suburban Residential and Urban Residential Land Use Categories of the City of Minot Comprehensive Plan with a density range of up to eight (8) dwelling units per acre.

SECTION 2.7-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.7-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.7-3. Lot, Height, Areas, and Yard Setback Requirements (R1S District)	
Dimension	Requirement
Maximum Height of Building	Residential – 35 feet Accessory – 16 feet
Maximum Lot Coverage	40%
Maximum Density	8 dwelling units per acre

Table 2.7-3. Lot, Height, Areas, and Yard Setback Requirements (R1S District)

Dimension	Requirement
Minimum Yard Setbacks	<p>Front – 25 feet (see exception below)</p> <p>Front facing platted or proposed arterial/collector street – 40 feet</p> <p>Front with front porch – 20 feet</p> <p>Front with side load garage on interior lot, at least one window to street – 20 feet</p> <p>Side (interior lot line) – 5 feet or 0 feet wherever units are joined</p> <p>Side (corner lot or abutting street) – 15 feet</p> <p>Side (facing platted or proposed arterial/collector street) – 40 feet</p> <p>Rear – 20 feet</p> <p>Rear – from detached garage parallel to alley – 3 feet</p>
Minimum Lot Dimensions	<p>Depth – 85 feet</p> <p>Width (interior lot) – 60 feet</p> <p>Width (corner lot) – 70 feet</p>
Minimum Lot Area	<p>Interior lot – 5,000 square feet</p> <p>Corner lot – 7,000 square feet</p> <p>Refer to Section 1.7-4 to provide lots below 5,000 square foot minimum.</p>

SECTION 2.7-4. SMALL LOT FLEXIBILITY PROVISIONS

Developments providing elements as indicated in the following categories (listed below) may include a variety of lots sizes, including lots below five thousand (5,000) square feet provided the overall density does not exceed eight (8) units per acre. Various lot sizes shall be distributed throughout the development. This section does not apply to developments of eight (8) units or less in density. Required elements include the following:

A. Category 1

Choose one of the following (located in a centralized location useable by all residents):

1. Inclusion of private open space (maintained by homeowners association);
2. Inclusion of increased park land dedication (useable) beyond the required park dedication amount when land is required by the ordinance (maintained by homeowners association) or increased park land dedication beyond the required amount dedicated to the Park District. Increased park land dedication subject to Park District acceptance of maintenance responsibility;
3. Expansion of existing open space or open space corridors and/or linking open space corridors beyond borders of the site;
4. Preservation of existing natural resources and woodlands (as mapped as the greenway corridor on the land use plan).

B. Category 2

Minimum element plus optional elements that will serve the intended population:

1. Site amenities: A manicured landscape open space area shall be provided in each development. In addition, a minimum of one additional amenity shall be provided, in a centralized location, which will meet the needs of the intended population. This may include but is not limited to: private parks or playground area/tot lots (maintained by homeowners association), trails (above what is required by ordinance), on site recreational facilities such as a community center, picnic pavilion, basket/volleyball courts, and swimming pools.
2. Alternative choices may include development wide features including the following elements: enhanced pedestrian scale and decorative street lighting, monument signage with decorative lighting (located in private easement), water feature or enhanced entry landscaping surrounding the monument.



SECTION 2.7-5. MISCELLANEOUS PROVISIONS

A. Parking

Refer to Article 6, Parking and Loading.

B. Detailed Site Development Requirements

Refer to Article 3, Standards General to All Development.

Chapter 2.8. – “R2” Two-Family Residential District

SECTION 2.8-1. GENERAL DESCRIPTION

The R2 (Two-Family Residential) District is intended to establish areas for the development of a mixture of single and two-family housing; to restrict encroachment on incompatible uses; and to broaden the choice of residential living styles in the City. This district includes parcels previously zoned R2 and R2(B). These previously platted parcels are subject to the requirements in this chapter. The R2 District

falls within the Suburban Residential Land Use Category of the City of Minot Comprehensive Plan with a density range of four (4) to ten (10) dwelling units per acre.

SECTION 2.8-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.8-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.8-3. Lot, Height, Area, and Yard Setback Requirements (R2 District)	
Dimension	Requirement
Maximum Height of Building	Residential – 35 feet Accessory – 16 feet
Maximum Lot Coverage	40%
Minimum Yard Setbacks	Front – 25 feet Front facing platted or proposed arterial/collector street – 40 feet Front with side load garage on interior lot, at least one window to street – 20 feet Side (interior lot line) – 6 feet or 0 feet wherever units are joined Side (corner lot or abutting street) – 25 feet Side (facing platted or proposed arterial/collector street) – 40 feet Rear – 20 feet
Minimum Lot Dimensions – Single Family Detached & Twin Homes	Depth – 85 feet Width (interior lot) – 65 feet Width (corner lot) – 75 feet
Minimum Lot Dimensions – Townhomes	Width – 30 feet
Minimum Lot Area – Single Family Detached & Twin Homes	Interior lot – 7,500 square feet Corner lot – 9,500 square feet Extraterritorial lot with wastewater disposal system approved by First District Health Unit – 2 acres
Minimum Lot Area – Townhomes	3,500 square feet

SECTION 2.8-4. MISCELLANEOUS PROVISIONS

A. Utility Service

Each dwelling unit must be served by its own independent water, sewer, heat and other utility service. With respect to a duplex located in the same district, where one owner owns both units, combined utilities are allowed.

B. Parking

Refer to Article 6, Parking and Loading.

C. Detailed Site Development Requirements

Refer to Article 3, Standards General to All Development.

Chapter 2.9. – “RM” Medium Density Residential District

SECTION 2.9-1. GENERAL DESCRIPTION

The purpose of the RM (Medium Density Residential) District is to allow a variety of housing types including single-family attached and detached dwellings and multi-family. This district includes parcels previously zoned R3 and R3B. These previously platted parcels are subject to the requirements in this chapter. The RM District falls within the Suburban Residential and Urban Residential Land Use Categories of the City of Minot Comprehensive Plan with a density range of six (6) to sixteen (16) dwelling units per acre.

SECTION 2.9-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.9-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.9-3. Lot, Height, Area, and Yard Setback Requirements (RM District)	
Dimension	Requirement
Maximum Height of Building	Residential – 45 feet Accessory – 16 feet
Maximum Lot Coverage	50%
Minimum Yard Setbacks	Front – 25 feet Front facing platted or proposed arterial/collector street – 40 feet Side (interior lot line) – 10 feet or 0 feet wherever units are joined Side (corner lot or abutting street) – 25 feet Side (facing platted or proposed arterial/collector street) – 40 feet Rear – 25 feet
Minimum Lot Dimensions	Depth – 85 feet Width (interior lot) – 60 feet Width (corner lot) – 80 feet
Minimum Lot Area – Single Family Detached	Interior lot – 5,000 square feet Corner lot – 7,000 square feet
Minimum Lot Area – Duplexes	7,000 square feet
Minimum Lot Area – 3 units and greater	10,000 square feet, with 3,000 additional square feet per unit above 3

SECTION 2.9-4. MISCELLANEOUS PROVISIONS

A. Detailed Site Development Requirements

Refer to Article 3, Standards General to All Development, and Article 6, Parking and Loading.

Chapter 2.10. – “R3C” Townhouse Residential District

SECTION 2.10-1. GENERAL DESCRIPTION

The “R3C” Townhouse Residential District (R3C) is established as a district in which the principal use of the land shall be townhouse dwellings. R3C falls within the Suburban Residential and Urban Residential Land Use Categories of the City of Minot Comprehensive Plan with a density range of six (6) to twelve (12) dwelling units per acre. R3C parcels should be immediately abutting or across the street from existing single family residential where townhomes are more compatible versus multi-story, multiple family developments. “R3C” is a legacy district, meaning it is no longer appropriate for new developments. New townhouse development should seek “RM” Medium Density Residential District zoning. Existing “R3C” is encouraged to apply for the appropriate zoning district to accommodate their residential structure type, typically “R2” Two-Family Residential District or “RM” Medium Density Residential District.

SECTION 2.10-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.10-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.10-3. Lot, Height, Area, and Yard Setback Requirements (R3C)	
Dimension	Requirement
Maximum Height of Building	Residential – 35 feet Accessory – 16 feet
Maximum Lot Coverage	50%
Minimum Yard Setbacks	Front – 25 feet Front facing platted or proposed arterial/collector street – 40 feet Front with side load garage on interior lot, at least one window to street – 20 feet Side (interior lot line) – 0 feet wherever units are joined Side (interior lot line on end of townhome complex) – 6 feet Side (corner lot or abutting street) – 25 feet Side (facing platted or proposed arterial/collector street) – 40 feet Rear – 25 feet
Minimum Lot Dimensions	Depth – 100 feet Width – 25 feet (interior units) Width – 31 feet (end of townhome complex)

Table 2.10-3. Lot, Height, Area, and Yard Setback Requirements (R3C)

Dimension	Requirement
	Width (corner lot) – 50 feet
Minimum Lot Area	Interior lot – 2,500 square feet

SECTION 2.10-4. MISCELLANEOUS PROVISIONS***A. Parking***

Refer to Article 6, Parking and Loading.

B. Detailed Site Development Requirements

Refer to Article 3, Standards General to All Development.

Chapter 2.11. – “RH” High Density Residential District**SECTION 2.11-1. GENERAL DESCRIPTION**

The purpose of the RH (High Density Residential) District is to allow development of multi-family housing. It is intended that this district provide a mix of life-cycle housing choices throughout the city. The RH District falls within the Urban Residential Land Use Category of the City of Minot Comprehensive Plan with a density range of twelve (12) to thirty-six (36) dwelling units per acre.

SECTION 2.11-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.11-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS**Table 2.11-3. Lot, Height, Area, and Yard Setback Requirements (RH District)**

Dimension	Requirement
Maximum Height of Building	Residential – 60 feet Accessory – 16 feet
Maximum Lot Coverage	50%
Minimum Yard Setbacks	Front – 30 feet Front facing platted or proposed arterial/collector street – 40 feet Side (interior lot line) – 10 feet or 0 feet wherever units are joined Side (corner lot or abutting street) – 30 feet Side (facing platted or proposed arterial/collector street) – 40 feet Rear – 25 feet
Minimum Lot Dimensions – Townhome Development	Depth – 100 feet Width – 60 feet

Table 2.11-3. Lot, Height, Area, and Yard Setback Requirements (RH District)	
Dimension	Requirement
	Width (corner lot) – 80 feet
Minimum Lot Dimensions – multi-story, multiple family development	Width – 100 feet
Minimum Lot Area – Townhome Development	10,000 square feet (townhomes in R4 District) 10,000 square feet, with 2,000 additional square feet per unit above 4 (townhomes in RH District)
Minimum Lot Area – multi-story, multiple family development	1 acre

SECTION 2.11-4. MISCELLANEOUS PROVISIONS

A. Utility Service

All multiple-family dwellings shall be served by public sanitary sewer and water.

B. Parking

Refer to Article 6, Parking and Loading.

C. Detailed Site Development Requirements

Refer to Article 3, Standards General to All Development.

Chapter 2.12. – “MH” Manufactured Home District

SECTION 2.12-1. GENERAL DESCRIPTION

The MH (Manufactured Home) District is established as a district in which the principal use of land is for manufactured home parks or manufactured home subdivisions. The MH District falls within the Manufactured Home Community Land Use Category of the City of Minot Comprehensive Plan.

SECTION 2.12-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.12-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.12-3. Lot, Height, Area, and Yard Setback Requirements (MH District)	
Dimension	Requirement
Maximum Height of Building	35 feet
Maximum Lot Coverage	35%

Table 2.12-3. Lot, Height, Area, and Yard Setback Requirements (MH District)

Dimension	Requirement
Minimum Yard Setbacks	Front (private street) – 15 feet Front (public street) – 25 feet Side – 10 feet Side (corner lot or abutting private or public street) – 15 feet Rear – 10 feet
Minimum Lot Dimensions – Townhome Development	Width (interior lot) – 40 feet Width (corner lot) – 50 feet
Minimum Lot Area (Interior lot)	3,000 square feet
Minimum Lot Area (Corner lot)	4,000 square feet
Minimum District Area	2 acres

SECTION 2.12-4. PLAN REQUIRED WITH MH ZONE APPLICATION

An application that a specific parcel of land to be zoned "MH" shall be accompanied by a detailed plan that is reviewed and approved by the Planning Division for completeness. Application checklists are established and maintained by the Planning Division.

SECTION 2.12-5. DRAINAGE PLAN REQUIRED

As part of the application for the plan approval, the applicant shall submit a drainage study and/or plan that is reviewed and approved by the Engineering Department. Drainage study and/or plan checklists are established and maintained by the Engineering Department.

SECTION 2.12-6. DESIGN AND CONSTRUCTION STANDARDS FOR MANUFACTURED HOME DISTRICTS

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

A. Lot Requirements

1. Lot layout shall provide a pattern that is functional and provides for efficient provision of utilities, and for convenient pedestrian and vehicular access. Lot lines shall not be required to be perpendicular to streets or radial to curves, and lot shapes may take any form. In no case shall any area of the lot be more than fifty (50) feet from the manufactured home site, nor any portion of the lot less than fifteen (15) in minimum dimensions between opposing lot lines, be included in required lot area or open space area. Density shall be prescribed in the plan required in Section 17-4 but not to exceed density limits allowed under licensing of the district by North Dakota State Health Department.
2. Land within an MH district may be divided into individual manufactured home lots, which lots are collectively owned by one (1) person or one entity, as in a manufactured home park. Or the lots may be individually owned by the persons who own the manufactured homes resting thereon, as in a manufactured home subdivision. Alternatively, the land, whether or not subdivided into

individual manufactured home lots, may be collectively owned by the persons who own the manufactured homes resting thereon as in a manufactured home condominium or cooperative.

B. Building to Building Setbacks

Detached manufactured homes must be placed at least fifteen (15) feet from one another. Attached manufactured home arrangements may be specifically provided as part of the plan required under Section 2.12-4.

C. Access Routes

1. Streets, drives, parking and service areas shall provide space and convenient access to manufactured home units and project facilities, and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the development on minor streets.
2. All-weather walkways for pedestrians shall be included to provide access from the street to all manufactured home units. A parking slab or improved driveway may serve as part or all of a walkway.

D. Required Open Space

At least eight percent (8%) of the total area of any manufactured home district established under these regulations must be devoted to common recreational areas (and/or maintained open space) and facilities such as playgrounds, swimming pools and community buildings. Where only one (1) recreational area is provided, it shall be in a central location conveniently accessible to all manufactured home units. Recreational areas and facilities shall be located, designed and improved so as to minimize traffic hazards to users and adverse effects in surrounding residential uses.

E. Required Parking

There shall be two (2) parking spaces provided with respect to each site within the district that is designed or used for the placement of a manufactured home. The parking spaces shall be within one hundred (100) feet of the site. In addition, at least one quarter (1/4) parking spaces per unit shall be provided for guest parking. These spaces shall be located throughout the development. Parking for other uses within the district shall be governed by Article 6.

F. Date of Installation

Any manufactured home structure installed within a manufactured home district created after the date of adoption of this ordinance shall be built to the Manufactured Home Construction and Safety Standards (Federal Housing and Urban Development Code) and display a red certification label on the exterior of each transportable section.

G. Manufactured Home District Standards

Any manufactured home district approved after the date of this ordinance shall provide the City with manufactured home standards for moving units into the district, site placement, and anchoring, skirting, parking and overall operation of the newly creating district.

H. Buffer Yard

A buffer yard of not less than thirty (30) feet in width shall be landscaped with appropriate grass, shrubbery and trees around the entire perimeter of the manufactured home park. This buffer yard shall be maintained by the owner of the manufactured home park.

I. Garbage and Construction Materials

All waste material, debris, refuse, garbage, fuel or materials not currently in use for construction shall be stored indoors, or totally screened from the eye level view of public streets and adjacent properties.

J. Storm Shelter or Evacuation Plan

All manufactured home parks shall have a storm shelter or evacuation plan approved by the city.

K. Conformance with R1 Standards

If land within a MH district is so platted as to meet the requirements of Section 2.6 with respect to an R1 district, then such land can be improved in accordance with R1 standards established in Section 2.6-3, rather than as required by this section.

L. Streets

Streets that are to be dedicated to the City, if any, shall be dimensioned and improved in accordance with general subdivision regulations. All onsite circulation surfaces shall be hard surfaced for all-weather travel with designs approved by the City Engineer.

SECTION 2.12-7. DEVELOPMENT TO BE SUBSTANTIALLY IN ACCORDANCE WITH APPROVED PLAN

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

SECTION 2.12-8. EXCLUSIONS

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

Chapter 2.13. – “C1” Neighborhood Commercial District

SECTION 2.13-1. GENERAL DESCRIPTION

The C1 (Neighborhood Commercial) District is intended to support the establishment of highly 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 establishments. Extension of this district along major streets in a "strip" fashion is not intended and shall be discouraged. The C1 District falls within the Neighborhood Commercial Land Use Category of the City of Minot Comprehensive Plan.

SECTION 2.13-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.13-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.13-3. Lot, Height, Area, and Yard Setback Requirements (C1 District)	
Dimension	Requirement
Maximum Height of Building	35 feet
Maximum Lot Coverage	None
Minimum Yard Setbacks	Front – 25 feet Front facing platted or proposed arterial/collector street – 40 feet Side (interior lot line) – 0 feet Side (abutting AG or any Residential District) – 15 feet Side (corner lot or abutting street) – 25 feet Side (facing platted or proposed arterial/collector street) – 40 feet Rear – 0 feet Rear (abutting AG or any Residential District) – 15 feet
Minimum Lot Dimensions	Width – 100 feet
Minimum Lot Area	10,000 square feet

SECTION 2.13-4. MISCELLANEOUS PROVISIONS

A. Landscaping

Refer to Article 7 regarding landscaping and buffer requirements.

B. Building Area

No building shall exceed ten thousand (10,000) square feet in finished floor area.

C. Detailed Site Development Requirements

For detailed site development regulations, refer to Article 3, Standards General to All Development.

Chapter 2.14. – “C2” General Commercial District

SECTION 2.14-1. GENERAL PROVISIONS

The purpose of the C2 (General Commercial) District is to provide an area of service facilities to the motoring public. It is because of the unique character and its dependence upon transient trade and traffic as well as the greater than normal adverse effects created by the uses within the district, that the location of such activities are critical. The parcels within the district should be developed either within other commercial spheres adjacent to arterial traffic routes or as well buffered areas adjacent to major streets. This district is also intended as a business district which may be located adjacent to shopping centers or other retail business districts. The intention is to keep the basic retail areas compact and convenient, or in separate areas, which may be located in close proximity to a major street or highway. The C2 District falls within the General Commercial Land Use Category of the City of Minot Comprehensive Plan.

SECTION 2.14-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2., Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific for Uses and Districts.

SECTION 2.14-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.14-3. Lot, Height, Area, and Yard Setback Requirements (C2 District)	
Dimension	Requirement
Maximum Height of Building	60 feet
Maximum Lot Coverage	None
Minimum Yard Setbacks	Front – 25 feet Front facing platted or proposed arterial/collector street – 40 feet Side (interior lot line) – 0 feet Side (abutting AG or any Residential District) – 15 feet Side (corner lot or abutting street) – 25 feet Side (facing platted or proposed arterial/collector street) – 40 feet Parking lot (from public streets) – 10 feet Rear – 0 feet Rear (abutting AG or any Residential District) – 25 feet
Minimum Lot Dimensions	Width – 100 feet
Minimum Lot Area	10,000 square feet Extraterritorial lot with wastewater disposal system approved by First District Health Unit – 2 acres unless a smaller lot area is approved by First District Health. At no time may any individual lot be reduced below 10,000 square feet.

SECTION 2.14-4. MISCELLANEOUS PROVISIONS

A. Landscaping

Refer to Article 7 regarding landscaping and buffer requirements.

B. Detailed Site Development Requirements

For detailed site development regulations, refer to Article 3, Standards General to All Development.

Chapter 2.15. – “CBD” Central Business District

SECTION 2.15-1. GENERAL PROVISIONS

The CBD (Central Business) District (previously named “C3” Central Business 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 CBD District shall 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 CBD District falls within the Downtown Mixed Use Land Use Category of the City of Minot Comprehensive Plan.

SECTION 2.15-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

Chapter 2.16. – “OP” Office Park District

SECTION 2.16-1. GENERAL DESCRIPTION

A. Purpose

The “OP” (Office Park District) is established to:

1. Reserve larger areas for multi-use buildings, offices, wholesale showrooms, light manufacturing, research and development, training, limited retail uses and uses accessory to conducting business within a coordinated, well-defined campus environment;
2. Protect business from incompatible and unrelated land uses intruding into the work environment;
3. Create higher quality site and building design expectations that will not support any uses with outdoor storage;
4. Create an area to provide opportunities for higher technology business and other industries that may benefit from the accommodation of both office and light industrial uses on site with internal and external amenities to benefit employees;
5. Provide for accessible business park opportunities near major highways and future transit corridors;
6. Preserve and utilize natural environmental features for office sites that are located next to or overlook public open space and trail uses, woodlands and wetlands.

The OP District falls within the Office Business Park Land Use Category of the City of Minot Comprehensive Plan.

B. Design Character

Development in this district shall establish and maintain high standards of site design, spatial relationships, proportions, building architecture and landscape design that will create a high quality environment attractive to major employers. The design character of this district will be characterized by a high level of design, site amenities such as trails or open space, storm water management, and other modern techniques used to create a high-end office and industrial park.

SECTION 2.16-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.16-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.16-3. Lot, Height, Area, and Yard Setback Requirements (OP District)	
Dimension	Requirement
Maximum Height of Building	60 feet
Maximum Lot Coverage	75%
Minimum Yard Setbacks	Front – 30 feet Front facing platted or proposed arterial/collector street – 50 feet Side (interior lot line) – 0 feet Side (abutting AG or any Residential District) – 25 feet Side (corner lot or abutting street) – 25 feet Side (facing platted or proposed arterial/collector street) – 50 feet Parking lot (from public streets) – 10 feet Rear – 25 feet Rear (abutting AG or any Residential District) – 25 feet
Minimum Lot Dimensions	Width – 50 feet Depth – 100 feet
Minimum Lot Area	10,000 square feet

SECTION 2.16-4. MISCELLANEOUS PROVISIONS

A. Landscaping

Refer to Article 7 regarding landscaping and buffer requirements.

B. Retail and Rental Space

A maximum of twenty percent (20%) of the units or suites of any permitted or conditional facility may be occupied by enclosed retail and rental activity as a principal use.

C. Outdoor Storage Prohibited

No outdoor storage will be permitted with any use.

Chapter 2.17. – “GMU” General Mixed Use District

SECTION 2.17-1. GENERAL DESCRIPTION

The purpose of the General Mixed Use District is to provide an area for compact, walkable, mixed-use development that also provides for the establishment of a community focal point with a blend of cultural,

recreational, entertainment, commercial retail and office uses along key community corridors. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. A combination of retail, office, service and residential land uses are encouraged although not required. New residential uses may also be entirely residential. The mix of uses can occur vertically and horizontally. The placement of buildings and the relationship of the building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian-friendly environment envisioned for the GMU.

The character of the GMU District shall reflect high quality design due to the high visibility of these areas along major roadways. 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 GMU District falls within the Mixed-Use Center Land Use Category of the City of Minot Comprehensive Plan.

SECTION 2.17-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.17-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.17-3. Lot, Height, Area, and Yard Setback Requirements (GMU District)	
Dimension	Requirement
Maximum Height of Building	60 feet
Maximum Lot Coverage	None
Minimum Yard Setbacks	Front – 0 feet (except for limitations in Section 28-13 City Code of Ordinances) Side – 0 feet Side (abutting AG or any Residential District) – 5 feet Rear – 0 feet Rear (abutting AG or any Residential District) – 25 feet
Minimum Lot Dimensions	Width – none for non-residential uses; residential parcels shall maintain a lot width that is adequate for the design of the structure.
Minimum Lot Area	None

SECTION 2.17-4. MISCELLANEOUS PROVISIONS

A. Landscaping

Buffer strips will be required along lot lines adjacent to a more restrictive zoning district according to requirements in Article 7, Landscaping.

B. Density

Apartment and townhomes must be a minimum density of eight (8) units per acre and a maximum of twenty-four (24) units per acre.

Chapter 2.18. – “M1” Light Industrial District

SECTION 2.18-1. GENERAL DESCRIPTION

The M1 (Light Industrial) 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, large volume truck oriented uses and outdoor storage uses. This district supports uses that require close access to major thoroughfares, accommodate primarily automotive-oriented customers, generate truck traffic, or have similar characteristics which make them incompatible uses in the commercial districts. This district establishes and preserves, in a location and manner which benefits the City, industrial and related uses which are relatively free from objectionable influences and therefore are of a nature that they will not adversely affect surrounding areas. The M1 District falls within the Light Industrial Land Use Category of the City of Minot Comprehensive Plan.

SECTION 2.18-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.18-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.18-3. Lot, Height, Area, and Yard Setback Requirements (M1 District)	
Dimension	Requirement
Maximum Height of Building	90 feet
Maximum Lot Coverage	None
Minimum Yard Setbacks	Front – 25 feet Front facing platted or proposed arterial/collector street – 40 feet Side (interior lot line) – 0 feet Side (abutting AG or any Residential District) – 15 feet Side (corner lot or abutting street) – 25 feet Side (facing platted or proposed arterial/collector street) – 40 feet Parking lot (from public streets) – 10 feet Rear – 0 feet Rear (abutting AG or any Residential District) – 25 feet
Minimum Lot Dimensions	Width – 50 feet Depth – 100 feet
Minimum Lot Area	10,000 square feet

Table 2.18-3. Lot, Height, Area, and Yard Setback Requirements (M1 District)

Dimension	Requirement
	Extraterritorial lot with wastewater disposal system approved by First District Health Unit – 2 acres unless a smaller lot area is approved by First District Health. At no time may any individual lot be reduced below 10,000 square feet.

SECTION 2.18-4. HAZARDOUS USES

Except for welding shops, hazardous uses shall require a conditional use permit which involves the storage or handling of hazardous materials, hazardous substances, or hazardous waste as terms are defined by the [Code of Federal Regulations](#) (list and definitions of hazardous materials), if the amount of hazardous material, hazardous substance, or hazardous waste on a particular premises at any one time exceeds the “reportable” quantity. The reportable quantity shall be specified in Title 49 Code of Federal Regulations Section 172.101.

SECTION 2.18-5. MISCELLANEOUS PROVISIONS***A. Landscaping***

Refer to Article 7 regarding landscaping and buffer requirements.

Chapter 2.19. – “M2” Heavy Industrial District**SECTION 2.19-1. GENERAL DESCRIPTION**

The M2 (Heavy Industrial) District is established as a district in which the principal use of land is for heavy commercial and industrial establishments, which may create some nuisance(s), and which are not properly associated with nor compatible with residential, institutional and neighborhood commercial and service establishments. The M2 District falls within the Heavy Industrial Land Use Category of the City of Minot Comprehensive Plan.

SECTION 2.19-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.19-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS**Table 2.19-3. Lot, Height, Area, and Yard Setback Requirements (M2 District)**

Dimension	Requirement
Maximum Height of Building	None
Maximum Lot Coverage	None

Table 2.19-3. Lot, Height, Area, and Yard Setback Requirements (M2 District)

Dimension	Requirement
Minimum Yard Setbacks	Front – 25 feet Front facing platted or proposed arterial/collector street – 50 feet Side (interior lot line) – 0 feet Side (abutting AG or any Residential District) – 15 feet Side (corner lot or abutting street) – 25 feet Side (facing platted or proposed arterial/collector street) – 50 feet Parking lot (from public streets) – 10 feet Rear – 0 feet Rear (abutting AG or any Residential District) – 25 feet
Minimum Lot Dimensions	Width – 50 feet Depth – 100 feet
Minimum Lot Area	10,000 square feet Extraterritorial lot with wastewater disposal system approved by First District Health Unit – 2 acres unless a smaller lot area is approved by First District Health. At no time may any individual lot be reduced below 10,000 square feet.

SECTION 2.19-4. MISCELLANEOUS PROVISIONS

A. Landscaping

Buffer strips will be required along lot lines adjacent to a more restrictive zoning district according to requirements in Article 7, Landscaping.

Chapter 2.20. – “I1” Light Industrial Park District

SECTION 2.20-1. GENERAL DESCRIPTION

The Light Industrial Park District includes a broad spectrum of land uses, some of which can be compatible with mixed use development. The Light Industrial Park District is intended to reserve sites appropriate for location of industrial uses with relatively limited environmental impacts. The development concept consists of industry clusters anchored by light manufacturing, with some wholesale and selected retail components. Outdoor storage in this Zoning District will provide for a limited amount of products, supplies or vehicles, which shall be screened from roadways and adjacent properties. This Zoning District should be located on the periphery of industrial areas along major transportation corridors, and/or in a campus like setting.

The I1 district is intended to provide space in attractive and appropriate locations for certain types of low-impact business and employment uses in a campus-like setting typical of business and industrial parks. A master planned approach would provide for more creative arrangements of buildings and open space that promote goods and idea exchange, reduce transportation costs and enhance synergies for value chain based cluster development.

Targeted uses include accessory and value-added businesses such as transportation, distribution, manufacturing, and warehousing that support the base agri-business tenants and energy related establishments. Some of the permitted uses in I1 may also be permitted in other zoning districts such as M1, however, all development standards and regulations pertaining to the I1 district are found solely in this chapter, unless otherwise referenced. The I1 District falls within the Light Industrial Land Use Category of the City of Minot Comprehensive Plan.

SECTION 2.20-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.20-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

General

Table 2.20-3(a). Lot, Height, Area, and Yard Setback Requirements (I1 District)	
Dimension	Requirement
Maximum Height of Building	Not to exceed FAA requirements as outlined in FAA form 7460 .
Maximum Lot Coverage	65%
Minimum Yard Setbacks	Front – 50 feet Side (interior lot line) – 10 feet Side (abutting AG or any Residential District) – See Table 2.20-3(b) below. Side (corner lot or abutting street) – 40 feet Rear – 0 feet Rear (abutting AG or any Residential District) – See Table 2.20-3(b) below.
Minimum Lot Dimensions	Width – 330 feet Depth – 330 feet
Minimum Lot Area	5 acres
Minimum District Area	20 acres

Table 2.20-3(b). Lot, Height, Area, and Yard Setback Requirements (I1 District)					
Height of Building (feet)	Side Setback Abutting R-Zoned Lot (feet)	Rear Setback Abutting R-Zoned Lot (feet)	Side Setback Abutting AG-Zoned Lot (feet)	Rear Setback Abutting AG-Zoned Lot (feet)	Front Setback Abutting AG-Zoned Lot (feet)
0-35	30	50	20	20	50
36+	30+1 for each foot of building height above 35 feet to max. of 65 feet	50	20	20	50+1 for each foot of building height above 35 feet to max. of 65 feet

SECTION 2.20-4. INDUSTRIAL PARK DESIGN GUIDELINES

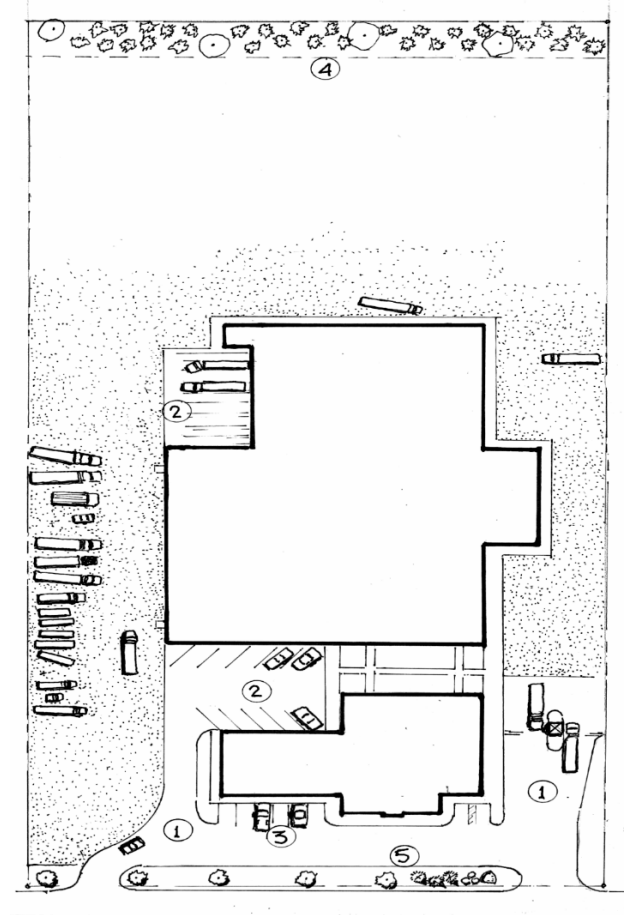
A. Industrial Use Types

Buildings to be sited along major streets would be encouraged to eliminate visual monotony. Acceptable examples include overhangs, mansards, wainscoting, etc.

B. Commercial Use Types

The following site design and materials are required (refer to graphic below):

1. controlled site access with appropriate maneuvering areas for trucks separated from general vehicle circulation (1);
2. employee parking and service areas located at the sides and/or rear of buildings (2);
3. convenient public access and short-term visitor parking at the front of the building (3);
4. screening of storage, work areas, and ground level mechanical equipment visible from a public street and buffering of adjacent less intensive land uses (4)
5. emphasis on a well-designed main building entry and street orientated landscaping (5)



C. Building Elements

A comprehensive material and color scheme will be encouraged for each site. Material and color variations in multi-building complexes will be encouraged to be complementary and compatible for uses under this section.

D. Trash and Recyclable Materials

All trash, recyclable materials and handling equipment shall be stored within the principal structure; or stored within an accessory structure constructed of building materials compatible with the principle structure, maintenance free or composite materials or a steel sub-structure wrapped with composite material that matches the principle building. A three-sided wood, vinyl, or chain link fence with slats is a permitted enclosure material.

E. Other

Additions or alterations to existing buildings shall meet the requirements of paragraph B (Building Elements) in this section:

SECTION 2.20-5. SUBDIVISION PLAT APPROVAL REQUIRED

Requests to rezone property to the I1 district must be processed concurrently with an application for subdivision plat approval in conformance with an approved master plan for the industrial park.

SECTION 2.20-6. ADDITIONAL STANDARDS FOR I1 DISTRICT

All performance standards for the Industrial Park must meet but not limited to the environmental standards and regulations of the Environmental Protection Agency (EPA), the Americans with

Disabilities Act (ADA) requirements, the City of Minot, the state of North Dakota, FAA, and the latest standard International Building Code. It is the responsibility of the applicant to meet these standards and all requirements of other applicable state and local agencies. Applicants are required to submit site and building plans.

Chapter 2.21. – “I2” Heavy Industrial Park District

SECTION 2.21-1. GENERAL DESCRIPTION

The Heavy Industrial Park District is intended to accommodate a wide variety of heavy industrial uses, some of which may have significant external effects. The heavier industries are permitted, with fewer requirements as to screening, paving of parking areas and enclosure than in M2 Districts, but with greater emphasis on complementing Light Industrial Park uses.

The I2 district is intended to provide space in attractive and appropriate locations for certain types of heavy manufacturing and employment uses in a campus-like setting typical of business and industrial parks. A master plan approach would provide for more creative arrangements of buildings and open space that promote goods and idea exchange, reduce transportation costs and enhance synergies for value chain based cluster development.

Targeted uses include accessory and value-added businesses such as transportation, distribution, manufacturing, and warehousing that support the base agri-business tenants and energy related establishments. Some of the permitted uses in I2 may also be permitted in other zoning districts such as M2, however, all development standards and regulations pertaining to I2 district zones are found solely in this chapter, unless otherwise referenced. The I2 District falls within the Heavy Industrial Land Use Category of the City of Minot Comprehensive Plan.

SECTION 2.21-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.21-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

Table 2.21-3(a). Lot, Height, Area, and Yard Setback Requirements (I2 District)	
Dimension	Requirement
Maximum Height of Building	Not to exceed FAA requirements as outlined in FAA form 7460 .
Maximum Lot Coverage	65%
Minimum Yard Setbacks	<p>Front – 50 feet</p> <p>Side (interior lot line) – 10 feet Side (abutting AG or any Residential District) – See Table 2.21-3(b) below. Side (corner lot or abutting street) – 40 feet</p> <p>Rear – 0 feet Rear (abutting AG or any Residential District) – See Table 2.21-3(b) below.</p>
Minimum Lot Dimensions	Width – 330 feet

Table 2.21-3(a). Lot, Height, Area, and Yard Setback Requirements (I2 District)	
Dimension	Requirement
	Depth – 330 feet
Minimum Lot Area	5 acres
Minimum District Area	20 acres

Table 2.21-3(b). Lot, Height, Area, and Yard Setback Requirements (I2 District)					
Height of Building (feet)	Side Setback Abutting R-Zoned Lot (feet)	Rear Setback Abutting R-Zoned Lot (feet)	Side Setback Abutting AG-Zoned Lot (feet)	Rear Setback Abutting AG-Zoned Lot (feet)	Front Setback Abutting AG-Zoned Lot (feet)
0-35	30	50	20	20	50
36+	30+1 for each foot of building height above 35 feet to max. of 65 feet	50	20	20	50+1 for each foot of building height above 35 feet to max. of 65 feet

SECTION 2.21-4. INDUSTRIAL PARK DESIGN GUIDELINES

A. Industrial Use Types

Buildings to be sited along major streets would be encouraged to eliminate visual monotony. Acceptable examples include overhangs, mansards, wainscoting, etc.

B. Building Elements

A comprehensive material and color scheme will be encouraged for each site. Material and color variations in multi-building complexes will be encouraged to be complementary and compatible for uses under this section.

C. Trash and Recyclable Materials

All trash, recyclable materials and handling equipment shall be stored within the principal structure; or stored within an accessory structure constructed of building materials compatible with the principle structure, maintenance free or composite materials or a steel sub-structure wrapped with composite material that matches the principle building. A three-sided wood, vinyl, or chain link fence with slats is a permitted enclosure material.

D. Other

Additions or alterations to existing buildings shall meet the requirements of paragraphs A and B in Section 2.21-4.

SECTION 2.21-5. SUBDIVISION PLAT APPROVAL REQUIRED

Requests to rezone property to the I2 district must be processed concurrently with an application for subdivision plat approval in conformance with an approved master plan for the industrial park.

SECTION 2.21-6. ADDITIONAL STANDARDS FOR I2 DISTRICT

All performance standards for the Industrial Park must meet, but are not limited to, the environmental standards and regulations of the Environmental Protection Agency (EPA), the Americans with Disabilities Act (ADA) requirements, the City of Minot, the state of North Dakota, FAA, and the latest standard International Building Code. It is the responsibility of the applicant to meet these standards and all requirements of other applicable state and local agencies. Applicants are required to submit site and building plans.

Chapter 2.22. – “P” Public District

SECTION 2.22-1. GENERAL DESCRIPTION

The "P" (Public Zone) district is designed to retain and provide land areas owned by the utility companies, private organizations, federal, state, and local governments for public use. The P District generally falls within the Public and Institutional Land Use Category of the City of Minot Comprehensive Plan, although may be permitted within other land use categories as determined to be appropriate.

SECTION 2.22-2. USES

All uses allowed in this district, either Permitted, Conditional, Accessory, or Interim, can be found by referencing Table 2.2, Table of Uses. Any regulations applicable to a specific use can be found in Article 4, Standards Specific to Uses and Districts.

SECTION 2.22-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

No minimum or maximum requirements.

SECTION 2.22-4. REVIEW REQUIRED

A. Pre-application Review

A pre-application meeting with the Development Review Team (DRT) shall be held prior to submittal to Planning Commission. For projects in the “P” zones the composition of the DRT members shall include one (1) member of the Planning Commission and one (1) member of the City Council as appointed by the Mayor.

B. Pre-application Review

Rezoning to “P” District. All rezoning applications shall meet the requirements of Section 8-1.7 of this ordinance.

C. Master Plan

1. Proposed use or change of use of land or building on land zoned “P” District. Any such change by any public agency, or other on public land shall require submittal of a conceptual master plan depicting the general layout of uses on the property, access points, traffic flow, general drainage patterns, sensitive environmental feature and any other additional information as requested by the Development Review Team and shall be submitted to the Planning Commission. The

Planning Commission shall review the proposed master plan and make a recommendation to the City Council.

2. After final approval of the proposed master plan the project shall proceed through the other stage of development approval to meet all development requirements set forth in Section 2.22-6 and other applicable chapters of the zoning ordinance.

SECTION 2.22-5. EXEMPTIONS

A. Alteration or Additions

Alterations or additions equaling not more than twenty-five percent (25%) of the gross floor area of an existing building are exempt from this review.

B. Processing Fee

A processing fee as determined by city fee schedule shall be paid at the time of plan review application.

SECTION 2.22-6. DEVELOPMENT REQUIREMENTS – LANDSCAPING, BUILDING, AND SITE DESIGN

As with other land development projects, any building constructed or remodeled in the Public Zoning District shall meet specified development requirements. Projects in the “P” zones shall meet the building construction materials and design standards set forth in the C2 zoning district as required in Section 4.2-6 of this ordinance and the C2 landscaping requirements as required in Article 7. Compliance with these requirements will be reviewed at the time of site plan review and building permit application.

Chapter 2.23. – “PUD Overlay” Planned Unit Development

SECTION 2.23-1. GENERAL DESCRIPTION

A Planned Unit Development (PUD) overlay is a tract of land, which is developed as a unit under single or unified ownership or control and which generally includes two (2) or more principal buildings or uses but which may consist of one building containing a combination of principal and supportive uses. A PUD requires a rezoning to a PUD overlay district and may be requested in any underlying zoning district, under the provisions set forth in this chapter. All planned unit development districts shall be so designated on the official zoning maps and records of the city. Use regulations not otherwise allowed in the underlying zoning district are prohibited within the planned unit development unless specific provisions are made and listed in the PUD development plan or modified in the conditions of approval.

SECTION 2.23-2. PURPOSE

- A. To allow a planned and coordinated mix of land uses, increase in development density and improved amenities which are compatible and harmonious, but here before not permitted under conventional zoning procedures.
- B. To allow for variety in the type of environments available to the citizens of Minot and to encourage a more creative and efficient utilization of land, a concentration of open space in more usable areas, and a preservation of the natural resources of the site.

- C. To encourage the overall master planning and designing of large land areas for roads/streets, sewer, water, electric and any additional infrastructure that may be required.
- D. To provide the means for greater creativity and flexibility in environmental design than is provided under the strict application of the zoning and subdivision ordinances while at the same time preserving the health, safety, order, and general welfare of the City of Minot and its residents.
- E. To provide a better means of cooperation between the City of Minot and private developers in the urbanization of new lands and the renewal of existing, blighted areas. To facilitate one or more of the following uses: mixed use developments, affordable housing, recreational uses and institutional uses.

SECTION 2.23-3. ALLOWED USES

Uses within a PUD may include only those uses generally associated with the land use category shown for the area on the official comprehensive land use plan map, unless uses are otherwise approved in the PUD Plan. Specific allowed uses and performance standards for each PUD shall be delineated in the PUD Plan. The PUD Plan shall identify all proposed land uses and those uses shall become permitted uses in the PUD upon approval of the PUD Plan. All uses not specifically allowed or approved in the PUD Plan shall be governed by the underlying zoning district regulations.

SECTION 2.23-4. STANDARDS FOR APPROVAL

The city may approve the planned unit development only if it finds that the development satisfies all of the following standards applicable to the proposal:

- A. The proposed PUD is in conformance with the comprehensive plan.
- B. The planned unit development is an effective and unified treatment of the development possibilities on the project site and the PUD Plan provides for the preservation or creation of unique amenities such as natural streams, stream banks, wooded cover, natural terrain, manmade landforms or landscaping and similar areas.
- C. The planned unit development is planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site. The PUD Plan will not have a detrimental effect upon the neighborhood in which it is proposed to be located.
- D. The tract under consideration is under single ownership or control.
- E. The tract is at least five (5) acres in size. The tract size may be reduced if the applicant can show that a PUD of less acreage meets the standards and purposes of the comprehensive plan and preserves the health, safety and welfare of the citizens of the city and that all of the following conditions exist, as applicable:
 - 1. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.
 - 2. The proposal would benefit the area surrounding the project to greater degree than development allowed within the underlying zoning district(s).

3. The proposal would provide mixed land use and/or site design flexibilities while enhancing site or building aesthetics to achieve an overall, workable higher quality of development than would otherwise occur in the underlying zoning district.
 4. The proposal would ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site more than would otherwise occur in the underlying zoning district.
- F. The public benefits, may include but are not limited to:
1. Improved site or architectural design,
 2. Open space preservation,
 3. Improved parks, trails, recreation facilities or other amenities,
 4. A mix of compatible land uses which foster goals of the Comprehensive Plan.
- G. The Planned Unit Development will not create an excessive burden on parks, schools, streets, or other facilities and utilities that serve or are proposed to serve the Planned Unit Development.
- H. The applicant for a Planned Unit Development must provide justification for any deviations from the primary zoning ordinance provisions and performance standards in the PUD Plan.

SECTION 2.23-5. COORDINATION WITH SUBDIVISION REGULATIONS

As required, subdivision review shall be carried out simultaneously with the review of the PUD according to subdivision regulations. The plans required under this chapter shall be submitted in a form which will satisfy the requirements of the subdivision ordinance for the preliminary and final plat.

SECTION 2.23-6. PUD PROCEDURES

A. Voluntary Pre-application Review

Prior to submitting a complete application to the Planning Division, applicants are encouraged to do the following:

1. Develop a PUD Concept Plan that includes the following elements:
 - a. Project description
 - b. Proposed land uses
 - c. Intensity (maximum square footage) and density (maximum or range of dwelling units) of uses proposed
 - d. General location of proposed open space
 - e. General location of existing and proposed buildings
 - f. Vehicular and other transportation connections
 - g. Existing and proposed utilities and public services (such as fire protection or law enforcement, depending on size of proposal)

2. Meet with a Planning Division staff person to review the PUD Concept Plan and application submittal items for the PUD Plan, as specified by the Planning Division. This meeting provides a screening process to identify and resolve potential issues before the application is submitted. Upon review, the Planning Division will either recommend further pre-application review with the Development Review Team or formal submittal of the planned unit development application.
3. Meet with the Development Review Team to solicit City input beyond the Planning Division. City staff will schedule the Development Review Team meeting and invite all participants.

Application forms and checklists are available at the Planning Division or on the City's website.

B. Application Submittal

Planned unit development applications shall be submitted to the Planning Division on a form established by the Planning Division and shall include the applicant's proposed PUD Plan, along with a non-refundable fee that has been established by resolution of the City Council. Application checklists that detail requirements for a complete application, including the proposed PUD Plan submittal requirements, are established and maintained by the Planning Division. The application shall not be processed until the application is deemed complete by the Planning Division and the required fee has been paid. If the Planning Division determines that the application is incomplete, the application will be returned to the applicant along with an explanation of the application's deficiencies and/or missing information.

C. Application Review

The Planning Division will prepare a report with a recommendation based upon the review criteria in this section.

D. Planning Commission and City Council Consideration

The planned unit development application is processed as a zoning map amendment and shall follow procedures established in Section 9-1.7 for consideration of approval and Section 9-1.9 for appeal.

The City Council, with a recommendation from the Planning Commission, may grant the proposed Planned Unit Development in whole or in part, and with or without modifications or conditions.

E. Post Approval

1. The applicant shall submit a revised PUD Plan, as necessary, incorporating any modifications or conditions from the Planning Commission and/or City Council. This is the approved PUD Plan that will be kept on file with the Planning Division.
2. The rezoning will be applied as an overlay to the underlying zoning district and reflected as such on the official zoning map.
3. The approved PUD Plan is attached to and is part of the Zoning designation of the property. All building permits and other City development approvals shall be in conformance with the approved PUD Plan. The City Building Inspector is not authorized to issue permits for improvements which are not indicated in the approved plan unless said improvements have

been approved by the Planning Division as a Minor Change in accordance with Section 2.23-8 of this Chapter.

F. Criteria

In reviewing any application for a planned unit development, the Planning Commission and City Council shall find that the standards provided in Section 2.23-7 are met.

SECTION 2.23-7. CONVEYANCE AND MAINTENANCE OF COMMON OPEN SPACE

- A. All land shown in the PUD Plan as common open space must be conveyed to a homeowner's association or similar organization as provided in an indenture establishing an association or similar organization for the maintenance of the planned unit development. The common open space must be conveyed to the homeowner's association or similar organization subject to covenants to be approved by the City Attorney which restrict the common open space to the uses specified in the final PUD Plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
- B. If a homeowner's association is created, the applicant shall submit any required homeowner's association documents at the time of the first phases' final plat of development to the city attorney and city staff which explains:
 - 1. Ownership and membership requirements.
 - 2. Articles of incorporation and bylaws.
 - 3. Time at which the developer turns the association over to the homeowners.
 - 4. Approximate monthly or yearly association fees for homeowners.
 - 5. Specific listing of items owned in common including such items as roads, recreation facilities, parking, common open space grounds, and utilities.
- C. Standards for common or open space. No open area may be approved as common open space under the provisions of this article unless it meets the following standards:
 - 1. The location, shape, size, and character of the common open space must be suitable for the planned development.
 - 2. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
 - 3. Common open space must be suitably improved for its intended use but common space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

4. Parcels of land to be dedicated for park (as approved by the City and Park District), ponding or other purposes shall be deeded to the city with the final plat for recording.

SECTION 2.23-8. REVIEW AND AMENDMENTS

A. Minor Changes

Minor changes that do not alter the overall concept, density, intensity, traffic impact, or environmental impact of a PUD may be authorized by the Planning Division. Minor changes shall be defined as:

1. A building addition of up to twenty-five percent (25%) of the existing floor area,
2. An increase of up to fifty (50%) of the impervious coverage of the property,
3. A change in the landscaping, exterior color, or materials, or
4. A change in the location, placement, and/or height of an approved building or structure.

The applicant shall submit to the Planning Division a memo outlining the proposed minor changes. This memo, if approved, will become an attachment to the previously approved PUD Plan.

B. Major Changes

Major changes that alter the overall concept, density, intensity, traffic impact, or environmental impact of a PUD shall require approval of the Planning Commission and City Council through processing as specified in Section 2.23-6. Major changes shall be defined as:

1. Any change in the list of uses presented in the PUD Plan,
2. A building addition of twenty-five percent (25%) or more of the existing floor area,
3. An increase of more than one (1) story or ten (10) feet to the height of an existing building,
4. An increase of more than fifty percent (50%) of the impervious coverage of the property,
5. A change which would result in the development no longer meeting the standards of this Section under which the project was approved,
6. An increase or change to the traffic access, circulation, or impact,
7. A decrease of more than ten percent (10%) of the amount of common open space,
8. An additional building, or
9. Rearrangement of building tracts, lots, blocks, and public right-of-way, plus any other change that requires a re-plat.

SECTION 2.23-9. TERM AND EXPIRATION

A. Time Limit

Construction must commence within one (1) year of the date on which the PUD was approved, or the PUD may be referred to the revocation process specified in Section 2.23-10. Additionally, after construction commences, if there has not been active construction for a period of one (1) year, the PUD may be referred to the revocation process.

B. Vested Property Right

The PUD becomes part of the official zoning map and goes with the land, and not the applicant or operator, and becomes a vested property right, and cannot be taken away unless the operator, for example, is out of compliance with the conditions of approval set forth in the PUD Plan.

SECTION 2.23-10. REVOCATION

A. Process

The Planning Division may initiate revocation (removal) of a PUD for noncompliance with any of the conditions or nonconformance with the provisions of the approved PUD Plan set forth in the resolution granting the PUD. The Planning Division shall provide written and published notice of the public hearing in compliance with Section 9.2-1, the Planning Commission and City Council shall meet to consider revocation. Appeals on the action of the City Council are taken to the District Court.

B. Effect of Revocation

The revocation of the PUD shall have the effect of removing the PUD overlay from the official zoning map and denying all rights granted by the PUD.

Chapter 2.24. – “ANB Overlay” Airport Noise Buffer Overlay

SECTION 2.24-1. GENERAL DESCRIPTION

The Runway Buffer Overlay and Noise Buffer Overlay are intended to regulate the use of property in the vicinity of the Minot International Airport. These overlay districts are established in the interest of the public health, safety, and general welfare, to avoid noise-related problems associated with aircraft using the Minot International Airport. It is further established that the City of Minot derives economic development and enhanced interstate commerce from the Minot International Airport and these overlays are necessary to protect this asset.

SECTION 2.24-2. USES

As allowed in the base zoning districts.

- A. Noise sensitive uses include the following uses of property:
 - 1. All Housing Uses (per Table 2.2).
 - 2. All Public and Private Institutional Uses (per Table 2.2).
 - 3. Day Care, both Home-based and Centers.
 - 4. Any other use found in Table 2.2 and not identified in this section shall be deemed not noise sensitive.

SECTION 2.24-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

As specified in the base zoning districts. Must also comply with FAA Height restrictions as dictated by 14 CFR Part 77.

SECTION 2.24-4. OVERLAY RESTRICTIONS

A. Building Design Requirements

1. That portion of any building or structure occupied by humans which is used within the Noise Buffer Overlay in connection with any of the following noise sensitive uses (assuming the underlying zoning so permits) shall be so designed and constructed as to accomplish a noise level reduction of thirty (30) db.

B. Limitations Applicable to Uses in the Noise Buffer Overlay

No use in any of the zones described in this chapter shall:

1. Create communication or navigation interference between the airport and aircraft.
2. Make it difficult for pilots to distinguish between airport lights and others.
3. Result in glare in the eyes of pilots using the airport.
4. Impair visibility in the vicinity of the airport.
5. Create wildlife strike hazards.
6. Otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft.
7. Potentially cause detriment to the airport operations by emission of thermal plumes, fumes, dust, smoke, and/or creation of other negative influences.

C. Miscellaneous Provisions

1. Non-conforming Uses in the Noise Buffer Overlay
 - a. Shall follow Chapter 13.1 – Nonconforming Development
2. Appeals of Administrative Decisions
 - a. Shall follow Section 9.1-9. Appeal of Administrative Decisions
3. Enforcement
 - a. Shall follow Chapter 13.2 – Enforcement and Penalty
4. Conflicting Regulations
 - a. Shall follow Section 1.2-3. Conflicting Provisions

Chapter 2.25. – “WP Overlay” Wellhead Protection Overlay

SECTION 2.25-1. DEFINITIONS

As used in this chapter, the following definitions apply:

Ancillary Activity: A regulated activity which is subordinate to, or supportive of a non-regulated activity, and which involves the use or storage at any one time of no more than fifty-five (55) gallons, or its equivalent in kilograms or pounds, of hazardous material at the facility where the non-regulated activity takes place.

Applicant: As appropriate in context, a person who applies for (i) an exemption under Section 2.25-4 or (ii) a permit under Section 2.25-6. In the context of providing information with respect to an applicant which is an entity, the term “applicant” shall include any parent or subsidiary entity, the principal officers and directors of the corporation if the entity is a corporation (or the equivalent persons in respect to a non-corporate entity), and each owner of more than a five percent interest in such entity.

Application: As appropriate in context, an application for an exemption under Section 2.25-4 or an application for a permit under Section 2.25-6.

Bulk Storage Facility: Any portion of property where oil or petroleum liquids are received by tank vessel, pipeline, railroad car, or tank vehicle for the purpose of storage.

Chemigation: The process of applying agricultural chemicals (fertilizer or pesticides) using an irrigation system by injecting the chemicals into the water.

Certified Hazardous Materials Manager (CHMM): A hazardous materials manager certified by the Institute of Hazardous Materials Managers, who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and to identify appropriate pollution prevention practices for such activities.

Entity: A person other than a natural person.

Environmental Professional: A person who demonstrates – to the satisfaction of the City Engineer – that by virtue of such person’s education, training, and experience, they have expertise in the subject matter of this chapter.

Existing Regulated Activity: A regulated activity which substantially commenced, or was in active operation, or with respect to which a municipal building permit was issued, before May 1, 2001.

Feedlot: A parcel of land whereon there is contained an operation of feeding or raising animals in excess of one hundred (100) animal units per acre or in excess of five hundred (500) animal units per parcel of land, whichever is the more restrictive. One animal unit is equivalent to one beef cow, steer, feeder or fat beef animal; one horse; 0.7 dairy cow; 1.7 swine; 6.7 sheep; 33 hens, cockerels, capons, broiler or ducks; or 10 geese or turkeys.

Floor Drain: Any opening in a floor or surface which opening or surface receives materials spilled or deposited thereon.

Hazardous Material: A material that is defined in one or more of the following categories:

Carcinogenic: A gas, liquid or solid which is normally considered to be cancer causing or mutagenic. Examples: PCB's in some waste oils.

Corrosive: Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

Explosive: A reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: dynamite, organic peroxides and ammonium nitrate.

Highly Toxic: A gas, liquid, or solid so dangerous to man as to afford an unusual hazard to life. Examples: parathion and chlorine gas.

Ignitable: A gas, liquid or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorous and gasoline.

Moderately Toxic: A gas, liquid or solid which through repeated exposure or in a single large dose can be hazardous to man. Example: atrazine.

Hazardous Waste: Hazardous waste as defined by [NDCC 23.1-04-02\(6\)](#).

Hazardous Waste Facility: A “facility” as defined by [NDCC 23.1-04-02\(4\)](#).

Industrial Laundry: A process for washing clothes, cloth or other fabric used in industrial operations.

Infiltration Device: Any discharge device installed below or above the ground surface which device is designed to allow liquid to travel to the ground.

Manure Storage Area: An area for the containment of animal manure in excess of eight thousand (8,000) pounds or one thousand (1,000) gallons.

Modify a regulated activity or modification of a regulated activity: To expand an existing regulated activity by increasing the physical size of the facility at which such regulated activity is conducted, or by increasing the storage capacity for hazardous materials; or to alter a regulated activity in a manner which may increase the risk of pollution of the SWPA.

New regulated activity: A regulated activity that commences after April 30, 2001.

Owner: The owner, lessee, or person in charge of the premises or facility in question.

Pavement De-icing Chemical: Sodium chloride, calcium chloride, or calcium magnesium acetate.

Person: Any individual, partnership, association, firm, corporation or other entity, except a municipality, and includes a federal agency as permitted by law, the state or any instrumentality of the state, and any officer or governing or managing body of any partnership, association, firm or corporation.

Pollution: The man-made or man-induced degradation of the chemical, physical, biological, and radiological integrity of water.

Pollution Prevention: The use of processes and materials so as to reduce or minimize the amount of hazardous materials used in an activity, or the quantity and concentration of pollutants in the waste generated by such activity.

Professional Engineer: A professional engineer licensed in accordance with [Chapter 43-19.1](#), of the North Dakota Century Code and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and identify appropriate pollution prevention practices for such activities.

Publicly Owned Treatment Works (POTW): A publicly owned “wastewater treatment plant” as that term is defined in [NDCC 23.1-07-02\(8\)](#).

Public Service Company: An entity that sells electrical energy, whether or not such entity is regulated by the North Dakota Public Services Commission.

Public Water System: A public water system as defined in [NDCC 61-28.1-02\(5\)](#).

Public Water System Supply: A point where water is inducted into a public water system.

Registered Regulated Activity: An existing regulated activity, which has been registered under Section 1.25-5.

Registrant: A person who or which has submitted a registration for an existing regulated activity under Section 1.25-5.

Regulated Activity: An activity listed in column 1 of Table 2.25-3 of Section 2.25-3, if such activity is located or conducted, wholly or partially, in the WPA.

Release: Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of a hazardous material.

Solid Waste: Solid waste as defined in [NDCC 23.1-08-02\(14\)](#).

Solid Waste Facility: A facility for the assembly or treatment or storage (or two or more of such activities), of solid waste.

Storage Tank: A stationary device, which is designed to store hazardous materials and which is constructed of non-earthen materials including but not limited to concrete, steel, fiberglass or plastic.

Underground: When referring to a storage tank or storage tank component means that (a) ten percent or more of the volumetric capacity of such tank or component is below the surface of the ground and (b) that portion which is below the surface of the ground is not fully visible from the ground's surface.

Vehicle: A boat, vessel, or other watercraft which is powered by an internal combustion or diesel engine; and any vehicle propelled or drawn by any non-muscular power, including without limitation an automobile, aircraft, all-terrain vehicle, or snowmobile.

Wellhead Protection Area (WPA): Those lands or that area to which this chapter applies, as established in Section 2.25-2.

SECTION 2.25-2. DELINEATION OF WELLHEAD PROTECTION AREA BOUNDARIES

The Wellhead Protection Area (WPA) boundaries are delineated by the North Dakota Department of Environmental Quality and are depicted as an overlay zone on the City of Minot's zoning map.

SECTION 2.25-3. REGULATED AND PROHIBITED ACTIVITIES

- A. Each regulated activity listed in Column 1 of Table 2.25-3 is prohibited in the WPA, unless such activity is:
1. an ancillary activity in accordance with subsection (B) of this section;
 2. exempted under Section 2.25-4;
 3. registered as an existing regulated activity in accordance with Section 2.25-5; or
 4. modification of an existing regulated activity allowed pursuant to Section 2.25-6.

- B. An ancillary activity, whether existing or new, is not regulated under the provisions of this chapter, provided all the following conditions are satisfied:
1. such ancillary activity takes place only within an entirely enclosed building;
 2. such ancillary activity involves no more than ten percent (10%) of the floor area in the building where the activity takes place;
 3. any hazardous material used in connection with the activity is stored in the building at all times;
 4. all waste waters which are generated by such activity are lawfully disposed through a connection to a publicly owned treatment works;
 5. such ancillary activity does not involve:
 - a. repair or maintenance of vehicles, or of equipment associated with such vehicles, including without limitation, internal combustion engines;
 - b. underground storage of any hazardous material; or
 - c. above ground storage of more than fifty-five (55) gallons of hazardous materials; and
 6. such ancillary activity is conducted in compliance with best management practices described in Section 2.25-7.
- C. Table 2.25-3 includes the following information:
1. in column 1, a listing of every activity which is a regulated activity; and
 2. in column 2, examples of businesses or other facilities at which such a regulated activity takes place, provided that if an activity identified in column 1 actually takes place at a business or facility other than one identified in column 2, such activity at such other business or facility is a regulated activity.

Table 2.25-3. Regulated Activities	
Regulated Activity	Examples
1. Activities involving any equipment for the underground storage or transmission of oil or petroleum, or hazardous material, except for: (i) underground storage tanks which contain number 2 fuel oil for heating that are located more than five hundred (500) feet from the nearest public water system source, or (ii) underground electrical facilities such as transformers, breakers, or cables containing oil for cooling or insulation purposes which are owned and operated by a public service company.	Any business or facility. Some examples include automotive service station, gasoline station, or fleet garage
2. The discharge to ground water of non-biodegradable wastes other than a discharge from: (A) a pump and treat system for ground water remediation, and (B) water treatment waste waters lawfully disposed of through a connection to publicly owned treatment works.	Any business or facility.
3. Car or truck washing, unless all waste waters from such activity are lawfully disposed of through a connection to publicly owned treatment works.	Car or truck washes.

Table 2.25-3. Regulated Activities	
Regulated Activity	Examples
4. Production or refining of chemicals, including without limitation hazardous materials or asphalt.	Chemical, petroleum, asphalt, or pesticide manufacturer.
5. Clothes or cloth cleaning service, which involves the use, storage, or disposal of hazardous materials including without limitation dry-cleaning solvents.	Dry cleaner.
6. Generation of electrical power by means of fossil fuels, except for (i) generation of electrical power by emergency generators, or (ii) generation of electrical power by means of natural gas or propane.	Fossil-fueled electric power producer.
7. Production of electronic boards, electrical components, or other electrical equipment involving the use, storage, or disposal of any hazardous material or involving metal plating, degreasing of parts or equipment, or etching operations.	Electronic circuit board, electrical components or other electrical equipment manufacturer.
8. On-site storage of fuel oil for the purpose of wholesale or retail sale.	Fuel oil dealer.
9. Embalming or crematory services which involve the use, storage, or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to publicly owned treatment works.	Funeral home or cremator.
10. Furniture stripping operations that involve the use, storage, or disposal of hazardous materials.	Furniture stripper.
11. Furniture finishing operations which involve the use, storage, or disposal of hazardous materials, unless all wastewaters from such activity are lawfully disposed of through a connection to publicly owned treatment works.	Furniture repair.
12. Storage, treatment, or disposal of hazardous waste.	Hazardous waste facility.
13. Clothes or cloth cleaning service for any industrial activity that involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste-waters from such activity are lawfully disposed of through a connection to publicly owned treatment works.	Industrial laundry.
14. Any biological or chemical testing, analysis or research which involve the use, storage, or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to publicly owned treatment works, but on-site testing of a public water system by a public water utility is not a regulated activity.	Laboratory: biological, chemical, clinical, or educational; product testing; or research.
15. Pest control services that involve storage, mixing, or loading of pesticides or other hazardous materials.	Lawn care or pest control service.
16. Salvage operations of metal or vehicle parts.	Metal salvage yards, vehicle parts salvage yards, or junkyards
17. Photographic finishing that involves the use, storage, or disposal of hazardous materials, unless all wastewaters from such activity are lawfully disposed of through a connection to publicly owned treatment works.	Photographic finishing laboratory.

Table 2.25-3. Regulated Activities	
Regulated Activity	Examples
18. Production, fabrication, of metal products which involves the use, storage, or disposal of hazardous materials including: (A) metal cleaning or degreasing with industrial solvents, (B) metal plating, or (C) metal etching.	Metal foundry, metal finisher, metal machinist, metal fabricator, or metal plator.
19. Printing, plate making, lithography, photoengraving, or gravure, which involves the use, storage, or disposal of hazardous materials.	Printer or publisher.
20. Pulp production, which involves the use, storage or disposal of any hazardous materials.	Pulp, paper, or cardboard manufacturer.
21. Accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries.	Recycling facility, which accepts waste oil, spent antifreeze, or spent lead-acid batteries.
22. Any activity listed in this column that is conducted at a residence for compensation.	Residential occupations.
23. Production of rubber, resin cements, elastomers, or plastic, which involves the use, storage, or disposal of hazardous materials.	Rubber, plastic, fabric coating, elastomer, or resin cement manufacturer.
24. Storage of pavement de-icing chemicals unless such storage takes place within a weather -tight water-proof structure for the purpose of retail sale, or for the purpose of de-icing parking areas or access roads to parking areas for the premises where the storage occurs.	Salt storage facility.
25. The accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer, or composting of solid waste except for a potable water treatment sludge disposal area.	Solid waste facility.
26. Finishing or etching of stone, clay, concrete or glass products, or painting of clay products, which activity involves the use, storage, or disposal of hazardous materials.	Stone, clay or glass products manufacturer.
27. Dying, coating, or printing of textiles, or tanning or finishing of leather, which activity involves the use, storage, or disposal of hazardous materials.	Textile mill, or tannery.
28. Repair or maintenance of automotive or marine vehicles or internal combustion engines of vehicles, involving the use, storage, or disposal of hazardous materials, including solvents, lubricants, paints, brake or transmission fluids, or the generation of hazardous wastes.	Vehicle service facilities, which may include: new or used car dealership; automobile body repair and/or paint shop; aircraft repair shop; automobile radiator, or transmission repair; boat dealer; recreational vehicle dealer; motorcycle dealer; automotive service station; fleet maintenance garage; or construction equipment repair or rental.
29. On-site storage of hazardous materials for the purpose of wholesale or sale.	Wholesale trade, storage or warehousing of hazardous substances, hazardous wastes, pesticides or oil or petroleum.

Table 2.25-3. Regulated Activities	
Regulated Activity	Examples
30. Production or treatment of wood veneer, plywood, or reconstituted wood, which involves the use, storage, or disposal of any hazardous material.	Manufacturer of wood veneer, plywood, or re-constituted wood products
31. Chemigation or feedlot.	Farm or ranch.

SECTION 2.25-4. NEW REGULATED ACTIVITIES; APPLICATION FOR AN EXEMPTION FROM PROHIBITION

- A. The City Engineer may, upon application in accordance with the provisions of this section, exempt a new regulated activity from the provisions of subsection 2.25-3(A) if they find that such activity does not or will not pose a threat of pollution to any existing or potential public water system source. The City Engineer shall not grant an exemption unless the owner of such activity clearly and convincingly demonstrates that:
1. a non-hazardous material has been permanently substituted for each hazardous material normally used in such activity; or
 2. any hazardous material released into the ground from the facility or business would not render the ground water unsuitable for drinking without treatment.
- B. An applicant for an exemption under subsection (A) of this section shall submit an application therefor to the City Engineer on a form prescribed by them, and shall also submit a copy of such application to the First District Health Unit. The application shall, without limitation:
1. Provide a map showing the location of the new regulated activity;
 2. Describe the purpose and nature of the new regulated activity, any associated processes, and the type and quantity of all materials used or produced or to be used or produced in connection therewith;
 3. Demonstrate that the new regulated activity does not or will not pose a risk of pollution of the ground water;
 4. Describe the nature, chemical composition, and means of disposal of any waste, including wastewater, generated or to be generated in connection with the new regulated activity and, if any wastewater is or will be discharged to a water of the state identify by means of an engineering drawing all points at which such discharge occurs or will occur;
 5. Provide a pollution prevention plan to be implemented in connection with the new regulated activity;
 6. Demonstrate that storm water discharge from the property at which the new regulated activity takes place is managed in a manner that prevents pollution of the ground water;
 7. Provide any other information that the City Engineer reasonably deems necessary to determine whether the new regulated activity poses or may pose a threat to the ground water;

8. Report any criminal conviction of the applicant involving a violation of any environmental protection law if such violation occurred within the five years immediately preceding the date of the application; and
 9. Report any civil penalty imposed against the applicant in any state or federal judicial proceeding, or any civil penalty exceeding five thousand dollars (\$5,000) imposed against the applicant in any administrative proceeding, for a violation of any environmental protection law of North Dakota, any other state, or the United States, if such violation occurred within the five years immediately preceding the date of the application.
- C. The City Engineer shall not act upon an application under this section without affording reasonable opportunity for public comment by way of a public hearing, or the submission of written comments, or both.
- D. If under subsection (A) of this section, the City Engineer exempts a new regulated activity from the provisions of subsection 2.25-3(A), they may impose reasonable conditions on the applicant, including without limitation requirements relating to:
1. performance bonds or other financial assurance that any pollution resulting from the permitted activity will be remediated to the City Engineer's satisfaction;
 2. best management practices in addition to those set forth in Section 2.25-7;
 3. ground water monitoring; and
 4. record keeping.

SECTION 2.25-5. REGISTRATION OF EXISTING REGULATED ACTIVITIES

- A. Before July 1, 2001, each person who is engaged in an existing regulated activity shall, on a form prescribed by the City Engineer, register such activity with the City Engineer.
- B. The City Engineer in processing the registration may reasonably request information in addition to that required by this section. A registration shall include at least the following:
1. The name of the registrant; and if the registrant is an entity registered with the North Dakota Secretary of State, the exact name so registered;
 2. The business telephone number and mailing address of (i) the registrant and, if the registrant is not the owner of the subject facility or business, the name, business, telephone number and mailing address of the owner of such facility or business, and (ii) the manager or other individual who oversees operations at such facility or business;
 3. The location of such business or facility, using street address or other appropriate method of location;
 4. The nature of the business or facility, including any product or operations produced thereat;
 5. A description of all raw materials, wastes, fuels, and chemicals transferred, treated, stored, utilized, generated or otherwise handled at such facility, including any hazardous material or

hazardous waste, and the maximum quantities of any such material, fuel, or chemicals so handled during any 12-month period in the past five years;

6. A description of waste management practices at such facility and of potential sources of a release to the ground, including without limitation materials handling and storage areas, fuel handling and storage areas, process operation areas, floor drains, storm drains, and waste handling and storage areas, including waste treatment or disposal areas;
7. A legible photocopy of each state, federal, and local authorization issued with respect to such facility or business or activities thereat; and
8. A certification signed by the registrant that the new regulated activity is in compliance with the best management practices set forth in Section 2.25-7(A) as follows:

"I have personally examined and am familiar with the information submitted in this registration and all attachments, and certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information; the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in this document or certification may be punishable as a criminal offense."

- C. If the City Engineer determines that a registration is incomplete, they shall reject the registration and notify the registrant of what additional information is needed and the date by which it must be submitted. If the registration is determined to be complete, the new regulated activity shall be deemed registered. Such registration shall be determined to be complete if the registrant has not received a notice of rejection from the City Engineer ninety (90) days from the date the registration is submitted.
- D. A registrant may transfer their or its registration to another person on a form prescribed by the City Engineer.
- E. No person to whom a registration under this section has been issued or transferred may modify the regulated activity so registered or initiate any other regulated activity on the property, which is the subject of such registration, except in accordance with Section 2.25-6.
- F. The City Engineer may require that the person to whom a registration has been issued, or transferred, prepare and adhere to a new materials management plan under Section 2.25-7(B) for the new regulated activity if the City Engineer deems it necessary for pollution prevention.

SECTION 2.25-6. PERMIT FOR MODIFICATION OF REGISTERED REGULATED ACTIVITY

- A. Except as provided in subsections (A), (C) and (G) of this section, no person shall modify a registered regulated activity without having first received a permit therefor from the City Engineer.
- B. The following modifications of registered regulated activities may be made without a permit under this section:
 1. Substitution of one hazardous material for another provided such substituted material is used for the same function and in equal or lesser amounts as the original material;
 2. Substitution of equipment or process for equipment or process provided that such substituted equipment or process performs the same function as the original equipment or process, without

increasing the storage volume of hazardous materials stored at the location of the registered activity;

3. Expansion of wholesale or retail sales volume which increases the use of hazardous materials but which does not increase the storage capacity for hazardous material, or the physical size of the subject facility or business, beyond that existing when the registered activity was registered; and
 4. Initiation of an activity that is not a regulated activity.
- C. A registrant may modify a registered regulated activity to an activity which is not a regulated activity, provided the registrant, before commencing such modification, and receives written confirmation from the City Engineer that the proposed modifications will result in an activity which is not a regulated activity. A request for confirmation shall be made on a form provided by the City Engineer. Re-conversion of a modified regulated activity to its original un-modified form shall be deemed a new regulated activity for the purposes of Section 2.25-4.
- D. To the extent practicable, an application for a permit under this section shall be handled procedurally, and shall contain the information required, as provided for in Section 2.25-4.
- E. A permit shall not be issued under this section unless the applicant demonstrates that the proposed modification will not cause an increase in the registrant's number of underground storage tanks, or the capacity of underground storage tanks, used to store hazardous materials. In addition to the information required under subsection (D), the applicant shall provide all of the following information, with respect to both the registered activity and the proposed modification:
1. The volumes of hazardous materials necessary used and to be used;
 2. The solubility and other physical characteristics of hazardous materials used and to be used;
 3. The safeguards the registrant uses and proposes to use for preventing release of such hazardous materials; and
 4. With respect to each location at a facility where a modification is proposed, a signed certification by an Environmental Professional (EP), on a form provided by the City Engineer, that such EP has investigated such location to determine whether a release of pollutants has occurred there, and, if so, whether such release has been remediated in accordance with applicable law.
- F. A permit under this section shall not be issued unless an environmental audit has been satisfactorily completed by a professional engineer, or a certified hazardous materials manager, which audit demonstrates that the applicant is in compliance with all applicable environmental laws. Such audit shall include the following information at a minimum:
1. A confirmation that the business or facility has implemented best management practices required in Section 2.25-7 and has completed an approved materials management plan in accordance with Section 2.25-7(B) for both the registered activity and the proposed modified activity;
 2. A process flow diagram identifying where hazardous materials are stored and used on the subject property, and where on such property hazardous wastes are generated and

subsequently stored and disposed for both the registered activity and the proposed modified activity;

3. A list of all federal and state environmental laws applicable to the registered regulated activity, indicating whether the applicant is in compliance with each such law; and
4. A pollution prevention plan for the subject facility or business for the proposed modified activity and a schedule to implement such plan; and
5. The following certification signed by the applicant and the professional engineer or certified hazardous materials manager responsible for preparing the application, each of whom shall certify as follows:

"I have personally examined and am familiar with the information submitted in this application and all attachments, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information, or this certification, may be punishable as a criminal offense."

- G. With the written consent of the City Engineer, a registered regulated activity may be modified without a permit under this section, provided that a professional engineer or a certified hazardous materials manager certifies on a form provided by the City Engineer that:
 1. The modification will not increase the registrant's capacity to store hazardous materials;
 2. The modification will not increase the registrant's number of underground storage tanks, or the capacity of underground storage tanks, used to store hazardous materials; and
 3. The registrant has implemented the best management practices prescribed in Section 20.1-7, including the completion of an approved materials management plan for the modified activity in accordance with subsection 2.25-7(B).
- H. The City Engineer shall not act upon a request under subsection (g) without affording reasonable opportunity for public comment, by way of a public hearing, or the submission of written comments, or both.

SECTION 2.25-7. BEST MANAGEMENT PRACTICES FOR REGULATED ACTIVITIES

- A. Every regulated activity shall be conducted in accordance with the following:
 1. Hazardous materials may be stored within the WPA only in accordance with the following conditions:
 - a. Hazardous material shall be stored in an enclosed structure or under a roof which minimizes storm water entry to the containment area, except that a roof is not required for a bulk storage facility as defined in Section 2.25-1;
 - b. Floors within a structure where hazardous material may be stored shall be coated to protect the surface of the floor from deterioration due to spillage of any such material. A structure, which may be used for storage or transfer of hazardous material, shall be protected from storm water run-on and ground water intrusion.

- c. Hazardous material shall be stored within an impermeable containment area which is capable of containing at least the volume of the largest container of such hazardous material present in such area, or ten percent (10%) of the total volume of all such containers in such area, whichever is larger, without overflow of released hazardous material from the containment area;
 - d. Hazardous material shall be stored in a manner that will prevent the contact of chemicals with such materials so as to create a hazard of fire, explosion or generation of toxic substances;
 - e. Hazardous material shall be stored only in a container that has been certified by a state or federal agency or the American Society of Testing Materials as suitable for the transport or storage of such material; and
 - f. Hazardous material shall be stored only in an area that is secured against entry by the public;
2. The requirements of subdivision (1) of this subsection are intended to supplement, and not to supersede, any other applicable requirements of federal, state, or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976, as amended;
 3. Use, maintenance, or installation of floor drains, dry wells, or other infiltration devices or appurtenances, which allow the release to the ground of wastewater is prohibited; and
 4. No substance or material shall be discharged or injected into the ground in the WPA unless such activity is permitted by law.
- B. The City Engineer, if deemed necessary to protect the WPA, may require by written notice any registrant to submit for written approval a Materials Management Plan and to implement such plan once it is approved. If required, a Materials Management Plan shall be submitted to the City Engineer within one hundred-eighty (180) days of such request. The plan shall contain at a minimum the following information:
1. A pollution prevention plan of such scope and covering such matters as the City Engineer may reasonably prescribe;
 2. An inventory of all hazardous materials which are or will likely be manufactured, produced, stored, utilized or otherwise handled at the subject property;
 3. A description of waste, including waste waters, generated by the registered regulated activity and a description of how they are handled, stored, and disposed;
 4. A description of any operations or practices associated with the regulated activity, which may pose a threat of pollution to the ground water within the WPA;
 5. The name, mailing address, title and telephone number of the individual(s) responsible for implementing the Materials Management Plan and the individual(s) who should be contacted by the City in an emergency;
 6. A record-keeping system – open to inspection by the City Engineer or their delegate during the registrant's business hours – which accounts for the types, quantities, and disposition of

hazardous materials which are used, stored, or otherwise handled at the subject property or which are discharged or emitted there from; and

7. An emergency response plan used to respond to a release at the subject property due to a fire, explosion, earthquake, flood, or a storm. Such plan shall describe how each such event could result in a release to the groundwater and shall set forth the methods used or to be used to prevent and abate any such a release.
- C. The City Engineer may, if it is deemed necessary to protect a public water system source from pollution, require by written notice, that any registrant, any person who has received an exemption to conduct a new regulated activity under Section 2.25-6, or any applicant for a permit, submit for written approval a storm water management plan and implement such plan once it is approved. A storm water management plan shall consist of information to assure that storm water run-off generated by the subject activity is managed in a manner so as to prevent pollution of ground water and surface water.

SECTION 2.25-8. DOCTRINE OF PRIOR VALID NON-CONFORMING USE INAPPLICABLE; VARIANCE UNAVAILABLE; OTHER LAWS

- A. Chapter 13.1 shall be inapplicable to matters within the scope of this chapter, as protection of established rights is provided for in this chapter in a manner more consistent with the public purposes of this chapter than would be provided by Chapter 13.1.
- B. Nothing in any exemption issued under Section 2.25-4, any registration submitted under Section 2.25-5, or any modification allowed under Section 2.25-6 shall relieve any person of any other obligations under federal, state, or local law.

SECTION 2.25-9. DOMESTIC AND AGRICULTURAL EXEMPTIONS

- A. Nothing in this chapter shall be construed as prohibiting the use or storage of substances or products typically used for domestic purposes in an ordinary household, as long as the quantities used or stored do not exceed the amounts customarily used or stored in such a household, and the activities which employ such substances or products are likewise typical of activities occurring within an ordinary household. Thus, for example, it is permissible for one to change the oil in one's own private vehicle at home.
- B. Except with respect to chemical application, nothing in this chapter shall be construed as prohibiting the use or storage of substances or products typically used in agricultural operations, as long as the quantities used or stored do not exceed the amounts customarily used or stored on a farm or ranch of approximately the same size as that to which this exemption applies or is sought to be applied.

Chapter 2.26. – “GC Overlay” Gateway Corridor Overlay District

SECTION 2.26-1. GENERAL DESCRIPTION

The Gateway Corridor Overlay District is intended to provide a high level of design and landscaping requirements on properties adjacent to the principal arterials that comprise the entrance corridors of

Minot. The purpose of this district is to create attractive entrance corridors using high design standards that are still compatible with responsible commercial and industrial development.

SECTION 2.26-2. USES

As allowed in the base zoning districts.

SECTION 2.26-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

As specified in the base zoning districts.

SECTION 2.26-4. OVERLAY RESTRICTIONS

As with other land development projects, any building constructed or remodeled in the Gateway Corridor Overlay District shall meet specified development requirements. Projects in the “GC Overlay” districts shall meet the building construction materials and design standards set forth in the C2 zoning district as required in Section 4.2-6 of this ordinance and the C2 landscaping requirements as required in Article 7. Compliance with these requirements will be reviewed at the time of site plan review and building permit application.

Chapter 2.27. - “ARB Overlay” Airport Runway Buffer Overlay

SECTION 2.27-1. GENERAL DESCRIPTION

The Runway Buffer Overlay and Noise Buffer Overlay are intended to regulate the use of property in the vicinity of Minot International Airport. These overlay districts are established in the interest of public health, safety, and general welfare, to avoid noise-related problems associated with aircraft using the Minot International Airport. It is further established that the City of Minot derives economic development and enhanced interstate commerce from the Minot International Airport and these overlays are necessary to protect this asset.

SECTION 2.27-2. USES

As allowed in the Underlying zoning districts unless:

- A. It is a residential use that is defined as noise sensitive. Noise sensitive uses include the following uses of property and are conditionally permitted in the Runway Buffer Overlay:
 - 1. All Housing Uses (per Table 2.2).
 - 2. All Public and Private Institutional Uses (per Table 2.2).
 - 3. Day Care, both Home-based and Centers.
 - 4. Any other use found in Table 2.2 and not identified in this section shall be deemed not noise sensitive.
- B. It is a commercial use that exceeds a person per acre density that is deemed to impact airport operations by the Airport Director. The following uses are conditionally permitted in the Runway Buffer Overlay (per Table 2.2):

1. Food and Drink
2. Retail Sales and Services (Small)
3. Retail Sales and Services (Large)
4. Commercial Recreation

SECTION 2.27-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

As specified in the underlying zoning districts. Must also comply with FAA Height restrictions as dictated by 14 CFR Part 77.

SECTION 2.27-4. OVERLAY RESTRICTIONS

A. Avigation Easements

Avigation easements shall be required at the discretion of the Airport Director or their designee. If an avigation easement is required, it must be recorded with Ward County before a building permit is issued.

B. Building Design Requirements

That portion of any building or structure occupied by humans which is used within the Runway Buffer Overlay in connection with any of the following noise sensitive uses (assuming the underlying zoning permits) shall be designed and constructed as to accomplish a noise level reduction of thirty (30) db. Proof of noise reduction is required to obtain a building permit.

C. Limitations Applicable to Uses in the Runway Buffer Overlay

No use in any of the zones described in this chapter shall:

1. Create communication or navigation interference between the airport and aircraft.
2. Make it difficult for pilots to distinguish between airport lights and others. (Municipal code)
3. Result in glare in the eyes of pilots using the airport.
4. Impair visibility in the vicinity of the airport.
5. Create wildlife strike hazards.
6. Otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft.
7. Potentially cause detriment to the airport operations by emission of thermal plumes, fumes, dust, smoke, and/or creation of other negative influences.

D. Miscellaneous Provisions

1. Non-conforming Uses in the Runway Buffer Overlay
 - a. Shall follow Chapter 13.1 – Nonconforming Development
2. Appeals of Administrative Decisions
 - a. Shall follow Section 9.1-9. Appeal of Administrative Decisions
3. Enforcement
 - a. Shall follow Chapter 13.2 – Enforcement and Penalty

4. Conflicting Regulations

- a. Shall follow Section 1.2-3 Conflicting Provisions

Article 3: Standards General to All Development

Chapter 3.1. – Standards

SECTION 3.1-1. GENERAL DEVELOPMENT PRINCIPLES

- A. No structure shall be erected, no change of lot boundaries shall be permitted, and no change of ownership allowed which will result in a violation of this ordinance.
- B. For purposes of this Chapter, the erection of a structure shall include:
 - 1. moving a structure upon a lot, whether or not it is placed upon a permanent foundation, or
 - 2. any alteration to an existing structure which changes any of its exterior dimensions.

SECTION 3.1-2. SPECIAL DISTRICT-SPECIFIC DEVELOPMENT REGULATIONS

A. RR, R1, and R1S Districts

No lot in an RR, R1, or R1S district may have more than one principal building (other than accessory buildings) wholly or partially located thereon.

B. R2 and RM Districts

The two (2) unit dwelling townhouses permitted in the R2 and RM districts shall be constructed so that the two (2) abutting lots taken together, along with the structures erected thereon, meet the height, area and yard requirements imposed by the R2 and RM chapters.

C. AG District

A secondary dwelling unit that is permitted on agricultural properties where the lot or parcel of land meets the minimum lot size requirements as provided in Article 2.

Section 3.1-3. Permanent Residence Requirements

A. Required Utilities

Notwithstanding anything to the contrary in this zoning ordinance, or in the City of Minot Code of Ordinances, in order for a structure to be used as a permanent residence it must be served by:

- 1. A potable water supply which has been approved as meeting all sanitary requirements applicable thereto by the public authority having jurisdiction over such matters;
- 2. A connection to a public sanitary sewage system or to a private sewage disposal or retention system which has been approved as meeting all sanitary requirements applicable thereto by the public authority having jurisdiction over such matters; and
- 3. A permanent system of space heating sufficient in design and as operated so as to allow the water supply and sanitary sewage system to function properly throughout the year.

B. Required Time Period

A “permanent residence” as used in this section means a structure which is used as a residence for more than thirty (30) days (whether consecutive or not) in any one twelve (12) month period of time.

C. Residing in RV Prohibited

No vehicle or related equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

SECTION 3.1-4. GENERAL RULES FOR YARD SETBACKS

A. Measuring Setbacks

1. In measuring distances for purposes of determining whether a structure is located within a required yard there shall be used the shortest horizontal distance between any point on the structure to which the measurement relates and the appropriate lot line to which the measurement is made.
2. When measuring setbacks, the following shall not be considered structures: flag poles, ornamental lights, chimneys and fences.
3. When measuring side yard setback or rear yard setbacks, the following shall not be considered to be structures: clotheslines, utility poles, barbecues, detached fireplaces, propane or fuel oil storage tanks, aerials or antennas including satellite television dishes.
4. If a structure has a wall or a portion thereof which corresponds to a wall (as, for example, the posts supporting a carport) then for purposes of this subsection 4 the measurement shall be to an appropriate point in the wall or its equivalent.
5. Front yard setbacks shall be measured from the ultimate street right-of-way line, including the full right of way of a classified road corridor identified in the Minot Transportation Plan and statutory right of way along section lines.

B. Allowed Projections

1. Eaves may extend into a minimum required side yard setback up to three feet (3') and into the minimum required front or minimum required rear yard to the extent of five feet (5'). Other projections such as oriel windows, sills, cornices, and other decorative works may not project beyond the point to which eaves may be projected. These limitations are applicable notwithstanding anything to the contrary in the Building Code of the Code of Ordinance.
2. An attached unroofed improvement above finished grade such as a porch, landing, or stairs and associated railings may project beyond the eaves as long as the projection into a minimum required side yard setback does not exceed five feet (5') or up to two and one-half feet (2 ½') from the nearest side lot line, whichever is less, and as long as the projection into the minimum required front yard setback or minimum required rear yard setback does not exceed ten feet

(10'). The projections allowed Section 3.1-4(B)(2) are not permitted with development on a lot platted after the adoption date of this ordinance April 5, 2021.

3. An awning may project into a minimum required yard two-thirds (2/3) of the height of the window it protects or up to two and one-half feet (2 ½') from the nearest lot line, whichever is less. Awnings may cover the entirety of any attached unroofed improvement above finished grade (such as a porch, landing, or stairs and associated railings) and any attached deck.
4. Swimming pools shall be subject to the same location and setback requirements as accessory buildings.
5. Lamp posts with a maximum height of ten feet (10'), and flag poles up to maximum height allowed in the base district may be located within required yards or platted building setback, provided they are set back at least five feet (5') from the property line. The spread of a flag, when fully extended, shall not extend onto public right-of-way.
6. Landings and accessible ramps are permitted to project into the front setback up to zero feet (0'). Egress Windows are allowed to project into the front, side, and rear yard up to zero feet (0'). The landing and accessible ramp must be the minimum size and minimum projection into the setback necessary to provide accommodation. This provision is applicable subject to compliance with the Building Code of the Code of Ordinances and Section 3.1-11, related to Visibility Triangle.

SECTION 3.1-5. RULES CONCERNING FRONT YARD SETBACKS

A. How to Designate the Front Lot Line

If more than one (1) lot line abuts a street (other than an alley) then the owner of the lot may designate which of these lot lines shall be considered the front lot line as long as he/she can do so in conformity with the requirements of this zoning ordinance. Otherwise, if only one (1) lot line abuts on a street, (other than an alley) that lot line shall be considered the front lot line. The above "owner designation" is for building configuration purposes only. Front yard setbacks are covered in Article 2.

B. Setback Averaging

When forty percent (40%) or more of the frontage on one (1) side of the street, between two (2) intersection streets, is improved with buildings that have front yard setbacks both less than or greater than the required setback for the district, no building shall project beyond the average front yard setback. The front yard setback depth shall not be allowed to exceed fifty percent (50%) in excess of the front yard otherwise required in the district in which the lot is located.

C. Location of Off-street Parking

Off-street parking facilities may be located within the required front yard setback of any commercial or industrial zoning district. No required off-street parking spaces may be located in the required front yard setback of any residential zoning district except on a paved driveway, subject to limitations on apron width per Section 28-55 of the Code of Ordinances and the landscaping requirements per Article 7: Landscaping.

D. Front Yard Setback Reduction – R1 and R1S Districts

1. In the R1 zoning district, the front yard setback may be reduced to twenty feet (20') if all of the following conditions are met:
 - a. The setback reduction is for an attached living area or porch to the principal structure, not including the garage, which does not exceed a total of one-hundred-twenty (120) square feet of above grade finished livable space.
 - b. The exterior materials of the proposed living area or porch are consistent or complementary in color, texture and quality with those visible at the front of the dwelling.
 - c. The roof of the proposed living area or porch is properly proportioned to and integrated with the roof of the dwelling.
 - d. The structure does not adversely affect drainage on the lot or neighboring properties.
 - e. Does not affect visibility at an intersection for corner lots.
 - f. The front yard does not face a platted or proposed arterial/collector street.
2. In the R1S zoning district, the front yard setback may be reduced to fifteen feet (15') if all of the following conditions are met:
 - a. The setback reduction is for an attached living area or porch to the principal structure, not including the garage, which does not exceed a total of one-hundred-twenty (120) square feet of above grade finished livable space.
 - b. The exterior materials of the proposed living area or porch are consistent or complementary in color, texture and quality with those visible at the front of the dwelling.
 - c. The roof of the proposed living area or porch is properly proportioned to and integrated with the roof of the dwelling.
 - d. The structure does not adversely affect drainage on the lot or neighboring properties.
 - e. Does not affect visibility at an intersection for corner lots.
 - f. The front yard does not face a platted or proposed arterial/collector street.

SECTION 3.1-6. RULES CONCERNING SIDE YARD SETBACKS

A. Special Rules

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

SECTION 3.1-7. RULES CONCERNING YARD SETBACKS ON IRREGULAR LOTS

A. Purpose

Yard setbacks are based on rectangular lots. Nonrectangular lots, lots with three sides or more than four sides, cul-de-sac lots, and other nonstandard lots require special measurement techniques in order

to achieve an appropriate separation of structures from streets and other properties. The purpose of this subsection is to provide standards for the establishment and measurement of setbacks on irregular lots.

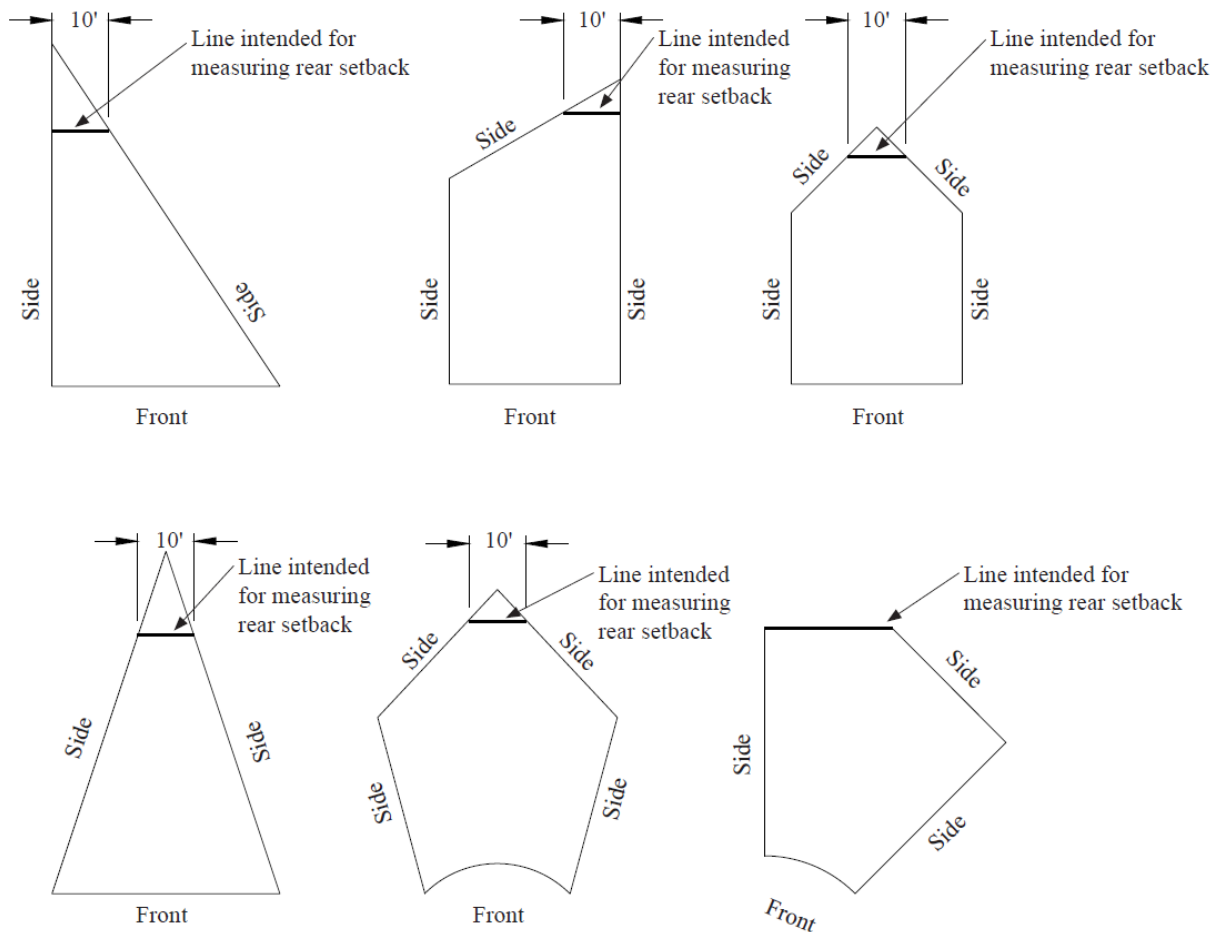
B. Front Yard Setbacks

Front yard setbacks shall be measured from the ultimate street right-of-way line, including the full right of way of a classified road corridor identified in the Minot Transportation Plan and statutory right of way along section lines.

C. Rear Yard Setbacks

In the case of an irregularly shaped lot, a ten-foot (10') line which is within the lot and parallel to and most distant from the front lot line shall be considered the rear lot line for purposes of determining required setbacks.

How to determine rear setbacks for irregularly shaped lots



D. Side Yard Setbacks

All lot lines which are not front or rear lot lines shall be considered side lot lines for the purpose of measuring setbacks.

E. Double Frontage and Corner Lots

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

F. Corner Lots

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

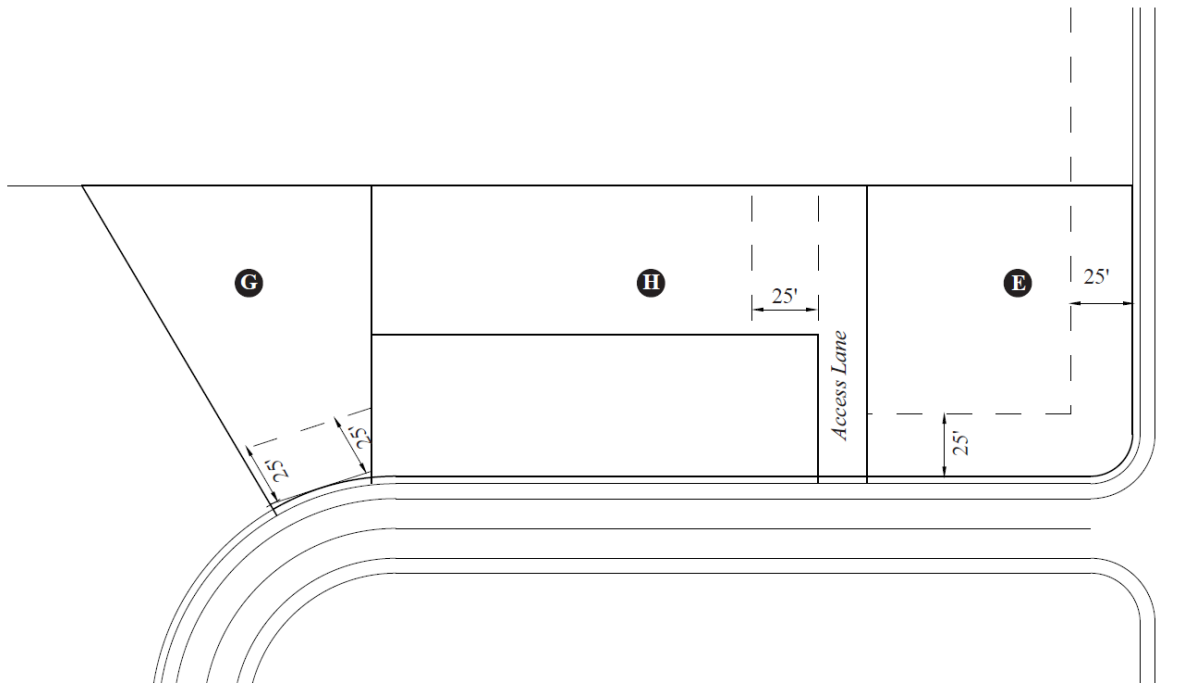
G. Pie-Shaped Lots

Setbacks on pie-shaped lots shall be measured at the closest point between the building and the angled lot line. For front yard setbacks, the setback line shall be measured on a plane parallel to the line established between the two intersecting points of the side lot line and the front setback distance.

H. Flag Lots

1. Definition. For purposes of this section a “flag lot,” shall mean the following: a lot having its only vehicular access by way of a narrow accessway which serves no other property and which is less than forty feet wide and more than twenty feet long.
2. Setbacks. All setbacks shall be the same as for other lots in the applicable district. The front lot line shall be the line closest to perpendicular to the street on which the lot accesses, unless determined otherwise by the Planning Division.

How to determine front setbacks on pie shaped lots, flag lots, and corner lots



I. Determination by Planning Division

Where a building site is situated such that any of the lot lines are not simple to determine, required yard setbacks shall be determined by the Planning Division in compliance with the following criterion: required setbacks shall not permit the placement of buildings on the site in a manner that will constitute a grant of special privileges inconsistent with the limitations placed on other properties in the vicinity and incompatible with surrounding uses.

SECTION 3.1-8. GENERAL RULES FOR HEIGHT REGULATIONS

A. How to Measure Building Height

Building height is calculated by measuring the vertical distance from the middle elevation of structure pad to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

B. Exceptions to Height Regulations

The height regulations prescribed herein and elsewhere in this zoning ordinance shall not apply to television, radio and other communications towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, flag poles, and grain storage elevators.

SECTION 3.1-9. FENCE REGULATIONS

Fence construction in all Zoning Districts is subject to the following provisions:

A. General Requirements

1. Location Restrictions
 - a. Unless otherwise provided by this Ordinance or other sections of the Minot Municipal Code, no fence shall be erected on any lot or tract outside the surveyed lot lines.
 - b. No fence shall be erected on public land by a private party or individual. Removal of any such fence shall be at the expense of the party that erected it.
2. Sight Obstruction at Street Intersections in All Districts. All fences erected in a Vision Clearance Triangle shall comply with Section 3.1-11.
3. Effect on Adjacent Properties and Drainage. In all Districts, fences shall be erected and maintained so as to avoid limiting or obstructing the flow of water in natural drainage courses, or drainageways created within easements.
4. Fence Construction on Utility Easements. In all Districts, a fence erected on a tract of land subject to an easement for the construction, maintenance, operations, or replacement of any water, sanitary or storm sewer, gas line, electric power, telephone, or other utility poles, or other cables or lines shall be designed and constructed to be readily removable to permit the use of the easement. Such fences shall be subject to removal by request whenever necessary to permit access. The cost of removal or replacement shall be the responsibility of the owner of the fence.
5. Protective Fences around Swimming Pools. A fence with a minimum height of four (4) feet shall be required around public or private swimming pools. Any gate around a protective fence shall be lockable and maintained in a locked state when the pool is not in use.

B. Residential District Fencing Standards

1. Fences shall not interfere with the site triangle as defined in Section 28-21 of the Minot Code of Ordinances.
2. Fencing materials shall include maintenance free materials, wood, PVC vinyl, stone, chain link, masonry or related materials. Sheet metal is not an allowed fencing material.
3. No business sign or logo advertising the location in which the fence is located shall be attached to or painted on the fence.

4. Barb wire, concertina wire, and electrified fences are not allowed. This requirement does not apply to the RR and AG districts.
5. No fence shall be constructed at a height greater than eight feet (8') without the benefit of a conditional use permit as outlined in Section 9.1-4.
6. Fence height is the vertical distance from the lowest adjoining grade to the topmost portion of the fence. Modifications to the terrain that increase the height of the fence shall be considered when calculating fence height and does not include grading of the site which may have been completed as part of a subdivision approval.

C. Commercial and Industrial District Fencing Standards

1. Fences in commercial and industrial districts shall not exceed eight feet (8') in height unless an exception is granted in writing by the Planning Division.
2. Fence materials allowed in commercial and industrial districts shall include maintenance free, wood, PVC vinyl, stone, masonry, chain link, or related materials. There are special situations where chain link with or without privacy slats is not allowed such as Section 4.2-3, Section 7.1-3 B, 2, C, and Section 7.1-4 B & D.
3. The determination of what constitutes "related materials" shall be made by the Planning Division. Any appeal to a determination by the Planning Division shall follow the appeals processes as provided in Section 9.1-9. Appeal of Administrative Decisions or related procedure available at the time of the appeal should the Land Development Ordinance of the City of Minot be changed in the future.
4. Sheet metal shall not be an approved fencing material in any zoning district.
5. No business sign or logo advertising the location in which the fence is located shall be attached to or painted on the fence.
6. Barbed wire, concertina wire, or electrified fencing is allowed when installed with a minimum clearance of six feet (6') in height. Such fencing is not allowed in the "CBD" Central Business District. This standard is further subject to limitations for barbed wire or electric fences within City limits as provided by Section 22-1 of the Municipal Code of Ordinances.

SECTION 3.1-10. OUTDOOR LIGHTING

A. Purpose

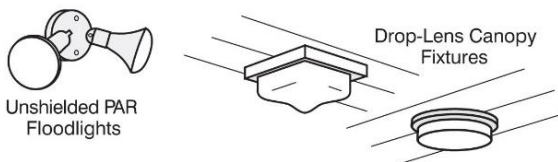
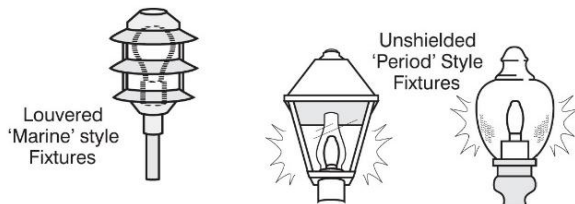
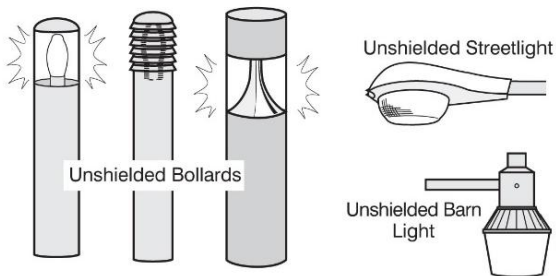
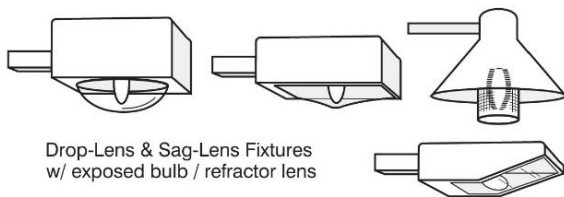
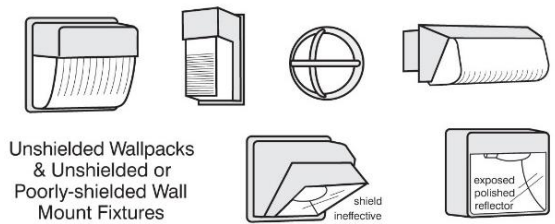
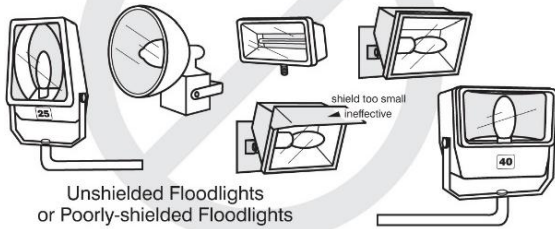
This section is intended to restrict or control the use of outdoor lighting devices and techniques which contribute to overall environmental glare, light trespass, public safety, and light pollution, affect the quality of the outdoor nighttime environment, and have a detrimental effect on astronomical observations.

B. Alternative Materials

This section is not intended to prevent the use of materials or techniques not specifically mentioned in this section, provided that such alternative along public rights-of-way is approved by the Director of Public Works.

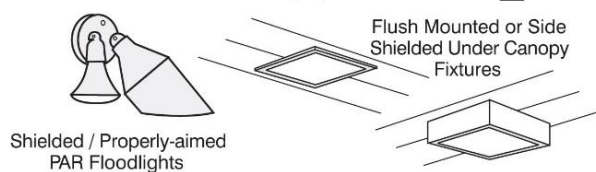
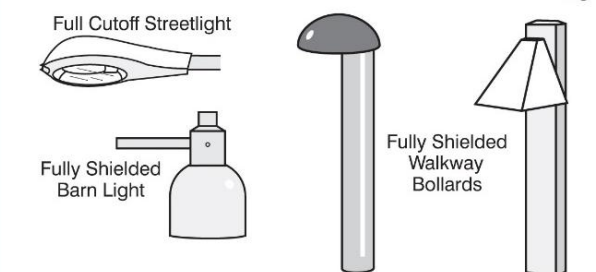
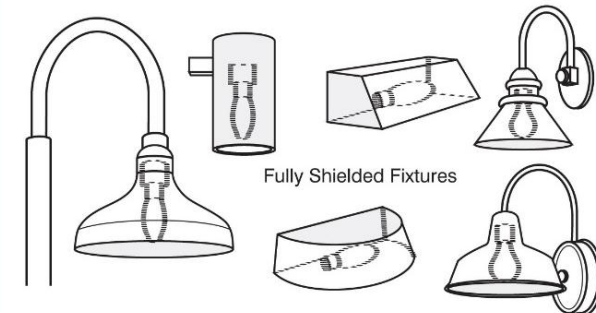
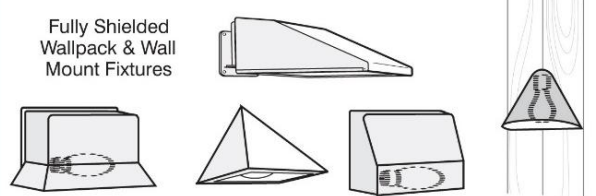
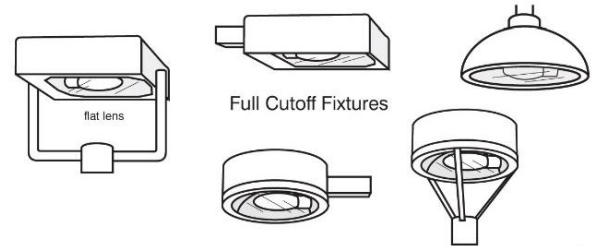
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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C. Requirements for Shielding and Filtering

Requirements for shielding and filtering of light sources are set forth in Table 3.1-10.

Table 3.1-10. Light Shielding and Filtering Requirements		
Fixture Lamp Type	Shielded	Filtered
Low Pressure Sodium	Fully	None
High Pressure Sodium	Fully	None
Metal Halide (Note 1)	Fully	Yes (Note 3)
Flourescent	Fully (Note 4)	Yes (Note 5)
Quartz (Note 2)	Fully	None
Incandescent greater than 100W	Fully	None
Incandescent 100W or less	None	None
Mercury Vapor	Prohibited	Prohibited
Fossil Fuel	None	None
Glass Tubes filled with Inert Gases	None	None
Other Sources	By approval of City Planner and Director of Public Works	By approval of City Planner and Director of Public Works
<i>Notes</i> Note 1: Should be in enclosed luminaries. Note 2: Not considered an incandescent light source. Note 3: Most glass, acrylic, or translucent enclosures meet filtering requirements Note 4: Outdoor signs constructed of translucent materials with internal lighting do not require shielding. Note 5: Warm white natural lamps are recommended.		

D. Exemptions and Prohibited Lighting

Refer to Section 23-114 of the Municipal Code of Ordinances.

E. Inclusion in Permit Applications

Lighting plans shall be submitted as part of building, electrical, or sign permits and shall be reviewed as part of the normal review process for such permits.

SECTION 3.1-11. VISIBILITY TRIANGLE

A. Purpose

The visibility triangle is intended to prevent a motorist's visibility from being obstructed while entering or exiting a driveway or public/private street right-of-way.

B. Standards

1. Refer to [Section 28-21 of the Minot Code of Ordinances](#) for additional definitions and standards.
2. Corner lots shall meet the visibility triangle standards of this section and provided in [Section 28-21 of the Minot Code of Ordinances](#).

Chapter 3.2. – Definitions

Filtering: Light emitted by the lamp that passes through a glass, acrylic, or translucent enclosure. Quartz glass does not meet the requirement of filtering.

Flag Lot: An irregular lot having its only vehicular access by way of a narrow accessway which serves no other property and which is less than 40 feet wide and more than twenty feet long.

Fully Shielded: Fixtures that are shielded or designed in such a manner that light emitted by the fixture, either directly by the lamp or indirectly by the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Installed: The initial installation of outdoor light fixtures following the effective date of this Ordinance, but shall not apply to outdoor light fixtures installed before that date.

Outdoor Light Fixtures: Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but not be limited to, search, spot, or flood lights for buildings and structures, recreational areas, parking lots, landscape lighting, signs, street lighting, and display and service areas.

Through Lot/Double Frontage Lot: A lot having a frontage on two non-intersecting streets (except alleys), as distinguished from a corner lot. Through lots do not include a rear lot line.

Visibility Triangle: A triangular area void of obstructions that may block a driver's view of other vehicles or pedestrians. View obstructions are defined as objects greater than three (3) feet in height that are located in the sight triangle (see [Section 28-13 of the Code of Ordinances](#) for full definition). Fences that comply with Section 3.1-9(B)(1) are an exception.

Yard: An open space at grade, which is unoccupied and unobstructed by any portion of a structure from the ground upward, subject to exceptions set forth in Article 2 of these regulations.

Article 4: Standards Specific to Uses and Districts

Chapter 4.1. – Use and District Standards

SECTION 4.1-1. 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 chapter and Article 3, Standards General to All Development. These regulations can apply to permitted uses, conditional uses, and interim uses.

SECTION 4.1-2. USING THIS CHAPTER

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

Section 4.1-3 through Section 4.1-8 codify the supplemental regulations. For some land uses, the nature and extent of supplemental regulations varies by zoning district. Reference the appropriate zoning district(s) as needed.

SECTION 4.1-3. RURAL AND AGRICULTURAL USES

A. Animal Production and Livestock Sales

1. All Districts Where Permitted:
 - a. Animal feeding operations (AFOs) are prohibited within the City and its extraterritorial area.
 - b. Ranching activities, excluding AFOs, are permitted in the extraterritorial area only.
 - c. No disposal of garbage, rubbish, or other animal waste associated with animal production shall occur within five hundred (500) feet of any pre-existing residential districts, including all residential districts and shall only be conducted on premises outside the Corporate Limits of the City.
2. Any Residential District in the Extraterritorial Zoning Jurisdiction:
 - a. Lots containing one (1) acre or more may maintain two (2) horses, llamas, or other equine and/or hooved animals and their immature offspring. Such site may have up to one (1) additional animal for each additional acre of dedicated site area, up to a maximum total of twenty (20) animals. Numbers of turkeys, guineas, peacocks; chickens, ducks, game hens, pheasants and similar birds shall not exceed six (6) per acre with a maximum of twenty (20). The number of rabbits shall not exceed twenty (20) animals. Quantities for other species will be determined on a case-by-case basis by the Planning Division.

B. Stable (Private)

1. AG and RR District:
 - a. No horse, horse stable, barn or shelter shall be located within one hundred (100) feet of any neighboring residence, nor any closer to the lot lines than the minimum yards set forth in Chapter 2.5 (RR District);
 - b. Two (2) horses shall be permitted on any premises which contains at least two (2) acres and additional horses shall be allowed at the rate of one (1) horse for every additional three (3) acres of contiguous property under the same ownership.
 - c. For the purpose of this ordinance the definition of a horse will be only those horses that are one year of age or older.
 - d. This use is only allowed for properties outside the Minot City limits.

SECTION 4.1-4. HOUSING

A. All Housing Units

1. C1 District:
 - a. Housing units must be located in the floor(s) above the commercial use.
 - b. All parking and loading requirements are met for both uses.
 - c. Any housing units cannot exceed RM densities.

B. Group Homes

1. All Districts Where Permitted:
 - a. All group homes must be licensed with the State of North Dakota.
 - b. Group homes in the CBD District are only allowed above the street level except for a facility designed for occupancy by residents with disabilities.
 - c. Occupancy for group homes located in residential dwellings (single-family or multi-family) are restricted to two (2) adults per bedroom with a single exception for additional residents in a primary (master) bedroom as determined by the Planning Division.
 - d. When a Conditional Use Permit is required for group homes located in commercial buildings, the allowed occupancy to be based on a recommendation from the Fire Chief or their designee after review of a detailed floor plan provided by the applicant providing square footage, means of ingress & egress and any other relevant information as requested by City Staff.

C. Apartments

1. GMU District:
 - a. Apartment units must be located in the floor(s) above the commercial use.

- b. The district's building height limit is sixty feet (60').
- 2. CBD District:
 - a. Apartment units must be located in the floor(s) above the commercial use.

D. Single Family Attached (Townhomes)

- 1. RM and RH Districts:
 - a. Townhomes shall have no more than six (6) dwelling units per structure if in a row with each having a separate entrance.

E. Accessory Dwelling Units

- 1. AG, RR, R1, R1S, and R2 Districts:
 - a. The accessory dwelling unit must be owned by the owner of the primary dwelling.
 - b. One on-site parking space shall be provided for the accessory dwelling unit.
 - c. No more than one (1) accessory dwelling unit is permitted per residential site.
 - d. Accessory dwelling units must be at least three hundred square feet (300 SF) in area but cannot exceed nine hundred sixty square feet (960 SF). Total floor area shall not exceed thirty percent (30%) of the living area of the primary dwelling unit. An exception may be granted for a basement apartment that occupies roughly the same area as the primary dwelling unit on the main floor.
 - e. If the accessory dwelling unit's primary entrance is not the same as that for the principal dwelling unit, it shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling unit, and the accessory dwelling unit's stairways may not be constructed on the front of the principal dwelling unit.
 - f. The accessory dwelling unit must be designed and constructed to allow conversion of the accessory dwelling unit back to single family residential space in the future.

F. Manufactured Homes

- 1. A manufactured home may not be placed at a site or location therein for more than five (5) days, unless otherwise specified in Chapter 2.12, Manufactured Home District.
- 2. A manufactured home need not comply with the provisions of the City of Minot Building Code (except portions thereof pertaining to dangerous buildings) as long as the manufactured home complies with federal construction standards pertaining to manufactured homes and to the City of Minot Housing Code. Nothing herein shall be construed to prohibit the application of other codes to the manufactured home if by their terms they are so applicable, such as, for example, the plumbing code, the electrical code, the fire code, etc.

SECTION 4.1-5. PUBLIC AND INSTITUTIONAL USES

A. Religious/Public Assembly

1. AG, RR, R1, R1S, R2, RM, R3C, RH, MH, P, and GMU Districts:

No places of assembly are permitted which are designed to accommodate more than fifty (50) persons at any one time unless the place of assembly constitutes a part of or is associated with a use that is permitted in an residential district such as a school or church.

B. Campground

1. All Districts Where Permitted:

The minimum site area requirement for a recreational vehicle (RV) campground is 90,000 square feet.

C. Columbarium

1. All Districts Where Permitted:

Any religious association may establish an indoor or an outdoor columbarium as a use associated with a religious establishment or cemetery. An outdoor columbarium may be established subject to the following requirements set forth below:

- a. The columbarium shall be located on property owned by the religious association and on which is located the religious association's church building or other place of worship.
- b. Columbaria structures shall meet the setback and yard requirements of the zoning district in which it is located.
- c. Signage shall be limited to inscriptions on the face of a columbarium niche and commemorative plaque on the columbarium structure. Commemorative plaques may be no larger than 12 inches by 12 inches.
- d. Left objects, such as flowers and mementos, are permitted, but must be monitored by the religious association and removed on a regular basis. The regularity of said removal can be defined in the plan of perpetual care and maintenance for the columbarium.

SECTION 4.1-6. COMMERCIAL USES

A. Adult Bookstore, Adult Cinema, or Adult Entertainment Facility

1. All Districts Where Permitted:

An adult entertainment center or sexually oriented business, as defined in [Section 18-190 of the City of Minot Code of Ordinances](#), shall be permitted only in the M2 Heavy Industrial District and in no other district, provided that it meets the following conditions:

- a. It is located no closer than seven hundred fifty feet (750') from any pre-existing church, school, child care facility, hospital, public park, public playground, adult entertainment

center, sexually oriented business, establishment holding a license under Chapter 5 of the City of Minot Code of Ordinances, or property zoned or used as residential.

- b. Measurements shall be made in a straight line without regard to intervening structures or objects, from the nearest property line of the premises where the adult entertainment facility is located, to the nearest property line of the premises of the uses listed above.
- c. It excludes from its premises persons less than 18 years of age.
- d. It displays no signs visible from the exterior, except signs identifying it as an adult bookstore, adult cinema, or other adult entertainment facility as the case may be.
- e. No materials depicting specified sexual activities or specified anatomical areas shall be visible from its exterior.
- f. The manager and the owners of each business are registered with the Chief of Police and have provided him with information on their identities and whether they have been convicted or are awaiting trial on charges of a specified criminal activity (as defined in [Section 18-190 of the City of Minot Code of Ordinances](#)).
- g. The business premises of the center which is generally open to its patrons is open equally at the same time without charge to members of the city police force who may wish to enter thereon provided the entry is in the course of the discharge of the police officers' duties.

B. Restaurants (Drive-thru)

- 1. C1 District:
 - a. When abutting a property with residential zoning, the drive-thru lane, windows, menu, and associated speakers shall be located on the opposite side of the subject property unless a minimum eight foot (8') high solid site and sound obscuring fence or wall is placed on the property line(s) with residential zoning.
 - b. All outdoor lighting shall be directed down and shielded from abutting residentially zoned property. No light trespass shall be allowed onto abutting residentially zoned property.

C. Auto Repair, Auto Maintenance, And Oil Change Facility

- 1. C2 District:
 - a. There shall be no outdoor services operation of lubrication equipment, hydraulic lifts or service pits, tire changing, drive systems repair or turning, or similar operations.
 - b. Any spray painting must take place within structures designed for that purpose.
 - c. No outside storage of parts, equipment, or inoperable vehicles shall be allowed unless completely screened from public right of way.
 - d. All open storage or warehousing areas shall be fully screened to a minimum height of six feet (6') or to the height of storage racking, up to a maximum height of ten feet (10'), at the time of installation. The screening must include views from public streets, property lines

abutting a residential district, and entrance areas to adjoining properties. Storage of materials shall not exceed the height of the screening provided.

- e. Sale of associated products shall be limited to those allowed in the zoning district.
- f. Auto Repair, Auto Maintenance, and Oil Change Facility operations shall be at least three-hundred feet (300') from a school, public park, religious assembly use, hospital, or residential use, as measured from the closest point on the building to the property boundary of the respective use.
- g. An exception to the buffering requirement provided in f. above shall be made for an Auto Maintenance or Oil Change Facility use that is completely screened by an intervening building or across an arterial or major collector roadway from the respective use.
- h. An exception to the buffering requirement provided in f. above shall be made for an Oil Change Facility that:
 - a. Does not utilize impact drivers or similar noise-producing tools customary in auto maintenance activities such as tire maintenance/replacement facilities; and
 - b. Is completely screened by an intervening building or across an arterial, collector, or local roadway from the respective use.

D. Convenience Stores/Fuel Station

- 1. C1, C2, M1, and I1 Districts:
 - a. Motor fuel facilities shall be installed in accordance with State and City standards.
 - b. Filling station pumps and pump islands shall not be located within twenty feet (20') of any property line nor within one hundred feet (100') from the boundary of any residential district.
 - c. Adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps.
 - d. Underground fuel storage tanks shall be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access, and other activities on the site.
 - e. Filling station canopies shall not extend within fifteen feet (15') of any property line.
 - f. All canopy lighting shall be recessed or fully shielded.
 - g. All access drives shall be subject to approval by the Engineering Department.

E. Truck Stops

- 1. All Districts Where Permitted:
 - a. Motor fuel facilities shall be installed in accordance with State and City standards.
 - b. Filling station pumps and pump islands shall not be located within forty feet (40') of any property line nor within one hundred feet (150') from the boundary of any residential district.

- c. Adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps.
- d. Underground fuel storage tanks shall be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access, and other activities on the site.
- e. Filling station canopies shall not extend within thirty feet (30') of any property line.
- f. All canopy lighting shall be recessed or fully shielded.
- g. All access drives shall be subject to approval by the Engineering Department.

F. Car Wash

- 1. C1, C2, M1, and I1 Districts:
 - a. The car wash shall be designed to be an integral part of the principal building or, if freestanding, constructed of the same materials and design of the principal building.
 - b. The car wash shall have a drainage system which is subject to City approval and which gives special consideration to the prevention of ice build-up during winter months.
 - c. Neither the car wash nor an accessory vacuum shall be located within three hundred feet (300') of any residential use, as measured from the closest point on the building to the property boundary of the residential use, unless completely screened by an intervening building or across an arterial or major collector roadway from the residential use.

G. Motor Vehicle Sales

- 1. C2 District:
 - a. The lot shall have a principal structure for business operation. If multiple lots are proposed for open sales, only one of the lots is required to have a principal structure if all lots are contiguous, under common ownership, and used for the same business operating from the principal structure.
 - b. Typical commercial site development standards shall be required of the adjacent lot(s) to the primary business before the lot(s) can be used for display or storage of inventory, even if no building is required on the lot(s). These standards included but are not limited to hard-surface parking, concrete curb and gutter, landscaping, lighting, storm drain, public sidewalks, and similar facilities as requested by City Staff, the Planning Commission, or City Council.
 - c. Repair or maintenance of vehicles shall not be conducted outside.
 - d. Auctions are prohibited.
 - e. The use of outdoor speaker systems shall be limited to the hours of 7 AM to 10 PM.

- f. Delivery and unloading shall be limited to the hours of 7 AM to 10 PM for all open sales/rental lots that abut or are across the street from a residential use. No idling trucks shall be permitted outside of approved delivery hours.

2. M1 District:

The lot shall have a principal structure for business operation. If multiple lots are proposed for open sales, only one of the lots is required to have a principal structure if all lots are contiguous, under common ownership, and used for the same business operating from the principal structure.

H. Retail Sales and Services (Small)

1. All Districts Where Permitted:

Medical marijuana dispensaries and their personnel must comply with the North Dakota Century Code.

I. Mixed-Use Building, Horizontal

1. All Districts:

- a. Non-residential uses on the ground floor must be located along the exterior of the building along any street-fronting façade and residential uses must be located within the interior of the building behind the non-residential use.
- b. Residential and non-residential uses must be strictly separated and independently functional from each other.
- c. Non-residential uses shall occupy, at a minimum, fifty-percent (50%) of the ground floor.
- d. Non-residential uses shall be designed to include, at a minimum, 40% window coverage of the ground floor on each street-fronting façade.
- e. Parking requirements are subject to the requirements as provided for in Chapter 6.2 – Parking Table and shall be maintained at all times.
- f. Accessory garages or other accessory structures in support of a residential use, shall not be used for non-residential purposes other than storage of capital for onsite maintenance-related activities.
- g. Mixed uses in hotels and motels shall seek approval through the Planned Unit Development process as prescribed in Chapter 2.23.
- h. All non-residential uses shall be declared vis the floor plan(s) for each building and no changes shall be made except by amending the conditional use permit and meeting all other applicable local regulatory requirements (i.e. International Building Code).
- i. All non-residential uses are subject to those allowed in the underlying zoning district.

J. Mixed-Use Building, Vertical

1. C1, C2, and GMU District:

Mixed uses in hotels and motels shall seek approval through the Planned Unit Development process as prescribed in Chapter 2.23.

K. Mixed-Use Development, Horizontal

1. All Districts:
 - a. All non-residential buildings shall be located along the street-fronting sides of the development.
 - b. Residential buildings shall be used as buffers between adjoining residential districts and the non-residential uses of the horizontal mixed-use development.
 - i. An exception may be made to this requirement when the adjoining residential district is developed with a similar density and/or intensity or where the adjoining use is deemed to be harmonious to the proposed horizontal mixed-use development (i.e. certain non-residential uses allowed in residential districts). A determination shall be made by the Planning Division as to whether this exception is applicable.
 - c. Development that is permitted via the Planned Unit Development process is not required to also obtain a conditional use permit to effect the same outcome.
 - d. All non-residential uses are subject to those allowed in the underlying zoning district.

L. Mixed Use, Live-Work Unit

1. CBD District:
 - a. Live-work units shall be located within or immediately abutting properties designated as Downtown Fringe on the City of Minot 2040 Comprehensive Plan Future Land Use Map.
2. All Districts:
 - a. The ground-level floor plan shall consist of a generally open design, with partitioning to be achieved via temporary/portable panels. Exceptions to this requirement are made for enclosed bathrooms, a commercial kitchen, and associated storage spaces.
 - b. The residential use component of the Live-Work Unit may only be occupied by the owner of the non-residential use or an employee of the non-residential use who is responsible for work onsite.
 - c. All non-residential uses are subject to those allowed in the underlying zoning district.

M. Day Care Centers

1. All Districts Where Permitted:
 - a. Day care providers must be licensed and adhere to all applicable federal, state, and local regulations.
 - b. Outdoor activities shall be restricted to house of operation between 8 AM and 9 PM.
2. All Residential Districts Where Permitted:

- a. Day Care Centers shall be located in a non-residential building (e.g. church, indoor recreation facility, or educational facility (primary or secondary). 2.4-

N. Kennels and Veterinary Clinics with Overnight Boarding Facilities

1. AG, C2, and M1 Districts:

- a. The minimum lot size shall be two (2) acres.
- b. No exterior dog runs shall be located nearer than one hundred feet (100') from any property line and five hundred feet (500') to the property line of any residential use or residential zoning district.
- c. Commercial kennels must be connected to public sewer or an onsite treatment system to manage and dispose of animal waste.
- d. Commercial kennels and runs shall provide protection against weather and be enclosed. Floors of runs shall be made of impervious material to permit proper cleaning and disinfecting.
- e. All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.
- f. Fencing around animal runs and exercise areas shall be of a sufficient height and sufficiently buried to prevent animal escape by leaping or digging.
- g. All commercial kennel facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Such screening shall be a maximum of six feet (6') in height and shall be completely solid and site obscuring so as to aid in noise mitigation.

O. Pet Boarding Facilities

1. All Districts where permitted or allowed by Conditional Use Permit:

- a. All boarding facilities that house pets in excess to the number allowed within a personal household are required to apply for a Conditional Use Permit and submit a floor plan and site plan to the Community Development Department for approval and part of the permitting process.
- b. No exterior dog runs shall be located nearer than ten feet (10') from any property line and fifty feet (50') to the property line of any residential use or residential zoning district.
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- c. Commercial Boarding facilities must be connected to public sewer or an onsite treatment system to manage and dispose of animal waste.
- d. Animal quarters and runs shall provide protection against weather and be enclosed. Floors of runs shall be made of impervious material to permit proper cleaning and disinfecting.
- e. All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.
- f. Fencing around animal runs and exercise areas shall be of a sufficient height and sufficiently buried to prevent animal escape by leaping or digging.

g. All yards used for exercise on the property of the boarding facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Such screening shall be a maximum of six feet (6') in height and shall be completely solid and site obscuring so as to aid in noise mitigation.

SECTION 4.1-7. INDUSTRIAL USES

A. Sales or Service of Industrial, Agricultural, and Construction Equipment and Semi-trucks

1. C2 District:

- a. Shall have a principal structure on the lot. In cases where multiple lots are proposed for open sales, only one of the lots is required to have a principal structure on the lot if all lots are contiguous to one another, under common ownership and used for the same business operating from the principal structure. Typical commercial site development standards, such as, but not limited to such requirements as; hard-surface, grass, or gravel parking, concrete curb and gutter, landscaping, lighting, storm drain, public sidewalks and similar as requested by Staff, Planning Commission and/or City Council shall be required of the adjacent lot(s) to the primary business before the lot(s) can be used for display or storage of inventory, even if no building is required on the lot(s).
- b. Vehicles for sale, lease, or rental shall be parked on a paved surface that conforms to Article 6.
 - i. No outside repair or maintenance of vehicles.
 - ii. Parking lot landscaping shall comply with all requirements of Article 6 and Article 7.
 - iii. The use of outdoor speaker systems shall be limited to the hours of 7 AM and 10 PM.
 - iv. Delivery and loading hours shall be limited to the hours of 7 AM and 10 PM for all open sales/rental lots that abut or are across the street from a residential use. No idling trucks shall be permitted outside of approved delivery hours.

B. Construction Batch Plant (Permanent)

1. All Districts Where Permitted:

No plant may be located within six hundred (600) feet of a developed residential use, park, or school.

C. Construction Yards

1. C2 District:

All outdoor storage areas shall be fully screened to a minimum height of six feet (6') or to the height of storage racking, up to a maximum height of ten feet (10'), at the time of installation.

2. I2 District:

Stockpiles located within an industrial park shall be exempt from fencing and screening requirements, provided the perimeter of the industrial park is fully screened from adjacent streets and properties.

D. Mining or Extraction of Oil and Related Resources

1. All Districts Where Permitted:
 - a. The regulations and statutes provided for in [Chapter 38-08, North Dakota Century Code](#), shall be followed by any person desiring to drill a well for oil and natural gas within the zoning jurisdiction of the City of Minot.
 - b. An application must be filed with the Planning Division. The application shall consist of 2 drill site development plans.
 - i. The first plan shall be a drill site development plan covering and including that phase of the oil well operation including drilling operations and shall include the information as specified by the Planning Division.
 - ii. The second plan shall cover the completed or production well phase and shall contain information as specified by the Planning Division.
 - c. An oil well or drilling operation shall maintain roads within the premises covered by the permit and such roads shall be kept in reasonable dust-free condition. The owner/operator shall submit a written plan for ongoing road maintenance if requested by the City Engineering Department.
 - d. No oil well or drilling operation shall be located, drilled, or operated within 300 feet of any Residential, Commercial, GMU or P District. In any other Districts, no oil well or drilling operation shall be located, drilled or operated within 200 feet of any existing structure. Traffic to and from a well or drilling operation shall not be disruptive to any residential development.
 - e. Any drilling rig within three hundred feet (300') of a residence, business, or public building shall be enclosed on all sides. All storage tanks, wells, and equipment operated or maintained in connection with such a well shall be enclosed with screening and security fence. All rigs shall be equipped with adequate fire extinguishing equipment.

E. Mining or Extraction of Mineral and Aggregate Resources

1. All Districts Where Permitted:
 - a. The Engineering Department shall review and approve all plans for compliance with applicable erosion control, drainage, and other association requirements. The Engineering Department may require project conditions based upon plan review.
 - b. The topography and soil of the resource extraction site shall be restored and stabilized within nine (9) months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternately, the site may be used as a lake or body

of water, subject to approval by the City Council with the recommendation of the Planning Commission and the appropriate Natural Resources District.

F. Cargo Container Yards

1. C2, M1, and M2 Districts:

Cargo container yards shall be completely enclosed within a solid site obscuring fence which is a minimum of eight feet (8') in height. Landscaping shall meet the requirements of Article 7.

2. I2 District:

Cargo container yards located within an industrial park shall be exempt from fencing and screening requirements, provided the perimeter of the industrial park is fully screened from adjacent streets and properties as set forth in Article 7.

G. Manufacture or Storage of Fertilizer, Petroleum, and Similar Hazardous Materials and Compounds

1. C2, M1 & M2 District:

- a. Storage or handling of hazardous materials, hazardous substances, or hazardous waste as these terms are defined by the Code of Federal Regulations (list and definitions of hazardous materials), if the amount of hazardous materials, hazardous substance, or hazardous waste on a particular premise at any one time exceeds the "reportable quantity." The reportable quantity shall be as specified in [Title 49 of the Code of Federal Regulations at Section 172.101](#).
- b. Refer to buffer yard requirements within Article 7 when abutting a less intensive zoning district.
- c. Any new use shall be evaluated on a case-by-case basis for any distance requirements from classified roads and existing adjacent uses.
- d. Hazardous materials are limited to those reviewed and approved by the Fire Chief or their designee and must be included as a condition on the conditional use permit, if one is necessary.

2. I2 District:

Facilities located within an industrial park shall be exempt from fencing and screening requirements, provided the perimeter of the industrial park is fully screened from adjacent streets and properties as set forth in Article 7.

H. Warehousing (Open)

1. C2 District:

- a. Open storage lots or warehousing areas shall have a principal structure a minimum of four-hundred square feet (400 s.f.) in size on the lot where the open storage area is located.

- b. All open storage or warehousing areas shall be fully screened to a minimum height of six feet (6') or to the height of storage racking, up to a maximum height of ten feet (10'), at the time of installation. The screening must include views from public streets, property lines abutting a residential district, and entrance areas to adjoining properties. Storage of materials shall not exceed the height of the screening provided.
- c. All open storage or warehousing areas shall be paved with concrete or bituminous surface (no recycled materials permitted).
- d. Delivery and loading shall be limited to hours of 7 AM to 10 PM for all open storage lots that abut or are across the street from a residential use. No idling trucks shall be permitted outside of approved delivery hours.

2. M1 and M2 Districts:

- a. Open storage lots or warehousing areas shall have a principal structure a minimum of four-hundred square feet (400 s.f.) in size on the lot where the open storage area is located.
- b. All open storage or warehousing areas shall be fully screened to a minimum height of six feet (6') or to the height of storage racking, up to a maximum height of ten feet (10'), at the time of installation. The screening must include views from public streets, property lines abutting a residential district, and entrance areas to adjoining properties. Storage of materials shall not exceed the height of the screening provided.
- c. Sites located within a designated industrial park with site perimeter screening shall be exempt from individual site screening requirements.
- d. Surfacing of outdoor storage or warehousing areas may consist of gravel or other crushed and/or recycled aggregate, asphalt, or concrete, in compliance with the requirements of Section 6-1.6.

3. M2 District:

- a. Stockpiles shall be completely enclosed within a solid site obscuring fence, which is a minimum of eight feet (8') in height. Landscaping shall meet the requirements of Article 7.
- b. Any new use (including outdoor storage/warehousing areas) shall be located a minimum distance of one thousand feet (1,000') from a classified street.

4. I1 District:

Open storage shall be screened from view of any public or private street.

I. Railroad Terminals

1. M2 District:

Rail unloading facilities shall be completely enclosed within a solid site obscuring fence, which is a minimum of eight feet (8') in height. Landscaping shall meet the requirements of Article 7.

J. Warehousing (Enclosed, Excluding Commercial Self Storage)

1. C2 District:
 - a. The minimum size of a lot for a facility shall be one (1) acre or 43,560 square feet.
 - b. Units shall not be used for retailing, auto repair, human habitation, or any commercial activity.
 - c. All unit doors shall face the internal site area; no unit doors shall face the public right-of-way.
 - d. An on-site manager's residence may be allowed, if adequate water and sanitary facilities are provided.
2. M1 and M2 Districts:
 - a. Outside storage is prohibited unless screened from adjacent right of way or from less intensive uses or zoning districts as set forth in Article 7, Landscaping.
 - b. Units shall not be used for retailing, auto repair, human habitation, or any commercial activity.
 - c. An on-site manager's residence may be allowed, if adequate water and sanitary facilities are provided.
 - d. If there is an on-site manager's residence, two additional spaces must be provided.

K. Salvage Yards

1. M2 District:
 - a. Salvage yards shall be completely enclosed within a solid site obscuring fence, which is a minimum of eight feet (8') in height. Any such enclosure shall be constructed behind required landscape buffer yards as required in Article 7, Landscaping.
 - b. No new salvage service shall be established within five hundred feet (500') to the nearest property line of a pre-existing residential zoning district or any pre-established civic use.
 - c. Storage of materials within any salvage services facility shall not be higher than the height of the surrounding screen fence or wall.
 - d. All salvage materials must be unloaded inside the perimeter fence and cannot be left on public right-of-way or outside of the perimeter fence.
 - e. Any new use shall be located a minimum distance of one thousand feet (1,000') from any classified street.
2. I2 District:

Salvage yards located within an industrial park shall be exempt from fencing and screening requirements, provided the perimeter of the industrial park is fully screened from adjacent streets and properties.

SECTION 4.1-8. MISCELLANEOUS USES

A. Accessory Buildings – Barns, Stables, Storage, Garage, and Related Buildings (Excluding Accessory Dwelling Units)

1. Applicable Zoning Districts

Section 4.1-8 applies to all residential districts (RR, R1, R1S, R2, R3C, RM, and RH).

2. Principal Structure Required

No accessory building shall be permitted on any lot, in any zoning district, prior to the erection of the principal structure thereon except as provided in Table 2.2. Table of Uses and meeting the use standards outlines in Section 4.1-8. B. By definition, any accessory building is subordinate to the principal building/use.

3. What is an Accessory Building?

- a. An accessory building is any structure which is subordinate in scale and use to the principal structure (i.e., the home). In residential districts, the most common example is an accessory garage.
- b. An accessory building may be attached to or detached from the principal structure. All subordinate detached structures are accessory buildings. Standard attached single-room additions are generally not considered accessory uses, but larger additions may constitute accessory uses (see requirements in Section 4.1-4.E.1.d).
- c. An accessory building may be used for most purposes which are permitted within the zoning district, so long as operation is subordinate to the primary use of the property.
- d. Table of Accessory Building Requirements

Table 4.1-8. Accessory Building Requirements

Accessory Building Use Restrictions	<u><i>R1 and R1S Districts</i></u> Accessory buildings shall be for private use of the site owner(s) only. Accessory buildings, including those collectively managed by a homeowner association, but must be maintained by the property owner(s), and cannot be rented.
Limit to Number of Accessory Buildings	<u><i>RR, R1, R1S, R2, and R3C Districts</i></u> No more than five (5) accessory buildings are allowed per lot <u><i>RM and RH Districts</i></u> No limit to the number of accessory buildings per lot

Table 4.1-8. Accessory Building Requirements

Accessory Building Area	<u><i>All Residential Districts</i></u>	
	Lot Size (Acres)	Allowable Lot Coverage
	0-0.1	50%
	0.1-0.2	40%
	0.2-0.3	30%
	0.3-0.4	26%
	0.4-0.5	24%
	0.5-0.6	22%
	0.6-0.7	20%
	0.7-0.8	18%
	0.8-0.9	16%
	0.9-1.0	14%
	1.0-1.1	13%
	1.1-1.2	12%
	1.2-1.3	11%
	1.3+	10%
	<u><i>R3C, RM, and RH Districts</i></u>	
	All Multifamily dwellings (5+ units) accessory structures fall under the specific districts lot coverage and not this table.	
	Accessory buildings for the above computation shall include temporary real estate offices as part of new development and managed community buildings associated with homeowner associations.	
Accessory Building Setbacks	<p>For buildings 600 square feet and larger, the accessory building must meet yard setback requirements for the applicable zoning district.</p> <p>Accessory buildings under 600 square feet must be a minimum three feet (3') from side and rear property lines.</p> <p>All accessory buildings must be a minimum six feet (6') from other buildings on the lot.</p> <p>The setback for all accessory buildings may not be less than the front setback for the primary structure.</p> <p>Garage setback: Minimum eighteen feet (18') from any lot line to walls which include vehicle door(s), in any case the strictest setback requirement shall still apply.</p> <p>No accessory building shall be located in the required front yard setback.</p>	
Accessory Building Height Limit	16 feet (sidewall height)	
Accessory Building Eaves	May not extend within two feet (2') of any property line or building.	
Accessory Building Design Requirement	Accessory buildings in all single-family and multifamily residential districts shall be constructed with a complementary design to the principal dwelling(s) (i.e., similar wall materials and colors).	

B. Accessory Buildings, No Primary Dwelling or Use

1. All Residential Zoning Districts

In extremely rare instances, it may be appropriate to provide a mechanism to allow an accessory structure where no dwelling or use is established. All other entitlement procedures afforded to a property owner shall be explored prior to approving an accessory structure where no primary dwelling or use is established and include the following:

- a. Subdivision Major Plat or Subdivision Minor Plat consolidating lots where one of the lots maintains a primary dwelling or use.
- b. Zoning Map Amendment aligning with the Comprehensive Plan Future Land Use Map to a zone that permits or conditionally permits the use of Warehousing, Enclosed.

Further, the Planning Commission shall find that all of the following characteristics exist prior to approval:

- c. The property is a legal lot of record; and
- d. The property is located in the Special Flood Hazard Area or maintains other hazardous development characteristics such as steep slopes, unstable soils, or in an area that is difficult to locate or access in the event of an emergency; and
- e. The presence of a home would be considered a detriment to orderly development, health and safety, or interfere with the accomplishment of goals, objectives, or policies as outlines in the Comprehensive Plan or other plans or policies of the City.

C. Home Occupation or Home-based Business

The following regulations do not apply to Home-based Day Cares. See Chapter 4.1 for applicable use standards.

1. All Districts Where Permitted:

- a. The home business shall be managed and owned by a person residing on the premises.
- b. Not more than one additional person is employed by the owner or manager on the premises. An exception may allow for additional employees if they live on the premises.
- c. The business may not occupy more than 25 percent of the floor area of the principal structure or up to 100 percent of an accessory structure. No home-based occupation or home-based business is allowed within an accessory structure where no dwelling or use is established.
- d. The principal structure may not be altered in a manner which eliminates its residential character. The exterior of the premises used for the home occupation is indistinguishable from any other dwelling of like design and character, in that no commercial displays, show windows, exterior storage areas, parking, or the conduct of the business itself may be viewed from outside the premises, except that a non-illuminated name plate or non-illuminated business sign may be exhibited. This sign shall occupy no more than four feet (4') in area and shall be attached flush to the side of the building.

- e. No more than two (2) on-street parking spaces shall be used by the home occupation at any one time. Up to one (1) commercial vehicle relating to the in-home business may be parked outside the place of business (off-street or on-street) at any time.
- f. The home occupation is no more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to premises uses solely for residential purposes. No loud or unpleasant noises, bright or glaring lights, offensive or noxious fumes or odors, or perceptible vibrations attributable to the home occupation are emitted from the premises.
- g. The home occupation does not require as an incident thereto that a permit for the storage of flammable liquids or flammable gases be issued pursuant to the [Fire Code, Chapter 13 of the Code of Ordinances](#).
- h. Prohibited Home-Based Businesses/Home Occupations. The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:
 - i. Animal hospitals
 - ii. General retail sales
 - iii. Mortuaries
 - iv. Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses
 - v. Stables or kennels
 - vi. Welding, vehicle body repair, or rebuilding or dismantling of vehicles

D. Bed and Breakfast

1. All Districts Where Permitted:

A bed and breakfast business shall be permitted in a single-family detached home provided that it contains no more than three (3) guest rooms. Refer to Section 6.1-2(C) for parking requirements.

2. AG, RR, and RM Districts:

A bed and breakfast business may include an accessory food service for people other than overnight patrons provided that such food service is limited to a seating capacity of twenty (20) and that one off-street parking space is provided for every two seats in the food service portion of the business. Customer parking shall not be located in the front yard setback of the property and shall not occupy more than thirty percent (30%) of the total lot area.

3. CBD District:

Bed and Breakfasts permitted in the CBD District must provide sleeping facilities only on levels above street level except that units specifically designed and reserved for occupancy by handicapped persons may be located on the street level.

E. Day Care, Home-based

1. All Districts Where Permitted:
 - a. Day care providers must be licensed and adhere to all applicable federal, state, and local regulations.
 - b. Home-based day cares are permitted only within owner-occupied single-family detached homes.
 - c. Outdoor activities shall be restricted to hours of operation between 8 AM and 9 PM.
 - d. Excluding the property owner(s), no more than three (3) additional employees are permitted to work simultaneously at any given time.
 - e. Home-based day cares shall provide one (1) off-street parking spaces for each employee and property owner.
 - f. Home-based day cares shall provide one (1) off-street parking space dedicated to child pick-up and drop-off for a minimum of one (1) vehicle.
 - g. No more than eighteen (18) children or nine (adults) are allowed in a home at any given time.

F. Medical Marijuana Production Facility

1. All Districts Where Permitted:

Medical marijuana growing, processing, or manufacturing facilities and their personnel must comply with [Section 19-24.1 of the North Dakota Century Code](#).

G. Farmer's Markets

1. All Districts Where Permitted:
 - a. Each farmers' market shall submit a site plan to the City Division. This plan shall depict the general location of market stands in relation to pedestrian ways, demonstrate adequate site access, and demonstrate that adequate off-street parking for the proposed event will be provided for the duration of the event. Determination of compliance with this requirement shall include an analysis of the nature of the event and the applicable requirements of Article 6.
 - b. Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation, or emergency vehicle access. Temporary sales on unpaved, landscaped areas are prohibited.
 - c. Tents, stands, and other similar temporary structures may be used, provided they are clearly identified on the submitted plan and provided that it is determined by the Planning Division that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.

- d. All stands, equipment signs, and other structures shall be removed on the last day of the sales event.

H. Temporary Sales – Outdoor

1. All Districts Where Permitted:
 - a. Sales area may operate between the hours of 7 AM and 9 PM.
 - b. A site plan shall be provided illustrating that the location of the temporary/seasonal sales facility meets all required parking lot setbacks, unless otherwise determined by the City.
 - c. Must be placed on an approved hard surface such as bituminous or concrete.
 - d. Parking shall be available to those purchasing goods from the temporary/seasonal sales area.
 - e. Temporary/seasonal sales facilities may not be permanently connected to permanent utilities, including electric, gas, sewer, water, and phone. An exception shall be made for below ground electrical service.
 - f. One (1) temporary banner not exceeding forty (40) square feet may be used in conjunction with the temporary/seasonal sales operation.
 - g. Trash containers shall be provided on site for debris. All waste from the operation shall be properly disposed of.
 - h. Temporary/seasonal sales may occur up to two (2) times a year on a specific property of a business or businesses and no longer than sixty (60) consecutive days with sixty (60) days between events.

I. Large Wind Energy Conversion System (LWECS)

1. The distance from all lot lines or any building or power line to any tower support base of a LWECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Planning Commission finds that the reduction is consistent with public health, safety, and welfare.
2. The distance between the tower support bases of any two (2) LWECS shall be the minimum of five (5) rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Planning Commission finds that the reduction does not impede the operation of either LWECS.
3. The LWECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
4. A fence eight (8) feet high with a locking gate shall be placed around any LWECS tower base; or the tower climbing apparatus shall begin no lower than twelve (12) feet above ground.
5. The LWECS is exempt from the height restrictions of the base district.

J. *Small Wind Energy Conversion System (SWECS)*

1. The maximum height of a SWECS shall not exceed height restrictions of the base district plus ten (10) feet.
2. The minimum setback(s) from any property line to a SWECS shall equal the setback(s) for the zoning district in which it is erected, with the following exceptions:
 - a. No SWECS shall be erected in a front yard.
 - b. No SWECS shall be erected within thirty (30) feet of any occupied structure on an adjacent or adjoining lot.
3. No portion of the SWECS shall extend beyond any setback line or into the following:
 - a. Any public road right-of-way or alley right-of-way, unless written permission is granted by the government entity with jurisdiction over said right-of-way.
 - b. Any overhead utility line, unless written permission is granted by the government entity or utility company that owns and/or controls the utility line(s).
4. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. For tower-mounted SWECS, the tower shall be engineered so as not to provide step bolts, ladders, or other publicly accessible means of climbing the tower, for a minimum of eight (8) feet above the ground.
5. SWECS shall not be artificially lighted unless the Federal Aviation Administration (FAA) requires such lighting.
6. The wind generator and energy systems shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless a different color or finish is required at the time of issuance of the building permit.
7. The SWECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
8. No signs that are visible from any public road may be posted on a SWECS or any associated equipment building(s). The manufacturer's and installer's identification, appropriate warning signs, or owner identification shall be clearly visible and affixed to the tower at eye level.
9. A building permit shall be required for the installation of a SWECS. The permit application shall include information as required by the Planning Division.

K. *Business or Residence-based Rooftop Solar Installation*

1. For a building-mounted system installed on a sloped roof, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.
2. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

3. For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.

Chapter 4.2. – District-Specific Design Standards

SECTION 4.2-1. PURPOSE

This chapter includes requirements designed to accomplish the goals and policies of the comprehensive plan related to building and site design. This chapter is further intended to carry out the intent of the zoning ordinance to help accomplish the following:

- A. Ensure compatibility of new development with the surrounding urban environment.
- B. Promote development that is advantageous to the City of Minot and its urban form.
- C. Ensure development will surpass the quality of development constructed without building and site design guidance.
- D. Promote the efficient and responsible use of resources such as water, electricity, and building materials. Such use lightens the burden of construction on the community as a whole and promotes resiliency and cost savings for the homeowner and business in the short and long term.

SECTION 4.2-2. ADMINISTRATION

A. Applicability

The requirements of this chapter do not apply to the I1 Light Industrial Park District, I2 Heavy Industrial Park District, and M2 Heavy Industrial District.

B. Demonstration of Compliance

Site plans and building elevations/architectural renderings shall be furnished with building permit, site plan review, and conditional use permit requests illustrating overall site plan, landscaping, exterior building material and colors to demonstrate compliance of this chapter.

C. Additions, Alterations to Existing Buildings

1. A one-time building addition of less than fifty percent (50%) of the existing floor area does not have to comply with the standards of this Chapter after adoption of the ordinance.
2. When the existing building floor area is expanded fifty percent (50%) or more, the building addition shall meet the standards of this Chapter. Variations from this requirement may be granted by the Planning Division only when shown by the applicant to have a greater visual improvement upon the building as viewed from public right of way.
3. When a new secondary or accessory structure is constructed totaling less than fifty percent (50%) of the existing floor area of the primary structure, the primary structure does not have to comply with the standards of this Chapter. However, the new secondary or accessory structure must comply with the standards of this Chapter. Variations from this requirement may be

granted by the Planning Division only when shown by the applicant to have a greater visual improvement upon the building as viewed from public right of way.

4. When a new secondary or accessory structure is constructed totaling fifty percent (50%) or more of the existing floor area of the primary structure, the primary structure must comply with the standards of this Chapter. In addition, the new secondary or accessory structure must comply with the standards of this Chapter.
5. When an existing building is completely refaced the improvement shall meet the standards of this Chapter.
6. Any improvement that may jeopardize the historic integrity of any building fifty (50) years or older may be waived by the Planning Division.
7. Refer to Section 13-1.4 Nonconforming Structures regarding repairs/maintenance and construction as a result of damage.

SECTION 4.2-3. REQUIREMENTS APPLICABLE IN ALL DISTRICTS (EXCEPT I1, I2, M1 AND M2)

A. Trash Handling and Recycling

1. All trash and recyclable materials and handling equipment shall be completely screened from eye level view from a public street and adjacent properties by the principal building or enclosed within a solid fence made of wood or other approved material.
2. Chain link fence materials (with or without slats) shall not be permitted.
3. The fence or wall shall be a minimum of six (6) feet in height.
4. Where in view from adjacent properties or a public street, a swinging door shall be installed and be at least six (6) feet in height. Any low-maintenance material may be used for the door/gate; however, the door/gate must completely block views from adjacent properties or a public street.
5. The enclosure cannot be located in the front yard setback.
6. Compactors that are attached to the principal structure shall be completely screened from eye level view from public streets and adjacent properties by means of landscaping or fencing.

SECTION 4.2-4. SINGLE-FAMILY RESIDENTIAL (RR, R1, R1S, AND R2)

A. Single Family Home Development Requirements

1. Platted residential developments of ten (10) or more adjoining lots under single ownership shall provide for a variety of elevations and color choices throughout the development.
2. Homeowners' Association: A Homeowners' Association shall be established in instances where developments contain common open space, driveways, utilities (not maintained by public entity), etc. Those Homeowners' Associations' are subject to review and approval by the City Attorney prior to the release of the final plat. The Homeowners' Association document shall state who is responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and

other areas owned in common, when there is more than one individual property owner having interest within the development. All association documents must be recorded at the Ward County Recorders' office against the property.

SECTION 4.2-5. TOWNHOMES AND MULTIFAMILY RESIDENTIAL (RM, R3C, AND RH)

A. Unit Width

The minimum width of a dwelling unit within the RM district shall be twenty-five (25) feet.

B. Decks or Porches

Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.

C. Exterior Building Finish

The exterior of townhome and multifamily dwelling units shall include a variation in building materials which are to be distributed throughout the building façades and coordinated into the architectural design of the structure to create an architecturally balanced appearance.

D. Elevations

Platted residential developments of five (5) or more dwelling units (detached) or attached buildings (twin and townhomes) shall provide for a variety of elevations and color choices throughout the development. Elevation renderings shall be provided to the Planning Division for review and approval.

E. Façades and walls

Each façade of a townhouse, twin home or apartment building shall be finished with a minimum of two (2) different colors and two (2) different finishes (exterior finishes exclude exposed foundation walls constructed of poured concrete or smooth-face concrete block, whether painted or not painted). Accenting shall be incorporated into the design where appropriate to avoid expansive, unadorned areas, including, but not limited to, areas below gabled roofs.

F. Roofs

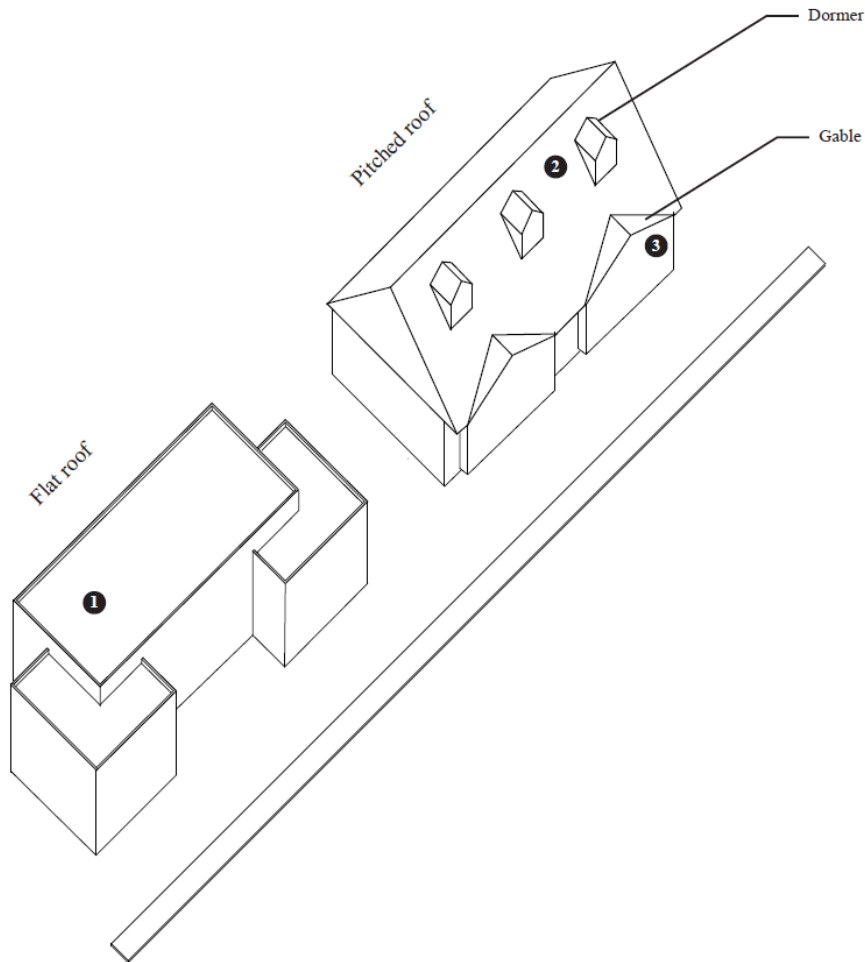
Each roof of townhomes and multifamily buildings shall feature a combination of primary and secondary roofs. Primary roofs shall be articulated by at least one of the following elements:

1. Changes in pitch and elevation.
2. Dormers or gables.
3. Transitions to secondary roofs over entrances, garages, porches, bay windows.



Example of appropriate multifamily façade and wall design

Appropriate multifamily roof design



G. Amenities

1. On site amenities shall be provided for developments with twenty-five (25) units or greater, or for the development of a single lot with twenty-five (25) units or greater. Amenities may include such elements as community room, swimming pools, tennis, basketball or volleyball courts, play equipment, walking trails, gardens, or other appropriate amenities that are suitable for the projected population of the development.
2. Amenities shall only be required when the nearest existing or planned public park or school with a public field and playground amenities is more than one-half ($1/2$) mile away or across a collector or arterial roadway from the development.
3. If a fee in-lieu of park dedication was provided as part of the subject subdivision (Article 10), amenities shall not be required.

SECTION 4.2-6. COMMERCIAL/OFFICE PARK (C1, C2, OP, AND P DISTRICTS)

A. Design Elements

All new building fronts and refacing of existing buildings shall include a minimum of three (3) of the following elements:

1. Accent materials that are different from exterior building finishes;
2. A visually pleasing primary front entrance that, in addition to doors, shall be clearly articulated and obvious from the street;
3. Twenty-five percent (25%) window coverage on each front that faces a street;
4. Contrasting yet complementary colors;
5. A combination of horizontal and vertical design features;
6. Irregular building shapes; or
7. Other architectural features in the overall architectural concept including such things as awnings, eaves, overhangs, various roof lines/profiles, use of columns or posts, enhanced windows or door detail, etc., upon review and approval of the Planning Division.

B. Accent Materials

Accent materials shall be used on any walls that front on a public street or right-of-way. No wall shall exceed one hundred (100) feet in length without visual relief. "Visual relief" is defined as the incorporation of design features such as windows, horizontal and vertical patterns, contrasting colors, or varying wall depths. Accent materials are subject to review and approval by the Planning Division.

C. Exterior Building Finishes

1. The exterior building façade finishes of any façade fronting on a public street or right-of-way or adjoining a parking lot shall consist of materials comparable in grade and quality to the following list. A minimum of two (2) shall be used:
 - a. Brick.
 - b. Natural stone.
 - c. Integral colored split face (rock face) concrete block.
 - d. Cast in place concrete or pre-cast concrete panels (not to include raked or plain finish).

- e. Wood provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood, or cypress.
- f. Architectural metal that is factory fabricated and finished with a durable non-fade surface and fasteners which are of a corrosion resistant design. Pre-weathered metal is acceptable.
- g. Glass curtain wall system.
- h. Stucco, EFIS (Exterior Finishing Insulation System).
- i. Other materials determined as acceptable by the Planning Division.
- j. Side and rear elevations not fronting on a public street or right-of-way or adjoining a parking lot shall be permitted to use one material within this façade(s) provided no wall shall exceed one hundred (100) feet in length without visual relief.
- k. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.



Example of appropriate building exterior finish

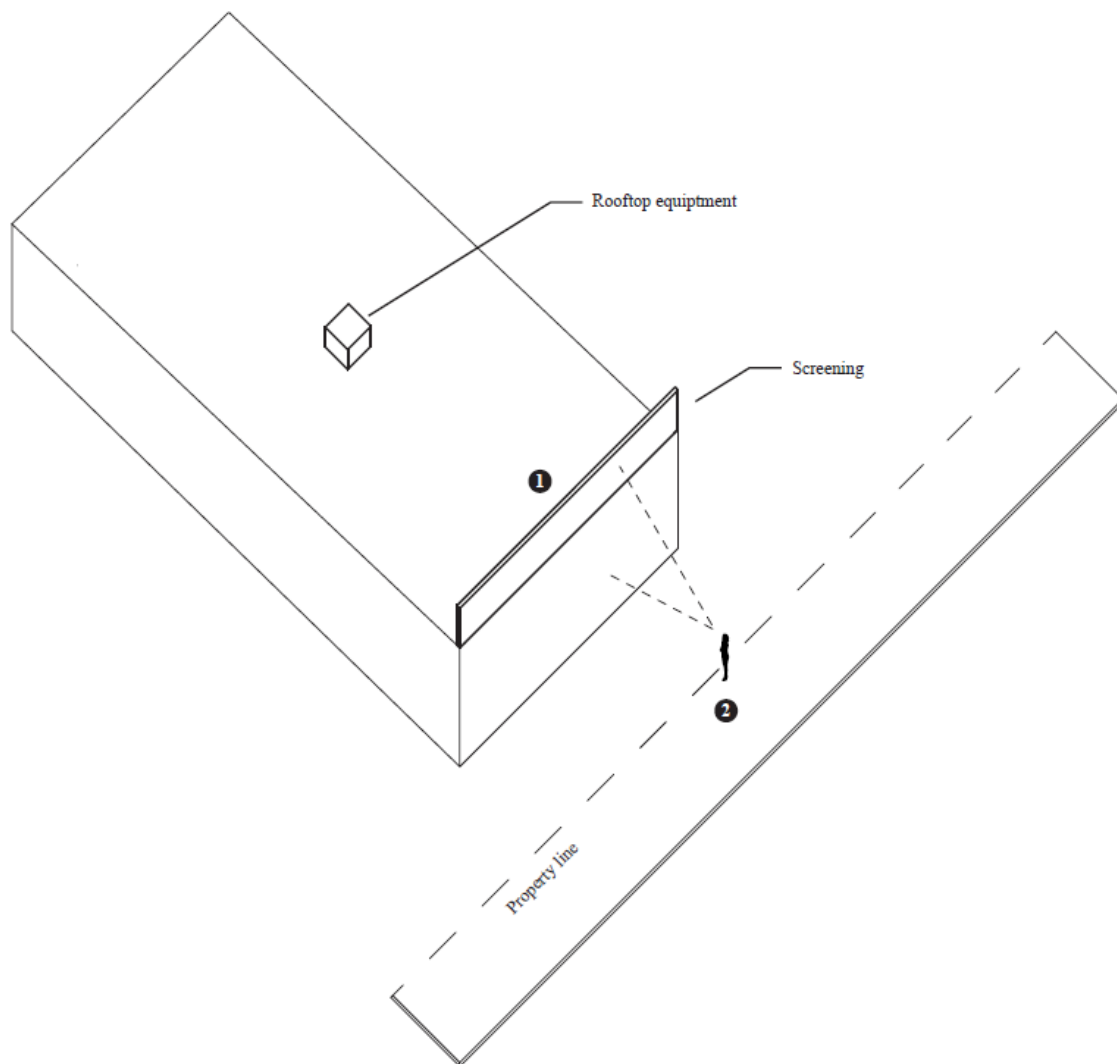
D. Building and Roofing Materials

All building and roofing materials shall meet current accepted industry standards, and tolerances, and shall be subject to review and approval by the Planning Division for quality, durability, and aesthetic appeal.

E. Utilities

1. The view of all rooftop equipment and related piping, ducting, electrical, and mechanical utilities shall be camouflaged through strategic placement or roof screening from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain-link with slats shall not be used for screening. Rooftop solar panels and associated equipment are excluded from this requirement.
2. The term "ground level view" is defined as the view of the front entrance of the building from the property line at an elevation equal to the main floor elevation. If abutting perimeter property lines are higher than ten (10) feet above the finished floor elevation of the building, rooftop screening is not required. A ground level view perspective plan shall be provided demonstrating how rooftop units will be screened from view.

Appropriate screening of rooftop equipment



F. External Loading and Service Areas

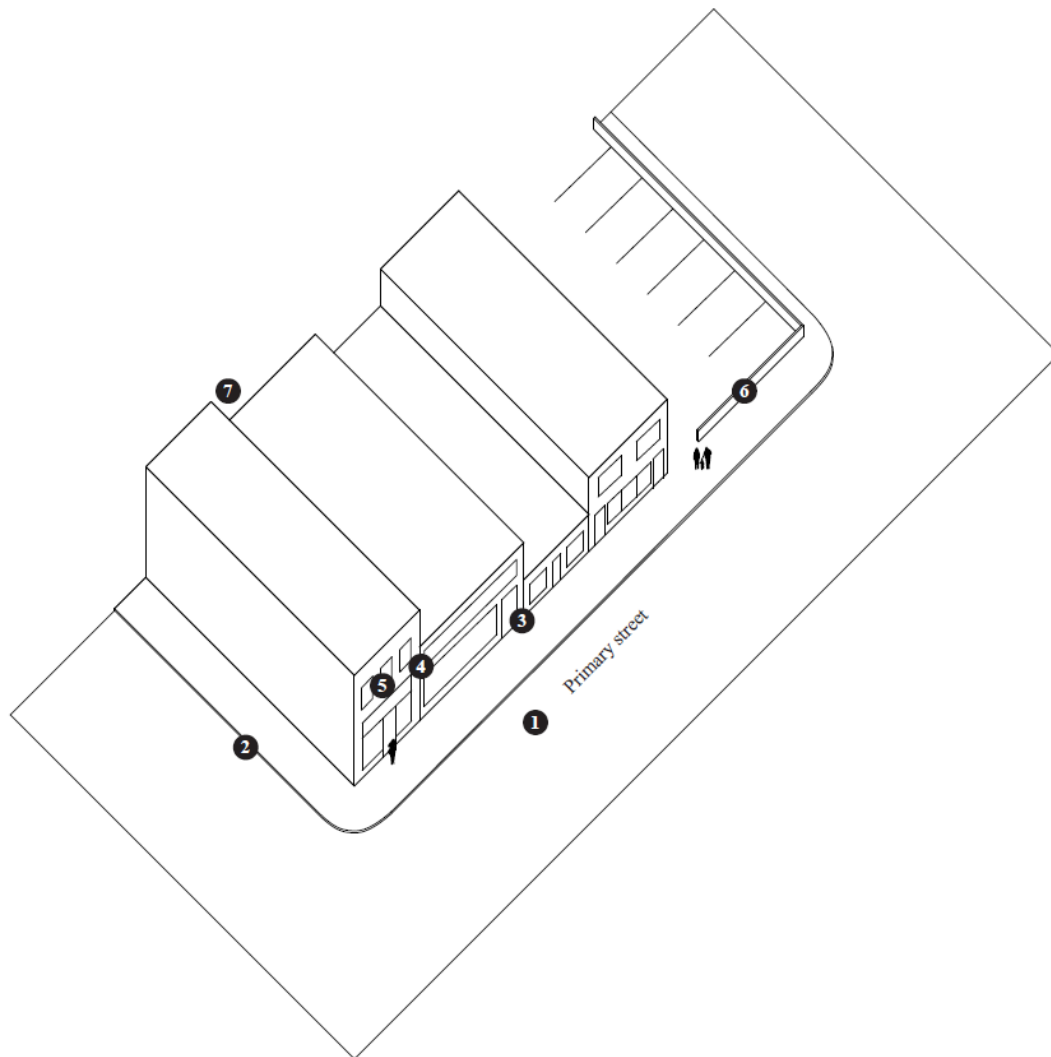
External loading and service areas must be one hundred percent (100%) screened from the ground level view from contiguous residential properties and adjacent streets, except at access points.

SECTION 4.2-7. DOWNTOWN AND MIXED USE (CBD AND GMU DISTRICTS)

A. Site Design

1. Orient and consolidate structures to complement existing, adjacent development to create a coordinated and visually attractive mixed-use setting.

2. Site planning shall respect the relationship of the site to the existing and proposed building, streets, and major roadways.
3. Building façades should face the primary street(s).
4. Align the building front façade with adjacent buildings to promote visual continuity from the public right-of-way, unless site or use constraints are prohibitive.
5. Buildings shall have a clearly defined primary pedestrian entrance at street level.
6. Wherever a surface parking area faces a street frontage, such frontage shall be screened with a decorative wall, railing, hedge, or a combination of these elements to a minimum height of two and one half (2½) feet and a maximum height of three and one half (3½) feet above the level of the parking lot at the setback.
7. Where multiple buildings are proposed on a single site the buildings shall be designed with varying heights.



B. Streetscaping

The following improvements within public right-of-way are subject to negotiation between the developer, the City Planning Division, and the City Engineering Department. Negotiation must also include other entities responsible for the subject right-of-way (if that is the case), such as the County, State, or a township.

1. Pedestrian amenities should be included (and maintained by the property owner) in places where people typically gather, including but not limited to transit stops, building entrances, street corners, or abutting bike and pedestrian trail connections. These amenities shall benefit the intended users and be located in places that are highly visible. These spaces should include at least two (2) of the following (master planned developments shall provide two (2) elements in a central location):

2. Patterned materials on walkways
3. Shelters
4. Trash and recycling receptacles
5. Pedestrian scale lighting
6. Fountains, sculptures, or kiosks
7. Street trees, flower boxes, or containing landscaping
8. Seating
9. Bicycle parking



Example of appropriate streetscaping in downtown/mixed use area

C. Building Elements

All new building fronts (single story or multi-story) shall include a minimum of four (4) of the following elements:

1. Architectural detailing, such as awnings or parapets;
2. A visually pleasing primary front entrance that, in addition to doors, shall be clearly articulated and obvious from the street;
3. A minimum of thirty percent (30%) window coverage on each front (first floor/ground level only) that faces a street;
4. Contrasting yet complementary colors;
5. A combination of horizontal and vertical design features, not including offsets;
6. Irregular building shape;
7. Horizontal offsets;
8. Vertical offsets in the roofline;
9. Doors and windows shall be inset at least one (1) foot into the front façade;
10. Wall art upon review and approval by the Planning Division; or
11. Other architectural features in the overall architectural concept upon review and approval by the Planning Division.



Example of appropriate downtown/mixed use building elements

D. Ground Floors

Multi-story buildings shall have a ground floor distinguished from the upper floors by having one or more of the following:

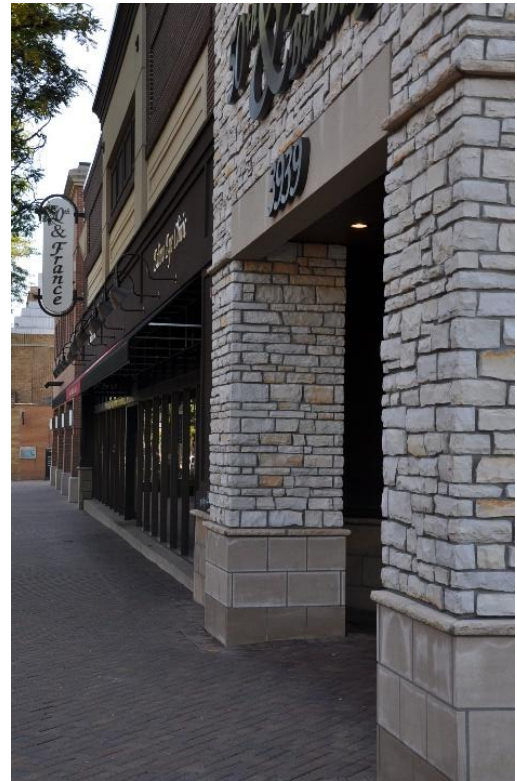
1. Awning
2. Trellis
3. Arcade (passage or walkway)
4. Window lintels
5. Intermediate cornice line
6. Architectural detailing such as quoins or corbels



Example of appropriate ground floor treatment in downtown/mixed use areas

E. Accent materials

1. Accent materials shall be used on any walls fronting on a public street or right-of-way. No wall shall exceed one hundred (100) feet in length without visual relief. "Visual relief" is defined as the incorporation of design features such as windows, horizontal and vertical patterns, contrasting material colors, or varying wall depths. Accent materials are subject to review and approval by the Planning Division.
2. Where a mixed use building is visible from a public street or right-of-way all elevations shall be architecturally treated; accent material shall consist of materials comparable in grade and quality to the primary exterior material. Such materials may include glass, prefinished decorative metal, and fiber cement trim within soffit and fascia areas.



Example of appropriate exterior building finishes in downtown/mixed use areas

F. Exterior Building Finishes

The exterior building finishes of any façade viewable from a street or parking lot shall consist of materials comparable in grade and quality to the following list. A minimum of two (2) materials (in differing but compatible colors) shall be used:

1. Brick
2. Natural stone
3. Integral colored split face (rock face) concrete block

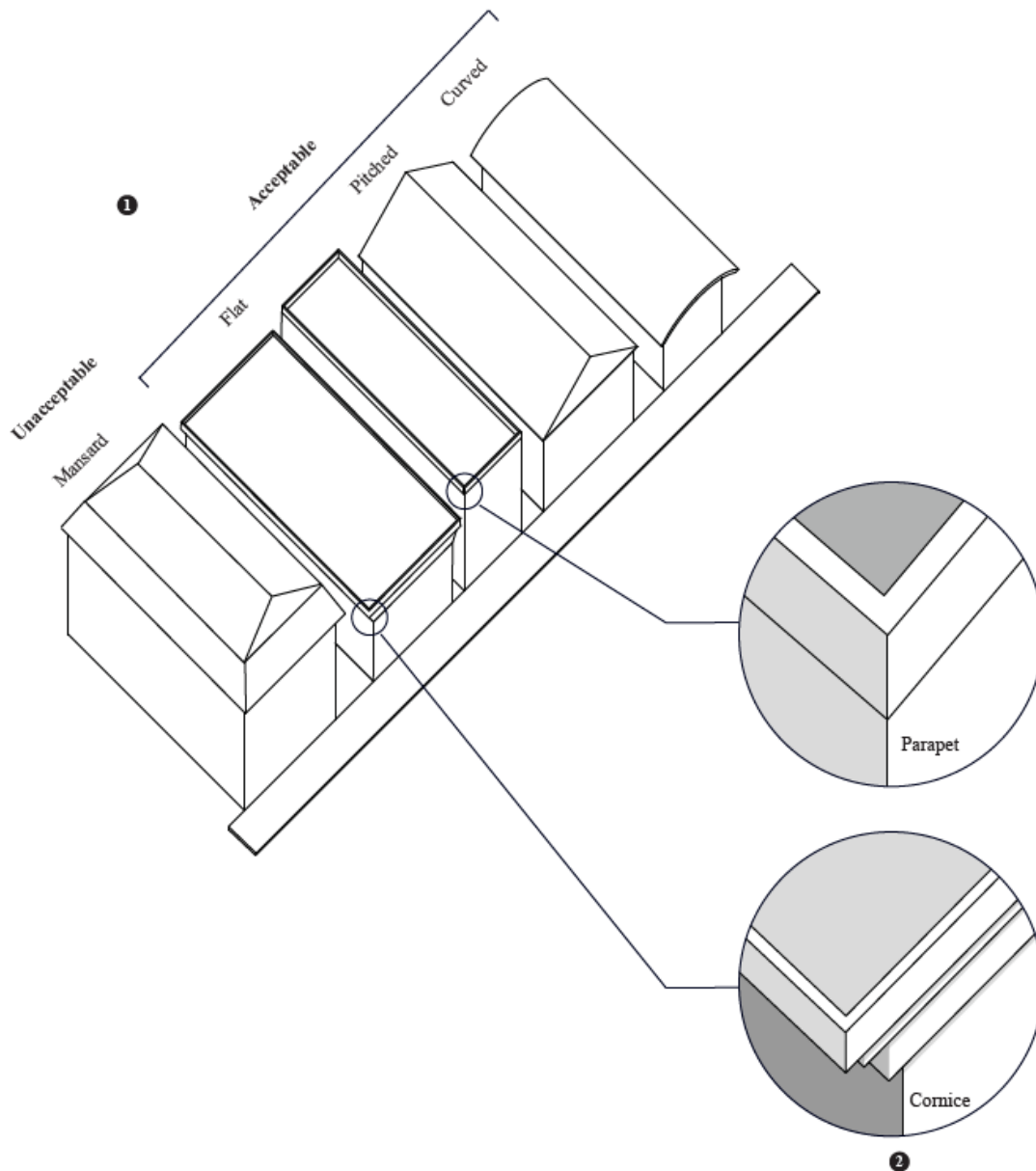
4. Cast in place concrete or pre-cast concrete panels (not to include raked or plain finish)
5. Wood, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood, or cypress
6. Glass curtain wall panels
7. Stucco, EFIS
8. Other materials determined as acceptable by the Planning Division.

G. Roofs

Mansard or mansard style roofs are not permitted except for mansard style cornices. Acceptable designs include flat, pitched, or curved. Building roof styling shall incorporate a minimum of one (1) of the following elements:

1. Parapets or cornices;
2. Varying building height and variety of roof lines (must meet height requirements)

Acceptable/unacceptable roof types in downtown/mixed use areas



H. Utilities

1. The view of all rooftop equipment and related piping, ducting, electrical, and mechanical utilities shall be camouflaged through strategic placement or roof screening from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain-link with slats shall not be used for screening. Rooftop solar panels and associated equipment are excluded from this requirement.

2. The term "ground level view" for this provision shall be defined as the view of the front entrance of the building from the property line at an elevation equal to the main floor elevation. If abutting perimeter property lines are higher than ten (10) feet above the finished floor elevation of the building, rooftop screening is not required. A ground level view perspective plan shall be provided demonstrating how rooftop units will be screened from view.

SECTION 4.2-8. LIGHT INDUSTRIAL (M1 DISTRICT)

A. Building Elements

All new buildings and refacing of an existing building shall include a minimum of three (3) of the following elements on the front façade:

1. Accent materials that are different from exterior building finishes;
2. A visually pleasing primary front entrance that, in addition to doors, shall be clearly articulated and obvious from the street;
3. Twenty-five percent (25%) window coverage on each front that faces a street;
4. Contrasting, yet complementary colors;
5. A combination of horizontal and vertical design features;
6. Irregular building shapes; or
7. Other architectural features in the overall architectural concept.



Example of appropriate building elements and exterior finishes in light industrial areas

B. Exterior Building Finishes

The exterior building finish of the front façade facing a public street shall consist of materials comparable in grade and quality to the following list. A minimum of two (2) materials in differing but compatible colors and wrapped around the sides a minimum of ten (10) feet shall be used:

1. Brick
2. Stone (natural or synthetic)
3. Integral colored split face (rock face) concrete block
4. Glass
5. Stucco and synthetic stucco (EIFS)
6. Cast in place concrete or pre-cast concrete panels (not to include raked or plain finish)

7. Architectural metal provided such panels are factory fabricated and finished with a durable non-fade surface. Pre-weathered metal is acceptable.
8. Wood, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood, or cypress.
9. Other materials determined as acceptable by the Planning Division.

Chapter 4.3. – Definitions

Building Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions; any change in doors, windows, or any enlargement of a building or the moving of a building from one location to another.

Ground Level View: The view of the main floor of a building that is at or nearest to the level of the ground around the building.



Article 5: Signs

Chapter 5.1. – Standards

SECTION 5.1-1. PURPOSE

The purpose of this Chapter shall be to regulate the design, placement, erection, and maintenance of on- and off-premise signs in the City of Minot and its extraterritorial area. The regulation of signs within the City of Minot and its zoning jurisdiction is necessary and in the public interest. The regulations contained herein advance the following interests:

- A. Accommodate the rights of individuals to freedom of speech, promote equity among businesses and other typical sign users, and enable the fair and consistent enforcement of sign standards.
- B. Recognize the legitimate signage needs of businesses and other interests to communicate messages, provide identification, and enable wayfinding throughout the City for tourists and residents.
- C. Ensure that signs contribute to an aesthetically pleasing visual environment by exercising reasonable regulations over sign type, size, number, appearance, and location.
- D. Ensure the effectiveness of public traffic signs and signals to facilitate safe traffic flow, and minimize traffic hazards caused by unregulated signs which may distract, confuse, or impair the visibility of motorists, pedestrians, and bicyclists.
- E. Protect property values by minimizing the possible adverse effects of signs on nearby public and private property.
- F. Attract tourists to the city.
- G. Preserve and promote retention of local businesses and further the economic development goals of the City.
- H. Protect public investments in streets, highways, and other public improvements.
- I. Protect and improve the public health, safety, and general welfare.

SECTION 5.1-2. SIGN PERMITS AND PLANS

A. Sign Permits

Any installation, modification, or expansion of any nonconforming or conforming sign which is not exempt from the provisions of this Chapter shall require a valid sign permit approved by the Planning Division. See Section 9.1-1 for application, review, and permitting procedures.

B. Master Sign Plan

1. Where requested onsite signage exceeds thresholds for the maximum number of signs identified in Section 5.1-6, it is strongly encouraged, in lieu of a variance, that a Master Sign Plan be prepared. Master Sign Plans, like a Planned Unit Development, provide greater flexibility,

streamline permitting and review, and coordinate design for mixed-use, larger-scale, and/or unique developments, including the following:

- a. Multiple-tenant commercial, office, employment, or multifamily residential uses.
 - b. A multiple-building complex for a commercial or mixed-use project.
 - c. Stand-alone office/employment buildings exceeding fifty thousand (50,000) square feet.
 - d. Indoor or outdoor entertainment and recreation uses.
 - e. Hospitals.
 - f. Educational campuses.
 - g. Large hotels with at least one full-service restaurant or conference and meeting rooms.
 - h. Regional retail shopping malls.
 - i. Religious assemblies exceeding one and a half (1.5) acres of total lot area.
 - j. Drive-thru services that feature multiple signs, menu boards, pick-up windows, etc.
 - k. Any other use for which the Planning Division and the developer feel a Master Sign Plan would be the best choice to coordinate multiple signs.
2. The Master Sign Plan will be submitted, reviewed, and approved at an administrative level through the Planning Division. See Section 9.1-2 for application, review, and permitting procedures.

SECTION 5.1-3. PLANNING DIVISION AUTHORITY

A. Deviations to Size and Placement

1. The Planning Division shall have the authority to grant administrative approval for minor deviations to sign size and sign placement, provided:
 - a. The deviation does not exceed ten percent (10%) of the basic requirement
 - b. The deviation is based on a hardship problem with the site, existing building placements, or poor site visibility, and not based on economic factors or personal design preferences.
 - c. The deviation has been reviewed by the City Engineer and does not pose a threat to health and safety of the public.
2. The Planning Division, with copy to the Engineering Department, will issue a written statement of approval or denial of the deviation request. If a request is denied by the Planning Division, the applicant may choose to file a variance pursuant to Section 9.1-3.
3. A request for adjustments beyond ten percent (10%) shall be processed as a variance pursuant to Section 9.1-3.

B. Sign Modifications in Planned Commercial Development District (C4) and Planned Unit Development (PUD)

1. Properties that are zoned C4, Planned Commercial Development District and PUD, Planned Unit Development, are considered Planned Unit Developments (PUDs) that may have gained approval of sign sizes, quantities, and locations that would otherwise not be permitted by way of an approved PUD Development Plan. These properties have the right to replace any sign consistent with original approval. No new signs shall be approved; however, existing signs can be routinely maintained and replaced at the end of their life span.
2. Signs must be replaced within twelve months of removal. After 12 months, property owners forfeit the right to replace signs at their original quantities and specifications.
3. If the replacement sign is smaller than the original sign, future signs cannot be increased to the original size.

SECTION 5.1-4. PROHIBITED AND EXEMPT SIGNS (ALL DISTRICTS)

A. Prohibited Signs

1. No sign permitted by this title shall, by reason of its location, color or intensity, lighting, glare, focus, animation or flashing, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "Stop", "Caution", "Warning", etc., unless such sign is needed to direct traffic on the premises.
2. Detached signs placed on vacant property.
3. Signs painted on or attached to rocks, trees, or other natural objects.
4. Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.
5. Signs on or overhanging public property or public right-of-way, unless specifically authorized by the appropriate public agency as provided in this Ordinance.
6. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
7. Abandoned signs. Any abandoned sign (not containing a sign face) must be removed within six months of date of abandonment. Removal shall include removal of abandoned structural components.
8. Signs that are not clean or in substantial good repair; or are not affixed to a sound structure.
9. Signs advertising activities that are illegal under Federal, State, or local laws and regulations.
10. Roof signs. Exceptions may be granted for replacement of signs damaged beyond 50% of the sign value. Exceptions must be made by the Planning Commission only if the sign is located in an historic district or on a historic building and is an intrinsic element of the historic district or building. The Planning Division shall provide an assessment of the historic nature of the sign after consultation with the State Historic Preservation Office. Replacement roof signs cannot

exceed the original size and height, and must continue to fit into the historic context. A building permit is required for any roof sign replacement.

11. Signs on vehicles (not including advertising on a business owned vehicle) not related to activities of the site in which the vehicle is located. Includes such signs include stationary vehicles or semi-trailers and detached trailers.
12. In the agricultural district no on-premise sign shall be installed, except for signs specific to a home-based business onsite or for an agricultural business allowed by Conditional Use Permit.

B. Exempt Signs

1. Changeable-copy signs for religious assembly or school uses, provided that they have a maximum sign area of twenty (20) square feet and are not located in a required sign setback.
2. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.
3. Seasonal decorations for display on private or public property.
4. Murals.
5. Residential signs under two (2) square feet (i.e., address sign).
6. Attached and detached signs identifying a recognized subdivision, condominium complex, or development, or other project identification sign, totaling under fifty (50) square feet for all signage on a given property.
7. Street Address.
8. House Numbers.
9. Attached and detached directional signs not to exceed six (6) square feet.
10. Directional signs on public property.
11. Banners on public property (no time limit required).
12. Signs on vehicles utilized for public and private transit purposes (i.e. city buses, privately owned taxi cabs).

SECTION 5.1-5. NONCONFORMING SIGNS

- A. The copy of legal nonconforming signs may be changed from time to time, provided that the sign area shall not be enlarged beyond the sign area in existence on the effective date.
- B. Any nonconforming sign which presently is or becomes structurally damaged or deteriorated, or is altered by more than fifty percent (50%) of its replacement cost, shall be either removed or altered so as to comply with this Section.

SECTION 5.1-6. ON-PREMISE SIGNS

A. Placement

1. All on-premise signs shall be located on the property that contains the principal building in which the sign is advertising.
2. The leading edge of all on-premise signs shall be placed behind any property line located adjacent to public right of way or within an interior side yard.
3. No signs shall be erected, temporarily placed, project within any easements or public rights of way, except as allowed under Section 5.1-6(F).
4. In all cases, sign placement shall avoid utility easements unless documented permission from each applicable utility company is provided stating the utility entity's agreement with placement of the sign within the easement.
5. No sign may be placed in a manner as to materially impede vision between a height of two and one-half feet (2 ½') and ten feet (10') above the center grade of the intersecting streets within thirty feet (30') to the point of curvature of the intersecting street curbs. In some cases, additional restrictions may be required under Section 4.1-6(G).
6. All signs shall be subject to the visibility triangle requirements as approved by the Engineering Department and contained in [Section 28-13 of the Minot Code of Ordinances](#).



C. Illumination and Brightness

1. The maximum brightness shall not exceed one hundred (100) foot lamberts (343 cd/m²).
2. Signs with external lighting shall have no exposed light sources or fixtures unless decorative fixtures are utilized, and the light source is fully concealed and diffused. If a wall sign is mounted above the first floor of a building, the illumination, if any, shall be internal.

D. Design and Construction Standards

1. No sign shall be erected, placed or maintained on fences, trees, power and light poles or the supports thereof, except as allowed at special events. Signs on rocks shall be allowed if they use metal letters and numbers or the commercial message is etched into the surface of the rock.
2. Commercial message of the sign shall be neat, orderly and not obscene. The signs shall be professionally prepared.
3. The installation of electrical signs shall be subject to the State's Electrical Code. Electrical service to such sign shall be underground.
4. All signs shall be constructed in accordance with the City of Minot adopted building and electrical codes.
5. Any detached sign one hundred-fifty (150) square feet or above shall provide engineer structural plans stamped and signed by a professional engineer.

E. Permitted Sign Types by Type and Zoning District

Table 5.1-6(a). Permitted Sign Types by Type and Zoning District								
Sign Type		Zoning Districts						
		AG	RR, R1, R1S, R2	R3C, RH, MH, RM	C1, GMU	C2, C4	CBD, P	M1, M2, OP
Detached Signs	Pole Sign				P	P	P	P
	Monument Sign/ Ground Sign				P	P	P	P
	Pylon Sign				P	P	P	P
Attached Signs	Projecting Sign/Flag Mount				P	P	P	P
	Wall Sign	P ^(a)	P ^(a)		P	P	P	P
Other Regulated Signs	Window Sign				P	P	P	P
	Digital Sign				P	P	P	P
	Billboard	P ^(b)				P		P
	Directional Sign			P	P	P	P	P
	Temporary Sign	P	P	P	P	P	P	P
<p>Notes: Blank – Not Permitted P – Permitted P^(a) – Wall Sign permitted for home-based businesses only P^(b) - Refer to Section 5.1-8(D) regarding additional areas billboards may be placed</p>								

F. District Requirements for Detached On-Premise Permanent Signs

Table 5.1-6(b). District Requirements for Detached On-Premise Permanent Signs					
Sign Type	Regulation Item	Zoning Districts			
		Agricultural and Residential Districts	C1, GMU, C2, C4	CBD, P	M1, M2, OP
All Detached Signs	Sign Quantity	Not Applicable ^(e)	1 per business, max 4 per lot	1 per business	1 per business, max 4 per lot
Pole Signs	Maximum Permanent Sign Area (square feet/SF) ^(d)	Not Applicable ^(e)	3 SF per 1' lot frontage, or 20% of the building façade, whichever is greater	3 SF per 1' lot frontage, or 20% of the building façade, whichever is greater	3 SF per 1' lot frontage, or 20% of the building façade, whichever is greater
	Minimum Primary Tenant Sign Area (square feet/SF) ^{(a)(d)}		50	50	60
	Maximum Height (feet)		45 ^(b)	45 ^(b)	50 ^(b)
	Minimum Ground Clearance (feet) ^(c)		14	14	14
	Sign Separation (linear feet)		300	None	300
	Front and Side Yard Setbacks		To Lot Line	None	To Lot Line
	Rear Yard Setback (feet)		10	None	10
	Secondary Tenant Sign Area		Up to an additional 80% of primary/maximum sign area ^(f)	Up to an additional 50% of primary/maximum sign area ^(f)	Up to an additional 60% of primary/maximum sign area ^(f)
Pylon Signs	All Setbacks	Not Applicable ^(e)	Same as pole signs subject to approval by the City Engineer or their designee.		
	Ground Clearance (feet)		Not Applicable		
	All other requirements		Same as pole signs		
	Secondary Tenant Sign Area		Up to an additional 80% of primary/maximum sign area ^(f)	Up to an additional 50% of primary/maximum sign area ^(f)	Up to an additional 60% of primary/maximum sign area ^(f)
	Maximum Height (feet)	Not Applicable ^(e)	6		

Table 5.1-6(b). District Requirements for Detached On-Premise Permanent Signs

Sign Type	Regulation Item	Zoning Districts			
		Agricultural and Residential Districts	C1, GMU, C2, C4	CBD, P	M1, M2, OP
Monument Signs/Ground Signs	All Setbacks		Same as pole signs		
	Maximum Primary Tenant Size		None		
	Secondary Tenant Sign Area		Up to an additional 80% of primary/maximum sign area	Up to an additional 50% of primary/maximum sign area	Up to an additional 60% of primary/maximum sign area

Notes:

- a. If available lot frontage results in a smaller sign area than the minimum sign area, the minimum sign area may be used.
- b. 75' if sign faces a principal arterial outside of city limits, such as US Highway 2 or US Highway 83.
- c. 10' with ground protection (bollards, etc.)
- d. Sign area for a two-sided sign is calculated by one sign face.
- e. Permitted only as part of a conditional use permit or interim use permit. Existing signs tied to a nonconforming use are permitted until damaged beyond 50% or more of their value. At such time, they may only be rebuilt if connected to a new conditional use permit or interim use permit.
- f. Sign area may be allocated as-desired between multiple tenants so long as the total does not exceed the maximum allowed for both the primary and secondary tenants.

G. District Requirements for Attached On-Premise Permanent Signs

Table 5.1-6(c). District Requirements for Attached On-Premise Permanent Signs						
Sign Type	Regulation Item	Zoning Districts				
		AG, RR, R1, R1S, R2, RM	R3C, RH, MH	C1, GMU, C2, C4	CBD, P	M1, M2, OP
All Attached Signs	Sign Quantity	1 wall sign per home for home-based business	Not Applicable	Total sign area allowed may be divided into multiple signs.		
Wall Sign	Maximum Permanent Sign Area (square feet/SF) ^(c)	4 SF	Not Applicable	3 SF per 1' lot frontage, or 20% of the building façade, whichever is greater	1.5 SF per 1' of building frontage ^{(a)(b)} or 20% of the building façade, whichever is greater	3 SF per 1' lot frontage, or 20% of the building façade, whichever is greater
	Maximum Height (feet) ^(c)	Not Applicable		45	45	50
	Minimum Distance from Ground (feet)			None	10 ^(e)	None
	Maximum Distance from Ground (feet)			Top of building wall	15 ^(e)	None
	Maximum Thickness (feet)			2	2	2
Projecting Sign/Flag Mount	Maximum Sign Area (square feet)	Not Applicable	50	50	50	
	Minimum Ground Clearance (feet)		8	8	8	
	Maximum Thickness (feet)		None	None	None	
	Maximum Height (feet)		Top of building wall	Top of building wall	None	
	Extension from building		May not extend over lot line. May not extend into the right-of-way ^(d)	May not extend over lot line. May not extend into the right-of-way ^(d)	May not extend over lot line. May not extend into the right-of-way ^(d)	
Notes: a. In the CBD and P Districts, if the building is set back 50 feet (50') or more from the street curb, the maximum sign area for wall signs shall be 2.5 square feet per linear foot of building frontage. b. In the CBD and P Districts, each facade shall be calculated individually, and sign area may not be transferred between facades. c. Sign area for a two-sided sign is calculated by one sign face.						

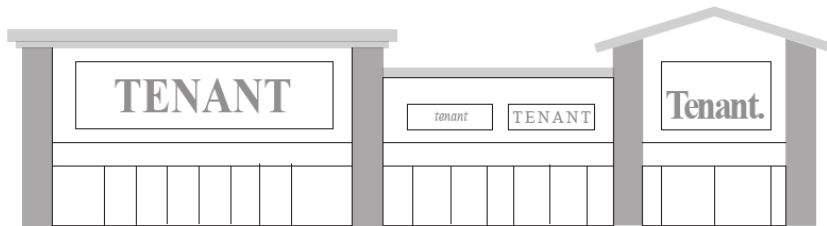
Table 5.1-6(c). District Requirements for Attached On-Premise Permanent Signs

Sign Type	Regulation Item	Zoning Districts				
		AG, RR, R1, R1S, R2, RM	R3C, RH, MH	C1, GMU, C2, C4	CBD, P	M1, M2, OP
<div><div>d.</div><div>Exception to right-of-way requirement requires application submittal to the Engineering Department for an encroachment permit.</div><div>e.</div><div>Placement outside of the minimum and maximum height is subject to review and approval by the Community Development Director or their designee.</div><div>f.</div><div>Tenants in regional retail shopping malls and strip malls may instead be allocated one (1) wall sign per façade of their tenant bay with the area of the sign being calculated at at 20% of the area of the respective tenant’s façade.</div></div>						

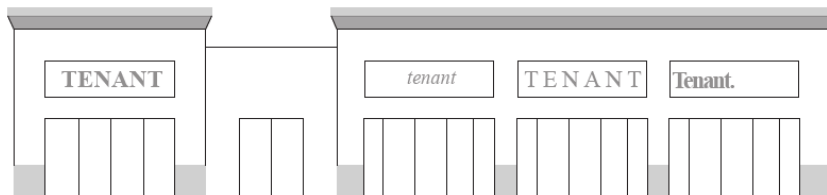
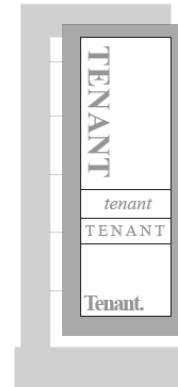
H. Multiple Attached Signs/Multi-tenant Signs in Commercial and Industrial Districts

1. For any multi-tenant building located in a commercial or industrial district, the total area allotted for wall signs can be divided into multiple signs.
2. To allocate total signage area to multiple signs, the following recommendations are provided:
 - a. Each individual tenant bay may be the basis for calculating the maximum sign area for that tenant, or
 - b. The maximum allowable square footage may be based upon the entire length of the façade and allocated in equal shares or proportionately to each tenant sign.

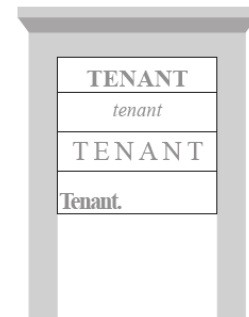
Alternative ways to allocate sign area for multi-tenant locations



Square footage allocated proportionately



Square footage allocated equally



I. Multiple Detached Signs in Commercial and Industrial Districts

1. In any commercial or industrial district except the Central Business District, each business is permitted one (1) detached sign (pole sign, pylon sign, or monument/ground sign). The use of a Sign Master Plan is strongly encouraged to account for multiple signage per business and/or property. Additional detached signs may be allowed under the following specific circumstances:
 - a. Where more than two (2) business establishments are located on the same lot.
 - b. Where a lot is of sufficient size and street frontage that three-hundred (300) linear feet can be maintained between signs.
2. In no case shall there be more than four (4) detached signs in total.
3. In multi-use establishments it is strongly recommended that a common sign be shared by all business establishments with individual business space demarcated with wall signs.

J. Window Signs

1. Window signs are permitted in all commercial and industrial districts. They do not count against allowable quantities for attached signs (i.e., one wall sign or projecting sign).
2. Total window coverage shall not exceed thirty-five percent (35%) of the window area on each elevation of a building.

3. All window signs shall be placed on the inside surface of the glass, except for window signs of paint or decal application applied directly to the glass surface.

K. Digital Signs

1. Any detached or attached sign located in a commercial or industrial district may have a digital component, provided the display message shall not change more than once every one (1) second interval.
2. All secondary tenants or digital display panels shall be permitted up to 80 percent (80%) of the primary cabinet sign area as allowed by the lot frontage.
3. In the Central Business District (CBD), the digital display may not exceed 80% of the total primary sign face (no more than two sign faces)
4. All digital signs shall comply with the requirements in Section 5.1-10.

L. Additional Sign Types

1. Signs for Nonresidential, Noncommercial Uses – Section 5.1-7
2. Billboards – Section 5.1-8
3. Temporary Signs – Section 5.1-9

M. Iconic Signs

1. Applicability.

- a. Approved iconic signs shall be an allowed nonconforming sign and any alterations shall be approved through a Sign Permit.
- b. This section applies to legally-established existing signs or replacement signs that substantially conform to the original legally-established sign.
- c. A determination of whether a sign is iconic shall be made by the Community and Economic Development Director or their designee.
- d. An appeal to a determination shall follow the process outlines in Table 9.3-3. Powers and Duties.

2. Sign Requirements. Iconic signs shall meet the following sign requirements:

- a. The sign is structurally safe or can be made safe without substantially altering its historical appearance.

3. Iconic Sign Criteria. Iconic signs shall meet all the following criteria:

- a. The sign exemplifies the cultural, economic, and historic heritage of the City.
- b. The sign is unique; the sign has obsolete sign copy that is originally associated with a business only found in the City, Ward County, or the State; or there is historical documentation to support its preservation.

- c. The sign retains a majority of its character-defining features. If the character-defining features have been altered or removed, the majority are potentially restorable to their historic function and appearance.
- d. The original legally-established sign is at least 30 years old.

SECTION 5.1-7. SIGNS FOR PUBLIC AND INSTITUTIONAL USES OUTSIDE OF THE PUBLIC DISTRICT

A. Purpose

Uses such as churches, schools, and other public and institutional uses are allowed in a multitude of districts. As a result, signs for non-residential and non-commercial uses shall follow special requirements listed in Section 5.1-7.

B. Permitted Districts

- 1. Agricultural District (AG)
- 2. Residential Districts (RR, R1, R1S, R2, RM, R3C)
- 3. Commercial Districts (C1, C2, C4)
- 4. Mixed Use Districts (GMU, CBD)

C. Requirements

- 1. Two (2) signs shall be permitted for each applicable property and one (1) sign shall be permitted for each entrance.
- 2. The name, address and/or logo portion of a sign shall not exceed seventy (70) square feet.
- 3. Signs shall be constructed of durable, weather-resistant materials.
- 4. Standard lighting of a sign shall be from either an external source directed at the sign, or from internal illumination. Lighting for the sign shall be so directed as to not interfere with the movement of traffic on adjacent roadways or be a nuisance to adjacent property owners with a timer that turns off the lighting between the hours of 10 PM and 6 AM.
- 5. Digital signs are allowed provided the digital display does not exceed seventy percent (70%) of the total sign area per primary sign face (no more than two sign faces). The display message shall not change more than once every two (2) second interval. Between the hours of 10 PM and 6 AM the message shall remain as a single static message. Digital display shall comply with requirements in Section 5.1-10.

SECTION 5.1-8. OFF-PREMISE SIGN REGULATIONS

A. Applicability

No off-premise signs other than billboards, temporary signs (subject to Section 5.1-9), or when accompanied by Interim Use permit are allowed by this ordinance.

B. Prohibited Off-Premise Signs

1. No off-premise sign permitted by this title shall, by reason of its location, color or intensity, lighting, glare, focus, animation or flashing create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No off-premise sign shall contain words which might be construed as traffic controls, such as "Stop", "Caution", "Warning", etc. No billboard may be placed in a manner as to materially impede vision between a height of two and one-half feet (2 ½') and ten feet (10') above the center grade of the intersecting streets within thirty feet (30') to the point of curvature of the intersecting street curbs.
2. All off-premise signs shall be subject to the visibility triangle requirements as approved by the Engineering Department.

C. Maintenance and Repair

1. All off-premise signs and associated structures shall be properly maintained in a safe, orderly condition, including the replacement of defective parts, cleaning and other items required for maintenance of the billboard.
2. Vegetation shall be neatly trimmed and free of weeds around the base of the ground of the off-premise sign for a distance of ten feet (10'), and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

D. Billboard Placement

1. Billboards are permitted only upon properties zoned C2 (General Commercial), M1 (Light Industrial), M2 (Heavy Industrial), and OP (Office Park), and properties formally zoned C-4 (Planned Commercial) and along the following roadways: US Highway 83; US Highway 2/52 Bypass; US Highway 2 E & US Highway 2 W; Burdick Expressway; US Highway 83 Bypass; 55th Street NE; and US Highway 52.
2. The leading edge of all billboards shall be placed behind any property line located adjacent to public right of way, provided there is no existing utility easement.
3. In all cases, sign placement shall avoid utility easements unless documented permission from each applicable utility company is provided stating the utility entity's agreement with placement of the sign within the easement.
4. No billboard shall be erected, temporarily placed, or project within any easements or public rights of way.
5. No billboard shall be erected or placed on maintained fences, trees, power and light poles or the supports thereof, except as allowed at special events. Billboards on rocks shall be allowed if they use metal letters and numbers or the commercial message is etched into the surface of the rock.
6. All billboards shall be spaced at least three hundred feet (300') from residential, public, institutional, and mixed-use zoning districts, as measured from the closest point of the property line of the district(s), proceeding along the curb line along the side of the street on which the

billboard is oriented, unless one or more structures or objects obstructs the view of all or substantially all the billboard from such residences, religious institutions, parks or schools.

7. Spacing between billboards shall be at least five hundred feet (500') of another billboard.
8. Billboards shall be located at least five hundred feet (500') from the point of widening (highway ramp) of a US Highway interchange.
9. Spacing between digital billboards shall be at least one thousand two hundred feet (1,200').
10. Billboards, including mounting pole and devices, shall be located inside of the outside edge of the roadway easement in which the billboard is located.
11. All distances as provided in this section shall be measured radially from the center of the pole.

E. Billboard Dimensions

1. The maximum billboard size shall be six hundred and seventy-two (672) square feet (as the billboard base). An additional amount, up to twenty percent (20%) of the billboard base, shall be allowed for billboard extension elements beyond the billboard base.
2. The maximum billboard height to the uppermost portion shall be fifty feet (50').

F. Billboard Design and Construction Standards

1. Commercial message of the billboard shall be neat, orderly, and not obscene. Billboards shall be professionally prepared.
2. Installation of digital billboards shall be subject to the State's Electrical Code. Electrical service to such billboards shall be underground.
3. Any billboard one hundred-fifty (150) square feet or above shall provide engineer structural plans stamped and signed by a professional engineer.
4. Billboards shall be a single support, metal structure free of any additional supports or guywires. The metal shall be either painted or treated in such a manner as to prevent deterioration.
5. Billboards shall have a maximum of two (2) faces.
6. Tandem, or side-by-side display on each billboard face is permitted. No more than two displays per face are allowed.
7. All billboards shall be constructed in accordance with the City of Minot adopted building and electrical codes.

G. Billboard Illumination and Brightness

1. The maximum brightness shall not exceed one hundred (100) foot-lamberts.
2. Billboards with external lighting shall have no exposed light sources or fixtures unless decorative fixtures are utilized and the light source is fully concealed and diffused.

H. Noncommercial Billboards

Noncommercial billboards are permitted as all other billboards per the regulations of Section 5.1-8. The owner shall place and maintain on such billboard the name of the person owning, in charge of, or in control of, said billboard.

SECTION 5.1-9. TEMPORARY SIGNS

A. Display Period and Removal

1. A temporary sign may be placed at a property up to 90 days per year.
2. If having a temporary sign(s) out for more than 90 days is not enough for a business, it is encouraged that the business/property switch to a permanent sign with changeable copy.
3. Exception: Sandwich board signs may be displayed at any time during the hours of business operation.

B. General Requirements

1. No temporary sign shall be placed in the right of way. Sandwich board signs are exempt from this requirement if approval is obtained from the Planning Division and a minimum of five feet (5') of clearance is maintained on the sidewalk for pedestrian access.
2. Each temporary sign shall have no more than four (4) faces.
3. Temporary signs shall be professionally made and constructed of durable, weather-resistant materials such as aluminum, plastic or wood finished surfaces and shall be maintained in good condition. The City may charge the costs of removal of any signs that are not adequately maintained.
4. Temporary signs shall be secured in a manner as to prevent them from being moved or blown over by the wind.
5. All companies that rent temporary signs to customers must obtain a sign permit with the City and carry liability insurance in a form and amount specified by the City. Each rental sign shall have the rental company's name and phone number clearly visible on the sign.
6. No ribbons, balloons, streamers, lighting or ancillary devices may be attached to any temporary sign.
7. The owner of each rented temporary sign shall submit a monthly report to the Planning Division showing days in use and the location of the sign.

C. Temporary Signs Located at Construction Site

1. Temporary signs installed on a lot where construction is occurring may be placed on such lot for up to 180 days. This time period may be extended with Planning Division approval in sync with the extension of any associated Building Permit(s) for onsite work.

2. Temporary sign types at construction sites are limited to banner signs, portable signs, and detached yard signs. Each temporary sign type must comply with the area, height/width, and setback requirements as stipulated for each sign type in Section 22-10.F.
3. Construction sites in any zoning district may have temporary signs as allowed in this section.
4. Construction sites are not limited as to the number of temporary signs allowed per lot.

D. Non-Commercial Signs

1. Temporary signs for non-commercial events are permitted in any zoning district.
2. Display Period: Such signs are installed no earlier than one hundred (100) days before the date of the event or election and removed no later than fourteen (14) days after the date of the event or election.
3. Temporary signs for non-commercial events may only include banners and detached yard signs.
4. Permits are not required for temporary non-commercial signs.

E. Permitted Temporary Signs by Type and Zoning District

Table 5.1-9(a). Permitted Temporary Signs by Type and Zoning District							
Temporary Sign Types	Permit Required	Zoning Districts					
		AG	RR, R1, R1S, R2, RM	R3C, RH, MH	C1, GMU, C2, C4, P	CBD	M1, M2, OP
Balloon Sign	Yes				P	P	P
Banner Sign	Yes				P	P	P
Blade Sign	Yes				P		P
Inflatable Sign	Yes				P		P
Portable Sign	Yes				P	P	P
Sandwich Board Sign	Yes				P	P	
Detached Yard Sign	Yes	P	P	P	P	P	P
Temporary Noncommercial Sign	No	P	P	P	P	P	P
Notes: Blank – Not Permitted P – Permitted							

F. Size, Placement, and Quantity Restrictions for Temporary Signs

Table 5.1-9(b). Size, Placement, and Quantity Restrictions for Temporary Signs				
Temporary Sign Types	Sign Quantity	Area (Square Feet)	Max Height/Width (feet)	Setback
Balloon Sign/Inflatable Sign	Maximum 2 per property/ event for any combination of balloon/inflatable, blade, portable, banner and detached yard signs. 1 detached yard sign allowed per property in residential districts.	Not Applicable	Height: 30	Height of Sign
Blade Sign		Not Applicable	Height: 20 Width: 4	Lot Line
Portable Sign		64	8	Lot Line ^(a)
Banner Sign		48 SF in C1, GMU, and M1; 150 SF in C2, CBD, and M2	Not Applicable	Not Applicable
Detached Yard Sign		12 SF in residential districts; otherwise 40 SF	Not Applicable	Lot Line
Sandwich Board Sign	1 per business	12	Height: 4 Width: 3	Not Applicable ^(b)
Temporary Noncommercial Sign	Not Applicable	32 SF in any residential district and C1, otherwise 100 SF	Not Applicable	Lot Line
Notes: <ol style="list-style-type: none"> Portable signs with blinking, flashing, or fluttering lights or other illuminating devices which have a changing intensity, brightness, or color may not be displayed within 300' of any residential zoning district. Sandwich board signs must be placed within 20' of the associated business entrance and may be placed on private property or within the public sidewalk, so long as there is a minimum clearance of 5' for pedestrian access. 				

SECTION 5.1-10. DIGITAL SIGN REGULATIONS

A. On-Premise

- Digital on-premise signs shall come equipped with automatic dimming technology that adjusts the display's brightness based on ambient light conditions.
- Maximum brightness levels for digital on-premise signs shall not exceed 0.3 (three tenths) foot-candles over ambient light levels measured at a preset distance as described in the following table:

Table 5.1-10. Distance for Measuring Brightness	
Size of Sign in Total Square Feet	Distance from Sign*
0-350	150 feet
351-650	200 feet
Over 650	250 feet
Notes:	

Table 5.1-10. Distance for Measuring Brightness	
Size of Sign in Total Square Feet	Distance from Sign*
*If sign cannot be measured at pre-set distance, the sign shall be measured as near as practical to pre-set distance.	

3. Prior to issuance of a Sign Permit, certification must be provided to the City demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Reinspection and recalibration may be required by the City in its reasonable discretion.
4. Brightness of digital on-premise signs shall be measured as follows:
 - a. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This shall be done while the on-premise sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.
 - b. The on-premise sign shall then be turned on to full white copy to take another reading with the meter at the same location.
 - c. If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted.

B. Billboards

1. Hold Time: Billboards shall display a static message which message may not change or be changed for a period of at least seven (7) seconds.
2. Message Transitions: The transition from one such static message to the next shall occur instantaneously (one second or less) without the use of animation, flashing or frame effects.
3. Billboard Brightness: Digital billboards shall comply with the same brightness requirements established for on-premise signs (Section 5.1-10(A)).

Chapter 5.2. – Definitions

SECTION 5.2-1. SIGN-RELATED TERMINOLOGY

Abandoned Sign: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, or for which no legal owner can be found.

Alteration: Any change in signage that only affects the advertising surface and does not require either the modification of the existing support structure (cabinet, raceway, background panel, etc.) or the erection of new support structure.

Attached Sign: Includes wall signs and projecting signs/flag mounts attached to a building.

Background Panel: An area distinctively painted, textured, or constructed as a background for the sign copy or a distinctive background area which is used to differentiate such sign copy from where the sign is mounted, affixed, or painted in a different color, material, etc., from the structure its attached.

Billboard: An off-premise sign whose sign face is greater than seventy-two (72) square feet in size, but not greater than six hundred seventy-two (672) square feet, and which advertises a business,

commodity, good, service, entertainment or attraction which is not sold, produced, manufactured, or furnished on the premises where the billboard is located. Billboards include either digital displays, static displays, or three-message displays (three-message displays consist of triangular prisms placed inside a frame).

Brightness Measurements:

1. ***Candela:*** The basic unit of measurement of light in SI (metric) units.
2. ***Candela per square meter (cd/m²):*** The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.
3. ***Foot Lambert:*** An English unit of measurement equivalent to 3.426 candelas per square meter.

Cabinet Sign: A sign that contains all of the text and/or logo symbols within a single enclosed cabinet.

Canopy/Awning: A roof-like cover, often of fabric, plastic, metal, or glass on a support, which projects above a doorway, walkway, window, or similar.

Canopy Sign: Any sign that is part of or attached to a canopy or awning. A canopy sign is not a marquee and is different from service area canopy signs.

Changeable-copy Signs: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or the surface of the sign.

Clearance (of a sign): The smallest vertical distance between the grade of vehicular uses or pedestrian uses and the lowest point of any sign, including framework and embellishments, extending over that grade.

Commercial Content: Sign content that promotes the sale, lease or exchange of goods, services, or property. Content that identifies or attracts attention to any place which sells, leases, or exchanges goods, services or property.

Detached Signs: Signs not attached to a building, including pole signs, pylon signs, and monuments.

Digital Sign or Digital Billboard: Electronic image displays that present multiple static advertising on a rotating basis through LED, or similar, electronic technologies.

Flag: Any fabric or similar light weight material attached at one (1) end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices.

Flashing Sign: A directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.

Height of Sign: The height of a sign shall be computed as the vertical distance measure from the base of the sign at grade to the top of the highest attached component of the sign or sign structure.

Iconic Sign: A sign that is considered historically significant to the City of Minot as determined by set criteria and standards.

Illuminated Sign: A sign, non-digital in nature, with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

1. **Direct Illumination:** An external source of illumination that is not part of or attached to a sign, which directly illuminates the sign.
2. **Indirect Illumination:** A source of illumination, not directly visible, which lights only the background upon which the sign or individual letter is mounted.
3. **Internal Illumination:** A light source entirely within a sign where the source of illumination is not directly visible.
4. **Neon Illumination:** Any illumination effects using neon or any other inert gas under low pressure, which glows in a distinctive color when exposed to a high voltage electrical current.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Master Sign Plan: A set of sign design standards and a master plan depicting all requested signs established for multiple signs for a multi-tenant building, non-residential complexes with multiple buildings, multi-family building complexes, hospitals, campuses, large churches, shopping centers and malls, or large-scale mixed-use developments, etc.

Mural: A graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic. These are not regulated as signs, as they are considered artwork. Murals shall not contain commercial content.

Noncommercial Content: Sign content including, but not limited to content expressing political views, religious views or content related to non-profit organizations and their tax-exempt purposes.

Noncommercial Sign: A sign which is not an on-premise or off-premise sign and which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. Noncommercial signs include but are not limited to signs expressing political views, religious views or signs of non-profit organizations related to their tax-exempt purposes.

Nonconforming Sign or Billboard: A sign that does not conform to the requirements of this chapter. Nonconforming legal and illegal signs or billboards are described below:

1. **Legal:** A sign which lawfully existed at the time of the passage of this Ordinance or amendments thereto, but which does not conform to the regulations of this Ordinance.
2. **Illegal:** A sign which was constructed after the passage of this Ordinance or amendments thereto, but which does not conform to the regulations of this Ordinance, or a sign which existed prior to the adoption of this sub-Ordinance which did not conform to regulations then in effect.

Numeric Display Sign: An on-premise sign which displays numeric information only. Typical examples include time and temperature displays and fuel price displays. The numeric information may be changed electronically or manually.

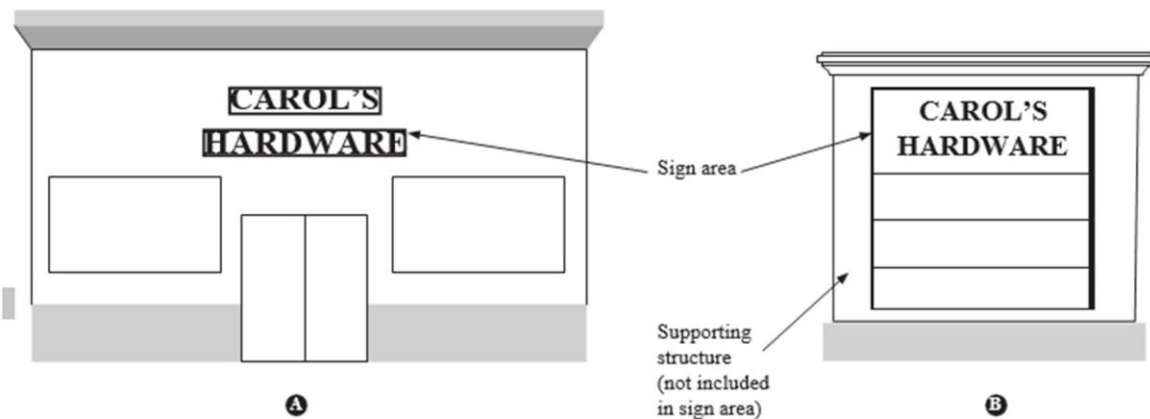
Off-Premise Advertising Sign: Any sign used to advertise products, goods, or services which are not exclusively related to the premises or owner of the property on which the sign is located.

Sign: Any device, structure, fixture, or placard, including its component parts, using graphics, symbols, and/or written copy which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person

and which may be viewed from the private property of another or from any public street, highway, right-of-way, or parking area.

Sign Area:

1. The sign area will be calculated by the smallest rectangle around the text/logos/etc. or clearly defined cabinet(s).
2. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
3. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, or wall, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.



How to determine sign area

SECTION 5.2-2. SIGN TYPE DEFINITIONS

Permanent Sign: A sign that is attached to a building, installed on a lot, or authorized to be placed on the public right-of-way by the political subdivision, that directs attention to the following, including but not limited to a business, commodity, service, or entertainment conducted, sold, or offered on the premises on which the sign is located. Within the meaning of this ordinance, this shall not include off-premise advertising signs or temporary signs. Types of permanent signs are:

1. **Building Sign:** Any sign attached or supported by a structure used or intended for supporting or sheltering any use or occupancy.
2. **Directional Sign:** An on-site sign located at or near an access point or other wayfinding location used to identify ingress/egress points, travel direction, premise name, etc; may contain the name or logo of an establishment.
3. **Pole Sign:** A detached sign supported by a single or multiple poles secured to a permanent foundation upon the ground and not attached directly to any building.
4. **Monument Sign:** A detached sign mounted directly to the ground and not supported by exposed posts or poles, where the sign has no more than two sides, is no more than six (6) feet in total height, and the base width dimension is at least as wide as the sign.

5. **Pylon Sign:** A detached sign in excess of six (6) feet in height that is detached from a building and is supported by one or more structural elements which are architecturally similar in design to the primary structure.
6. **Project Identification Sign:** A detached or attached sign identifying a recognized subdivision, condominium or apartment complex, multi-tenant commercial building(s), or development.
7. **Projecting, Blade, or Flag Mount Sign:** A sign, other than a flat wall sign, which is perpendicular to and projects from a building, is supported by a wall of a building where the leading edge extends more than twelve (12) inches beyond the surface of the wall. Any such sign that would project into right-of-way must obtain an encroachment permit through application submittal to the Engineering Department.
8. **Wall Sign:** A sign attached essentially parallel to and extending not more than twenty-four inches (24") from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and signs on a mansard roof.

Permanent sign types



Directional Sign



Monument Sign



Pylon Sign



Projecting Sign



Pole Sign



Wall Sign



Building Sign

Roof Sign: Any sign erected over or on the roof of a building.

Temporary Message: A temporary message does not have a structure in and of itself. It is a message that may be changed manually or digitally as part of a permanent sign structure. For example, electronic message centers are permanent signs that display temporary messages at set intervals.

Temporary Sign: A movable sign structure, including poles, posts, or other structural elements or apparatus intended to be erected for a short period of time and not permanently fastened to a foundation or other permanent structure. Reference Section 5-1.9. Types of temporary signs are:

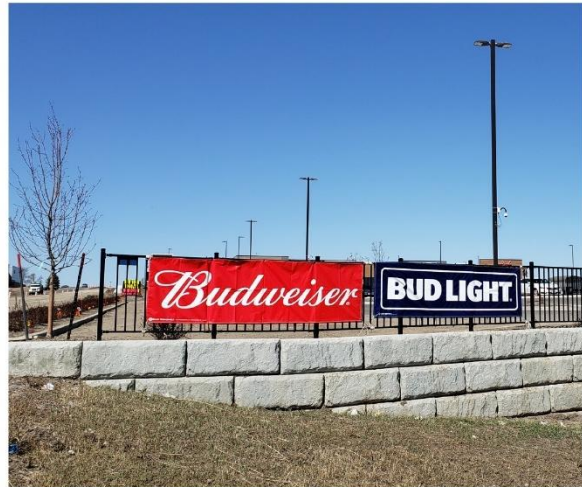
1. **Balloon Sign:** A sign consisting of a bag made of lightweight material supported by helium or by hot or pressurized air, which is greater than twenty-four inches (24") in diameter. Also known as air-activated graphics.
2. **Banner:** A temporary sign device generally made of flexible materials such as cloth, plastic, or other non-rigid material with no enclosing framework. Includes removable wall signs.
3. **Feather or Blade Flag:** A portable vertical standalone sign comprised of light fabric that moves with the wind and is supported by a pole structure and base.
4. **Detached Yard Sign:** Any temporary detached sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building and not placed on sidewalks, driveways, parking lots, or in the public right-of-way. Includes no more than two (2) faces.
5. **Inflatable Sign:** Similar to a Balloon Sign, a sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.
6. **Portable Sign:** Any sign which meets one or more of the following conditions: movable, either by skids, wheels, truck, or other conveyance; any sign which does not have a permanent foundation or is otherwise permanently fastened to the ground and/or which is not wired for electricity in accordance with the sign code. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category; neither does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors. Portable Signs and High Impact Signs are mutually exclusive. Portable signs are classified as temporary signs and are subject to the requirements in Section 5.1-9 of this ordinance.
7. **Sandwich Board Sign:** A detached temporary sign with only two sides that are situated adjacent to a business with the intent to attract traffic to businesses. Sandwich board signs are not meant to be read by vehicular traffic.

Window Sign: A sign installed inside or outside a window and intended to be viewed from outside.

Temporary sign types



Balloon Sign



Banner



Blade or Feather Flag



Inflatable Sign



Detached Yard Sign



Portable Sign



Sandwich Board Sign

Article 6: Parking and Loading

Chapter 6.1. – Standards

SECTION 6.1-1. GENERAL

A. Applicability

The requirements of this chapter apply to any building or structure that is erected or structurally altered, except as provided in Section 6.1-2.

B. Parking Requirement

All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement.

SECTION 6.1-2. PARKING SPACE REQUIREMENTS

A. CBD District Exempt

The requirements of this section do not apply to the CBD District.

B. Display and Storage Prohibited

Required parking spaces shall be kept open and available for parking of vehicles and shall not be used to display inventory or store equipment and/or materials.

C. Parking Space Requirement Schedules

1. **Schedule A:** Schedule A lists the number of parking spaces that shall be provided on the basis of the following minimum requirements and maximum requirements (where listed) in Chapter 6.2.
2. **Schedule B:** Schedule B includes parking requirements for those uses that are not listed. If the use is not listed, the Planning Division shall make a similar-use determination. If a similar use cannot be identified, then the Engineering Department shall use the ITE Parking Generation Manual, as revised, to determine minimum parking requirements. If sufficient information is available, a maximum parking requirement will also be provided.
3. **Schedule C:** Schedule C uses may have widely varying or unusual parking demands that do not fit the provisions of Schedules A or B.
 - a. **Parking Study:** A proposal to develop or expand a Schedule C use must submit a parking study that justifies the number parking spaces proposed. The study must consider parking space minimum recommendations and also maximum space recommendations when directed by the Engineering Department. The study must be based on recommendations of the ITE Parking Generation Manual or other acceptable estimates approved by the Engineering Department. The study must reference all sources used to develop parking recommendations.

- b. **Engineering Department Review:** The Engineering Department shall review the parking study and other relevant traffic engineering and planning data relevant to the proposal's parking needs. After reviewing the study, the Engineering Department shall establish minimum parking requirements for the proposed use, and may also establish maximum parking requirements where applicable.

D. Calculating Required Parking Spaces

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

1. "SF" (square feet) shall mean the sum of the areas at each floor level, as measured from the outside wall; otherwise known as gross square footage.
2. Where fractional spaces result from the computation of parking space requirements, the parking spaces required shall be construed to be the nearest whole number.
3. Unless otherwise specified in the Chapter and in the case of mixed use developments, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
4. For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

E. Parking Requirement Alternatives

1. Alternatives to the Schedule A or B parking requirements provided in this Chapter may be provided. Alternatives are intended to promote reasonable parking requirements, including density and intensity of development consistent with the intent of the zoning districts, and reduce impervious area by allowing the parking requirements of this section to be satisfied, in whole or in part through various practical means.
 - a. Alternatives that allow for deviations of plus or minus twenty percent (20%) of the minimum and maximum parking requirements must be approved by both the Planning Division and Engineering Department. Deviations not approved by staff may be approved by the Planning Commission through a Variance.
 - b. Alternatives that allow for deviations beyond the twenty percent (20%) threshold must be approved by the Planning Commission through a Variance. -
2. **Alternative Parking Plan:** An Alternative Parking Plan must be provided to the Engineering Department to allow alternative strategies and possible required parking reductions. The Plan shall meet the following standards:
 - a. Each alternative parking strategy proposed (refer to Section 6.1-2(F)).
 - b. Any agreements with consenting property owners party to an alternative parking strategy.
 - c. Documentation or studies used to justify the use of certain alternative parking strategies. Refer to direction provided for Schedule C, Section 6.1-2(C)(3).

- d. One or more parking alternatives may be used in combination with one another or with on-site parking to attain the minimum number of required parking spaces.
- e. The approved Alternative Parking Plan runs with the assigned property(ies), not the applicant or owner and is kept on file with the Engineering Department.
- f. If the associated development use changes after approval of the Alternative Parking Plan, the Plan becomes null and void.

F. Alternative Parking Strategies and Reductions

1. Shared Parking

- a. Parking spaces required by this section may be shared by two or more buildings or uses if it reasonably appears that ordinarily the patrons of one building or use will not use the spaces at the same time as the patrons of the other buildings or uses involved in the sharing agreement. For example a retail store sharing parking spaces with a church, theater, or an event center sharing parking spaces with a bank.
- b. Shared parking allowed by this section shall not be separated from the uses or buildings such that it is unreasonable to expect people to park in those areas due to distance or traffic and shall not exceed a distance of three hundred feet (300') from the entrance to the building or use served by the parking lot or structure.
- c. This alternative parking strategy requires that all participating parties must enter into a written agreement providing for the sharing of parking spaces as herein provided for a period of time co-extensive with the projected lifetime of the building or uses sharing the parking. The written agreement shall be recorded in the office of the Ward County Recorder before a certificate of occupancy is issued.

2. Stand-alone Parking

Unless restricted in Article 4, Standards Specific to Uses and Districts, stand-alone parking allows parking areas to be located on a lot other than the lot on which the use served by the parking areas is located. Stand-alone parking is not required to be located on a lot under the same ownership as the lot on which the use served by the parking is located. In addition to all other applicable requirements of the section, the following requirements shall apply to stand alone parking:

- a. A site development plan for new stand-alone parking areas shall be submitted and approved by the Engineering Department.
- b. If the stand-alone parking areas are not paved, they must be improved to the parking lot standards of the subject zoning district.
- c. At least one (1) sign shall be posted in the parking area identifying the off-site use served by the parking area.
- d. Pedestrian access shall be available within a walking distance of three hundred feet (300') measured from the nearest point of the building lot to an entrance to the parking area.
- e. This alternative parking strategy requires that all participating parties must enter into a written agreement providing for the stand-alone parking spaces as herein provided for a period of time

co-extensive with the projected lifetime of the building or development in need of the stand-alone parking. The written agreement shall be recorded in the office of the Ward County Recorder before a certificate of occupancy is issued.

3. Transportation Demand Management (TDM)

TDM is a set of tools that provide an alternative to parking spaces upon a demonstration that the number of vehicle trips, upon which the minimum number of parking spaces required herein are based, will be reduced. TDM tools include, but are not limited to, van pool, car pooling, and park and ride (e.g. commuter) lots.

- a. An applicant seeking to reduce the number of required parking spaces through TDM shall provide a parking study demonstrating how the number of required spaces may be reduced through TDM.
- b. The Engineering Department may reduce the number of on-site parking spaces using TDM alternatives if the study submitted by the applicant demonstrates that the use of TDM tools can effectively eliminate the need for some of the required parking spaces.
- c. The following TDM tools may be used, in addition to any others that can be justified through a TDM study reviewed and approved by the Engineering Department.
 - i. Documentation that the proposed project location is within an area with sufficient commercial density and appropriate infrastructure to support pedestrian travel between uses and proposed uses which are conducive to pedestrian travel.
 - ii. Documentation that the proposed project is within an area with sufficient residential density and infrastructure to support pedestrian and bicycle access as a primary means of travel, and a viable alternative to access by a personal vehicle.
 - iii. Proximity to publicly-available parking lots where an agreement with the public entity is in place allowing for the use of publicly-owned parking spaces.
 - iv. Documentation of sufficient proximity to public transit and proposed uses which are conducive to transit usage.
 - v. Provision of on-site bicycle parking and proposed uses which are conducive to bicycle usage.

4. Demonstrated Parking

- a. Demonstrated parking may include evidence of similar uses and locational situations operating successfully with lower amounts of parking, evidence that the uses proposed will have a high rate of parking turnover, or evidence that the characteristics of the proposed occupants are likely to lessen parking demand, such as age.
- b. The Planning Commission may approve a “proof-of-parking” plan which allows for a portion of the required parking, not to be constructed, but demonstrates that the minimum number of required parking spaces can be accommodated on the property and meet setback requirements. The plan must demonstrate that all other applicable ordinances can be met if the full amount of required parking were to be constructed. The area for future parking must be maintained as green space (sodded with grass or natural plant materials). Any changes to use and/or building

size could invalidate the approval for “Demonstrated Parking”. Demonstrated parking reserves the right of the Planning Commission to require installation of the additional parking spaces.

5. **Avoidance of Sensitive Resources**

Documentation that explains the need to avoid harm to historic or natural resources, such as historic buildings, significant trees, or wetlands and other sensitive cultural or environmental areas.

6. **Other Alternatives or Reduction Strategies**

Other parking alternatives or reduction strategies may be proposed for consideration and acceptance by the Engineering Department and Planning Division.

G. Parking Space Requirements for Use Changes, Enlargements, or Modifications

1. Whenever a building or use constructed or established after November 3, 1958, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
2. Whenever a building or use existing prior to November 3, 1958, is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

SECTION 6.1-3. LOADING SPACE REQUIREMENTS

A. Space Requirements

1. Every retail establishment, industrial or manufacturing use, warehouse, wholesale use, freight terminal, railroad yard, hospital or sanatorium having a gross floor area of six thousand (6,000) square feet or more shall provide off street loading facilities as follows:

Table 6.1-3. Loading Space Requirements	
Gross Floor Area (square feet)	Number of Spaces
6,000 – 24,999	1
25,000 – 74,999	2
75,000 – 150,000	3

2. For each additional one hundred thousand (100,000) square feet (or fraction thereof of building square feet), one (1) additional space shall be provided.
3. Public places of assembly uses, such as auditoriums, convention halls, exhibition halls, stadiums or sports arenas, with a gross floor area of greater than one hundred thousand (100,000) square feet shall provide a minimum of one (1) off street loading space.
4. Institutions, funeral homes, restaurants and hotels with a gross floor area of greater than thirty thousand (30,000) square feet and offices with a gross floor area of one hundred thousand (100,000) square feet or more shall provide a minimum of one (1) off street loading space.

B. Design Requirements

1. Off street loading space shall be at least ten feet by twenty-five feet (10' x 25'), excluding area for maneuvering vehicles.
2. At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public street while the truck or van is being loaded or unloaded.
3. Whenever loading and service areas are adjacent to or across the street from residential uses, interior parking lot circulation shall be arranged in such a way as to route service vehicle traffic away from residential uses.
4. All loading and service areas shall meet screening requirements of Article 7, Landscaping.

SECTION 6.1-4. STACKING REQUIREMENTS

A. Requirements

All uses which include a drive-up window or which are characterized by customers remaining in their vehicles for at least a portion of the time to receive service shall provide on-site stacking spaces in order to alleviate traffic congestion.

1. Stacking spaces shall be a minimum of ten feet (10') in width and twenty feet (20') in length.
2. All stacking areas shall be separate from other vehicular or pedestrian circulation aisles and parking spaces.
3. The number of stacking spaces required shall be determined as follows:

Table 6.1-4. Stacking Requirements		
Type	Minimum Number of Stacking Spaces	Point Measured From
Auto Repair	1	Service Bay
Auto Maintenance; Oil Change Facility	2	Service Bay
Car Wash (Automatic)	6	Bay
Car Wash (Self-service)	3	Bay
Drive-thru Restaurant	6	Menu Board
Financial Institution (Bank)	4	Window, ATM, or Dropbox
Pharmacy	3	First Window

4. For car washes (both automatic and self-service), the amount of stacking space shall account for the type of car wash and the amount of time it takes to wash a vehicle. The stacking requirements provided in Table 6.1-4 shall be used as a minimum starting point. Final approval shall be made by the Engineering Department.

SECTION 6.1-5. PARKING LOT DESIGN STANDARDS

A. Design

1. Parking lot design standards are shown in Table 6.1-5(a) and 6.1-5(b) for nine foot (9') and ten foot (10') parking spaces respectively. Required parking space width will be determined by the Engineering Department according to proposed land use. For example, ten foot width (10') spaces will be required for high parking turnover uses such as retail sales, while nine foot width (9') spaces will be required for low parking turnover uses such as office or employee parking lots:
- 2.

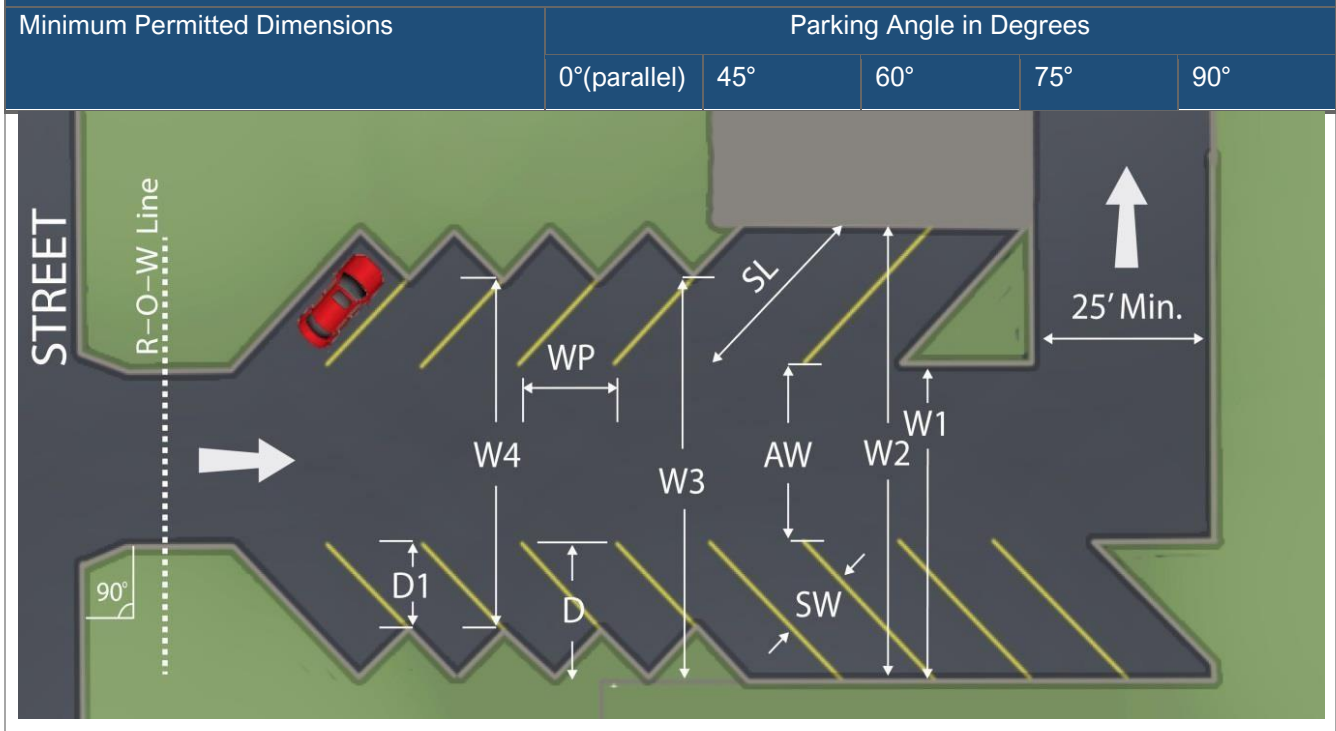
Table 6.1-5(a). Parking Layout Dimensions – 9-foot stall

Minimum Permitted Dimensions	Parking Angle in Degrees				
	0°(parallel)	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9.0'	9.0'	9.0'	9.0'	9.0'
Stall Width Parallel to Aisle (WP)	18.0' ³	12.7'	10.4'	9.3'	9.0'
Stall Depth to Wall (D)	9.0' ¹	19.1' ¹	20.1'	19.7' ¹	18.0' ¹
Stall Depth to Interlock (D1)		12.7'	15.6'	17.4'	
Stall Length (incl. 1.5' curb overhang) (SL)	18.0'	18.0'	18.0'	18.0'	18.0'
Aisle Width (AW)	15.0' ²	15.0' ²	18.0' ²	22.0' ²	26.0' ²
Parking Module Width (PMW)					
Wall to Wall (Single-Loaded) (W1)	24.0'	34.1'	38.1'	41.7'	44.0'
Wall to Wall (Double-Loaded) (W2)	33.0'	53.2'	58.2'	61.4'	62.0'
Wall to Interlock (Double-Loaded) (W3)		46.8'	53.7'	59.1'	
Interlock to Interlock (Double-Loaded) (W4)		40.5'	49.2'	56.8'	

Notes:

1. Parking spaces located behind an enclosed garage & located directly off a through aisle shall be at least 30 feet deep.
2. This dimension represents (AW) for one-way traffic, add 8.0 feet to a maximum (AW) of 26.0 feet.
3. End spaces only. Interior spaces shall be 22.0 feet.

Typical Parking Layout Dimensions

Table 6.1-5(a). Parking Layout Dimensions – 9-foot stall**Table 6.1-5(b). Parking Layout Dimensions – 10-foot stall**

Minimum Permitted Dimensions	Parking Angle in Degrees				
	0°(parallel)	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	10.0'	10.0'	10.0'	10.0'	10.0'
Stall Width Parallel to Aisle (WP)	18.0' ³	14.2	11.5'	10.4'	10.0'
Stall Depth to Wall (D)	10.0' ¹	19.8' ¹	20.6'	20.0' ¹	18.0' ¹
Stall Depth to Interlock (D1)		12.8'	15.6'	17.4'	
Stall Length (incl. 1.5' curb overhang) (SL)	18.0'	18.0'	18.0'	18.0'	18.0'
Aisle Width (AW)	15.0' ²	15.0' ²	18.0' ²	22.0' ²	26.0' ²
Parking Module Width (PMW)					
Wall to Wall (Single-Loaded) (W1)	25.0'	34.8'	38.6'	42.0'	44.0'
Wall to Wall (Double-Loaded) (W2)	35.0'	54.6'	59.2'	62.0'	62.0'
Wall to Interlock (Double-Loaded) (W3)		47.5'	54.1'	59.4'	
Interlock to Interlock (Double-Loaded) (W4)		40.5'	49.2'	56.8'	

Notes:

1. Parking spaces located behind an enclosed garage & located directly off a through aisle shall be at least 30 feet deep.
2. This dimension represents (AW) for one-way traffic, add 8.0 feet to a maximum (AW) of 26.0 feet.
3. End spaces only. Interior spaces shall be 22.0 feet.

2. All Americans with Disabilities Act (ADA) requirements shall be met onsite.

3. All parking spaces must be designated by clearly visible painted lines.
4. Non-residential driveway width shall be approved at the time of site plan review and according to standard specifications.
5. Drainage: All parking lots, except those with less than four (4) vehicles, shall include a minimum of a one-half percent (0.5%) grade. Catch basins, sumps, and underground storm sewers must be installed if required by the Engineering Department.
6. Traffic regulatory signs: Stop signs are required at all driveway exits to city streets. Other signs may be required as part of the Site Plan Review process.
7. Within the city limits, any portion of an access drive that is located within a public right of way shall be constructed of Portland cement concrete in accordance with the standard specifications of the City of Minot, unless the roadway itself is not an improved surface.
8. Parking lot design, including specifically but without limitation, the location of access drives within a public right of way, must be approved by the Engineering Department.
9. All drives providing access to (not within) parking lots or within a multi-family, mixed, commercial, or industrial development must be a minimum width of twenty-five feet (25').
10. Cart Storage: Any retail commercial uses using carts shall provide ample space for the storage of customer service carts within off-street parking areas (unless all carts are stored and returned at the building entry). The need and specific amount of required cart storage shall be determined as part of the site plan review. When required, cart storage areas shall not occupy required off-street parking spaces, shall be clearly delineated areas, and include facilities for cart confinement.
11. Exception: An exception to the drive-aisle width and other parking lot dimensional standards may be made for existing parking lot designs that include end caps, parking lot lighting, or other infrastructure where a redesign of the parking lot would be cost prohibitive or otherwise undesirable with regard to onsite traffic circulation, aesthetics, or overall functionality of the site. Any exception requires administrative approval of both the Engineering Department and Planning Division. Any appeal to an administrative decision shall follow the appeals processes as provided in Section 9.1-9. Appeal of Administrative Decisions or related procedure available at the time of the appeal should the Land Development Ordinance of the City of Minot be changed in the future.

B. Curbing

All off-street parking lots, not including areas behind screened storage areas, shall be completed with curbing. Paving areas must be separated with curb and gutter from all designated landscaping areas, curb islands, and at ingress-egress locations to the traveled roadway. Curbing must be constructed of poured-in-place concrete equipped with a gutter and must be of a six (6) inch non-surmountable design. Other curb options may be allowed as approved by the Engineering Department, such as exceptions to allow for onsite storm water treatment.

C. Conventional Paving

Except in the AG and RR districts (excluding any non-housing and non-farming and ranching uses as denoted in Table 2.2), parking lot or motorized vehicle storage area must be hard surfaced so as to be free

of dust and mud. This paving requirement includes the entire parking area including parking stalls, aisles and internal driveways. Driveways in the public right of way must be paved with concrete. All areas shall be surfaced with concrete, bituminous, or pavers.

An exception to the paving requirement may be granted where the adjoining roadway for which access is taken is unpaved. This exception shall not apply to Americans with Disability Act (ADA), state, or local accessibility requirements. Any exception requires administrative approval of both the Engineering Department and Planning Division. Any appeal to an administrative decision shall follow the appeals processes as provided in Section 9.1-9. Appeal of Administrative Decisions or related procedure available at the time of the appeal should the Land Development Ordinance of the City of Minot be changed in the future.

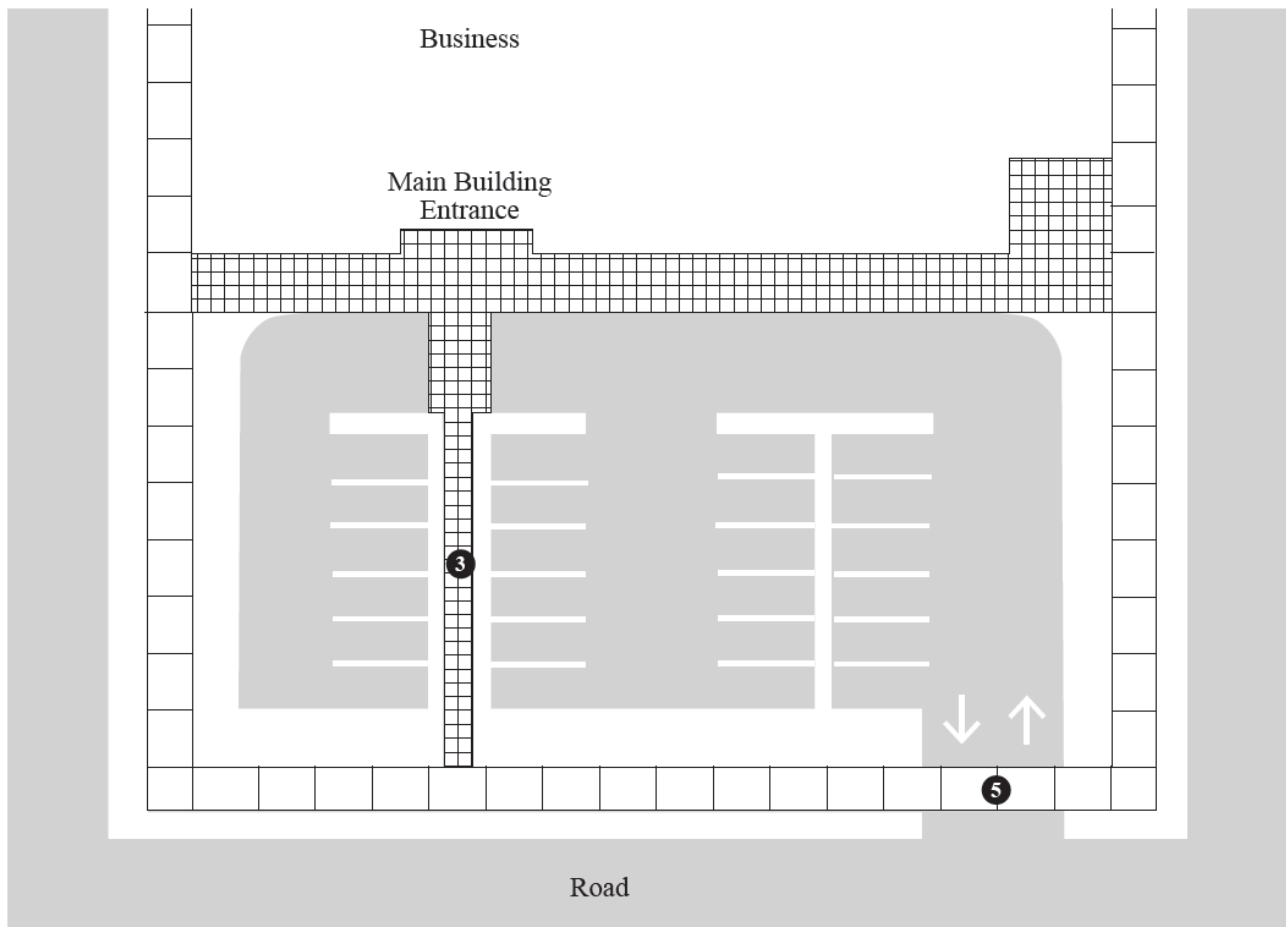
D. Alternative Paving

Pervious paving/paver systems may be provided where appropriate soils and site conditions exist for the pervious systems to function. The City Engineer shall make the final determination if soils are conducive for use of pervious paving/paver systems. The following additional standards apply to pervious paving/paver systems:

1. The use of pervious paving/paver systems is encouraged for pedestrian walkways, parking areas, overflow parking areas, snow storage areas, within raised medians and islands, emergency vehicle lanes and other low traffic areas. The owner shall provide soils information to the Engineering Department to prove that appropriate conditions exist for the pervious paving/paver system to function.
2. The owner shall supply a written intention that any pervious installation will be maintained. This requirement also applies to pervious paving/paver system used in open sales lots and open rental lots. Other materials such as decorative rock, gravel, sand, or bare soil are prohibited.

E. Pedestrian Systems

1. All parking lots in commercial, industrial, mixed use, multiple family and non-residential uses in residential zoning districts shall be subject to the following standards to provide a safe pedestrian environment:
2. Parking areas shall include a direct and continuous pedestrian network within and adjacent to parking lots to connect building entrances, parking spaces, public sidewalks, transit stops, and other pedestrian destinations.
3. At least one pedestrian route shall be provided between the main building entrance and the public sidewalk that is uninterrupted by surface parking and driveways.
4. In larger parking lots or where parking lots serve more than one building or destination, designated pedestrian pathways for safe travel through the parking lot shall be provided.
5. All pedestrian routes within a parking lot shall include a clear division from vehicular areas, with a change in grade, soft landscaping, or a change in surface materials.
6. Where pedestrian routes cross street access driveways and other major drive aisles crossings shall be clearly marked and sight distance for both pedestrian and vehicles shall be unobstructed.



SECTION 6-1.6. OUTSIDE STORAGE OF EQUIPMENT, MATERIALS, AND/OR INVENTORY

A. Commercial and Public Districts

1. The area occupied is not within a required front or required street side yard, except for vehicle and equipment sales display areas.
2. Unless otherwise approved as a conditional use, the storage area with all equipment, materials, and inventory is completely screened from the motoring public by fence or landscaping as provided for in Article 7, Landscaping.
3. Display and storage areas generally shall be improved to allow for good drainage and provide for neat appearance.
4. The storage area does not encroach upon required parking space, required loading space, or snow storage area for the use.
5. Units utilized for the purpose of storage and protecting materials from the weather, such as a cargo container, are considered outdoor storage. Such units are allowed provided they do not exceed six

feet (6') in height, are located in a side or rear yard, and are fully screened from view from any public street according to the screening provisions found in Article 7, Landscaping.

6. All new commercial uses shall comply with the above procedures and standards. For the purposes of public health, safety and aesthetic appeal to the community, any outside storage existing upon the effective date of this Section shall be brought into compliance within twelve (12) months of written notification by certified mail to the property owner.

B. Industrial Districts

1. An exception to the paving requirements of this Chapter can be made for outdoor storage areas and/or areas where track or heavy vehicles and equipment are parked in the M1 and M2 zoning districts where crushed and/or recycled rock, concrete or asphalt can be used within only the defined outdoor storage area, as approved during site plan approval, provided the site is completely screened from public view from a public roadway per Article 7, Landscaping.
2. An exception can be made from the above screening requirements for display purposes (not for storage) provided it is approved during the site plan approval.
3. Dust control provisions including sealant must be applied as needed or as determined by the Engineering Department.
4. All driveway entries from the street including the first fifty feet (50') back from the right-of-way shall be concrete or bituminous concrete. In addition, a buffer of concrete or other approved hard surface material shall be provided between the gravel and parking lot areas.
5. Storage boxes, crates or other units utilized for the purpose of storage and protecting materials from the weather are considered outdoor storage. Storage units are not limited by height; however, must be located in a side or rear yard and be fully screened from any public street.
6. All new industrial uses shall comply with the above procedures and standards. For the purposes of public health, safety and aesthetic appeal to the community, any outside storage existing upon the effective date of this Section shall be brought into compliance within twelve (12) months of written notification by certified mail to the property owner.

SECTION 6.1-7. RESIDENTIAL DISTRICTS – PARKING AND RELATED OUTDOOR STORAGE REQUIREMENTS

A. General

1. This section is not intended to prohibit storage of material or vehicles and equipment engaged in contractual services for improvements to a given property.
2. Prohibitions:
 - a. Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
 - b. No lot in any residential district shall be used for the outdoor storage, keeping, or abandonment of junk, including scrap metals, or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

- c. Cargo containers are prohibited in residential districts. This prohibition does not apply to residential property in the extraterritorial jurisdiction.
- d. Vehicles greater than one (1) ton gross empty weight, equipment used for construction, landscape services, snow removal services, and other commercial or agricultural equipment and trailers shall not be stored on any residential zoned property or on any street within a residentially zoned district. This prohibition does not apply to property zoned "RR" Rural Residential, so long as it is accessory in nature to the primary residential use. Home Occupation and Home-based Business standards found in Section 4.1-8 B. apply.
- e. Recreational vehicles, recreational equipment and recreational trailers less than ten(10) tons gross empty weight may not be parked on any street within a residentially zoned district for a period exceeding seventy-two (72) hours.

B. Parking Location Requirements

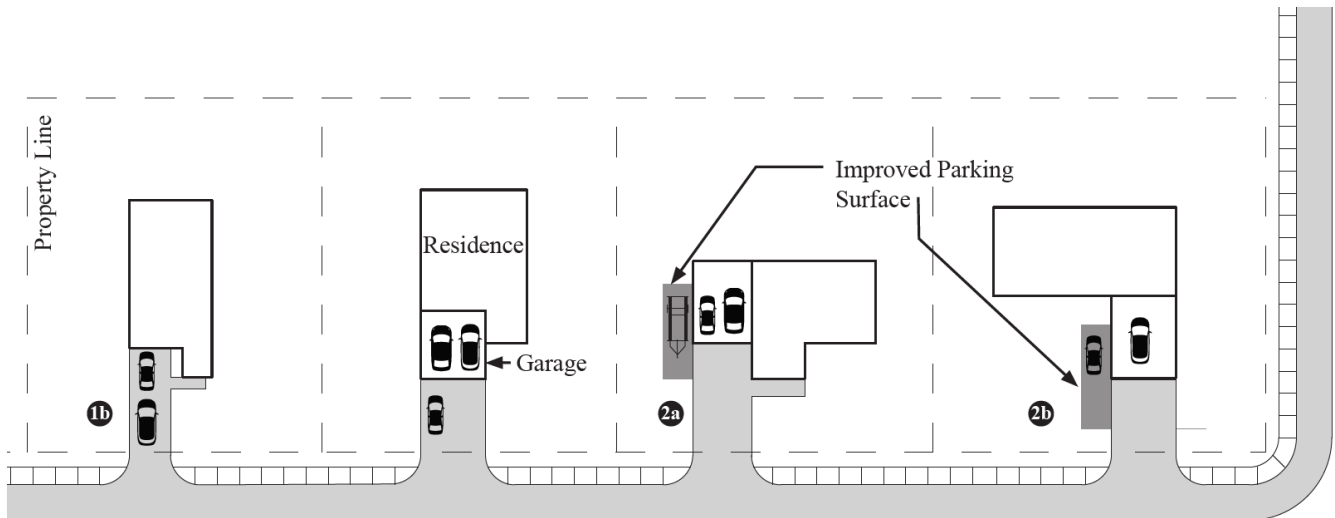
In all residential districts, and residential PUD Overlay Districts, personal vehicles may park as specified in compliance with the location requirements specified below. Personal vehicles are defined as Class D or M including passenger cars, motorcycles, vans, pick-up trucks, campers, toppers and other similar appurtenances intended for attachment to personal vehicles; trailers under twenty feet in length and boats.

1. Currently licensed personal vehicle or equipment parking on residential lots may be parked in the following described areas:
 - a. One space in each garage stall.
 - b. Two spaces in driveway (length) per stall provided no vehicle extends into the public right-of-way including the sidewalk.
 - c. No parking shall be permitted on the grass.
 - d. No parking shall be permitted in the rear yard, unless alley access is provided or if the lot is wide enough to allow thru access from the front to rear yard.
 - e. If no garage exists onsite, parking shall be allowed as wide as the driveway (meeting city definition) and two vehicles deep (in length) outside of the right-of-way.
 - f. The parking area must comply with the requirements of Section 6.1-5. C. Conventional Paving.
2. Side Yard:
 - a. Parking or storage of one additional vehicle may occur on an improved parking surface, crushed asphalt surface, or alternative paving as specified in this Chapter adjacent to the garage or dwelling, within the required side yard provided that a twelve-foot (12') setback is maintained on the street side of a corner lot and a three-foot (3') setback is maintained from the side lot line on interior lot lines. At no time shall a vehicle interfere with the visibility triangle as provided in Section 3.1-11.
 - b. Small trailers which are twenty feet (20') or less in length, including the hitch, are allowed to be parked on an interior side yard (not street side) parallel to the existing driveway². Table and parked on an improved parking surface or alternative paving as specified in this Chapter.

3. Sidewalk Setback:

Under no circumstance shall vehicle or equipment parking occur within three feet (3') of the sidewalk or, where no sidewalk exists, one foot (1') from the front lot line.

Residential parking location and surfacing requirements



Chapter 6.2. – Parking Table

Agricultural			
Use Category	Example Use Types	Minimum Requirement	Maximum Requirement
Agricultural Sales	Livestock Sales	1 space for each 2,000 square feet of land up to the first 8,000 square feet, plus 1 space for each 4,000 square feet up to a parcel of 24,000 square feet, plus 1 space for each 6,000 square feet over 24,000. <i>Half of these spaces shall be able to accommodate tractor trailers and/or truck and trailers.</i>	No Maximum
Animal Services	Veterinary Clinic (Small Animal)	3 per 1,000 SF	4 per 1,000 SF
	Veterinary Clinic (Large Animal)	3 per 1,000 SF <i>Half of these spaces shall be able to accommodate tractor trailers and/or truck and trailers.</i>	4 per 1,000 SF
	Kennels	1.5 per employee	3 per employee
	Stable (Commercial)	2 spaces + (1 space, capable of accommodating both a vehicle and a horse trailer, for every two horse stalls)	No Maximum
	Stable (Private)	NA	
Farming and Ranching	Animal Production	NA	
	Animal Feeding Operation (AFO)	NA	
	Crops and Horticulture	NA	

Housing			
Use Category	Example Use Types	Minimum Requirement	Maximum Requirement
Group Living	Boardinghouse	Refer to requirement for Hotels and Motels	
	Group Home (Up to 6 residents plus staff)	NA	
	Group Home (7-12 residents plus staff)	NA	
	Lodging House	Refer to requirement for Hotels and Motels	
	Fraternity/Sorority	1 space for every 200 square feet of floor area of the fraternity or sorority house, including livable areas of the basement.	1 space for every 150 square feet of floor area of the fraternity or sorority house, including livable areas of the basement.
Multi-family	Apartments (5 units and above)	1 space for each efficiency unit; 1.5 spaces for each 1-bedroom unit; 2 spaces for each 2-bedroom unit; 2.5 spaces for each 3-bedroom unit or larger.	No Maximum
	Duplex (2 units)	2 spaces per unit	No Maximum
	Triplex (3 units)	2 spaces per unit	No Maximum
	Quadplex (4 units)	2 spaces per unit	No Maximum
Single Family	Single-Family Attached (TwinHomes)	2 spaces per unit	No Maximum
	Single -Family Attached (Townhomes)	2 spaces per unit	No Maximum
	Single-Family Detached	2 spaces per unit	No Maximum
Other Housing	Accessory Dwelling Unit	1 space per unit	No Maximum
	Assisted Living Facility	0.5 spaces for each unit	0.5 spaces for each unit plus 1 space for each peak hour employee
	Nursing Home	1 space per 6 patient beds, plus one space per employee on the largest work shift.	1 space per 3 patient beds, plus one space per employee on the largest work shift.
	Manufactured Home	2 spaces per unit	No Maximum

Public and Private Institutional Uses			
Use Category	Example Use Types	Minimum Requirement	Maximum Requirement
Civic	Banquet/Reception Hall	1 space per 4 patrons at the maximum occupancy load, plus 1 space per employee on the largest work shift.	1 space per 3 patrons at the maximum occupancy load, plus 1 space per employee on the largest work shift.
	Clubs	1 space per 4 patrons at the maximum occupancy load, plus 1 space per employee on the largest work shift.	1 space per 3 patrons at the maximum occupancy load, plus 1 space per employee on the largest work shift.
	Convention Center/Civic Center	1 space per 4 patrons at the maximum occupancy load, plus 1 space per employee on the largest work shift.	1 space per 3 patrons at the maximum occupancy load, plus 1 space per employee on the largest work shift.
	Library	1 space per 4 patrons at the maximum occupancy load, whichever is greater, plus 1 space per employee on the largest work shift	1 space per 3 patrons at the maximum occupancy load, whichever is greater, plus 1 space per employee on the largest work shift
	Museum	1 space per 4 patrons at the maximum occupancy load, plus 1 space per employee on the largest work shift	1 space per 3 patrons at the maximum occupancy load, plus 1 space per employee on the largest work shift

	Religious/Public Assembly	1 space for each 3 seats (one seat equals 24 inches of pew or bench space) in the main assembly room; or 1 space per each 20 square feet in the main assembly room, whichever is greater, plus parking figured separately for additional gymnasiums, banquet rooms, meeting rooms, offices, and other multi-use spaces	1 space for each 2.5 seats (one seat equals 24 inches of pew or bench space) based on the design capacity in the main assembly are; or 1 space per each 15 square feet in the main assembly room, whichever is greater, plus parking figured separately for additional gymnasiums, banquet rooms, meeting rooms, offices, and other multi-use spaces
Medical	Hospital	3.5 spaces per bed	5 spaces per bed

Public and Private Institutional Uses Continued			
Use Category	Example Use Types	Minimum Requirement	Maximum Requirement
Parks and Open Space	Campground (Tent and RV)	Per site plan and State Department of Health requirements.	
	Columbarium	1 space for each full-time employee	No Maximum
	Cemetery	1 space for each full-time employee	No Maximum
	Golf Course	8 spaces per hole	No Maximum
	Park and Associated Facilities	Per site plan	
Public Services	Administration Offices	2 spaces per 1,000 SF	No Maximum
	Emergency Residential Services	2 spaces per unit	No Maximum
	Detention Facilities	Schedule C	
	Postal Facilities	2 spaces per 1,000 SF	No Maximum
	Public Safety and Emergency	1 space per 1,000 SF	No Maximum
	College and University Facilities	1 space per staff member on the largest shift, plus 1 space per 3 students of the largest class attendance period.	1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period.
	Portable Classroom	Depends on educational facility type.	
	Educational Facilities (Primary &	Primary and Middle - 1 space for each classroom plus 1 for each 100 students of design capacity.	No Maximum

Schools	Secondary)	Secondary - 1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period.	No Maximum
	Pre-School (Public and Private)	1 space per employee plus one space per 7 children of licensed capacity of facility.	1 space per employee plus one space per 6 children of licensed capacity of the facility.
	Vocational School	1 space per staff member on the largest shift, plus 1 space per 3 students of the largest class attendance period.	1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period.

Commercial Uses			
Use Category	Example Use Types	Minimum Requirement	Maximum Requirement
Adult Entertainment Center	Adult Bookstore, Adult Cinema, or Adult Entertainment Facility	5 spaces per 1,000 SF	6 spaces per 1,000 SF
Commercial Recreation	Commercial Recreation Indoor - Multipurpose recreational facility or tennis/racquet club	1 space per 1,000 SF	3 spaces per 1,000 SF
	Commercial Recreation Indoor - Fitness club	3 spaces per 1,000 SF	5 spaces per 1,000 SF
	Commercial Recreation Indoor - Bowling Alley	3 spaces per alley, plus additional parking calculated separately for restaurants and other related uses	5 spaces per alley, plus additional parking calculated separately for restaurants and other related uses
	Commercial Recreation Outdoor	Per site plan	
Food and Drink	Brew Pub, Cocktail Lounge, Bar, Winery	0.5 spaces per seat or 12 spaces per 1,000 SF, whichever requires the least spaces.	1 space per seat or 16 spaces per 1,000 SF, whichever requires the least spaces.

	Restaurant (Dine-in Only)	0.5 spaces per seat or 12 spaces per 1,000 SF, whichever requires the least spaces.	1 space per seat or 16 spaces per 1,000 SF, whichever requires the least spaces.
	Restaurant (Drive-thru)	0.5 spaces per seat or 13 spaces per 1,000 SF, whichever requires the least spaces.	1 space per 0.75 seat or 16 spaces per 1,000 SF, whichever requires the least spaces.
Motor Vehicle Uses	Auto Repair	2 spaces per 1,000 SF	No Maximum
	Auto Maintenance; Oil Change Facility	2 spaces per service bay	No Maximum
	Car Wash	2 stacking spaces per service bay	3 stacking spaces per service bay
	Convenience Store/Fuel Station	5 spaces per 1,000 SF	7 spaces per 1,000 SF
	Motor Vehicle Sales (Cars, Boats, RVs, Motorcycles, etc.)	2 spaces per 1,000 SF	5 spaces per 1,000 SF
Commercial Uses (Continued)			
Use Category	Example Use Types	Minimum Requirement	Maximum Requirement
Motor Vehicle Uses	Manufactured Home and Modular Homes Sales Lot	1 space for each 2,000 square feet of land up to the first 8,000 square feet, plus 1 space for each 4,000 square feet up to a parcel of 24,000 square feet, plus 1 space for each 6,000 square feet over 24,000 square feet.	No Maximum
Office	Corporate Offices, Financial Offices and Institutions, General Offices, Banks	3 spaces per 1,000 SF	5 spaces per 1,000 SF
Parking	Off-Street Parking (Commercial)	NA	
	Off-Street Parking (Non-Commercial)	NA	
	Parking Structure	NA	

Retail Sales and services (Small)	Clinics, Medical offices, and Pharmacies	2 spaces per 1,000 SF	5 spaces per 1,000 SF
	General Merchandise	2 space per 1,000 SF	4 spaces per 1,000 SF
	Green House/Nursery	2 space per 1,000 SF of retail area	4 spaces per 1,000 SF of retail area
	Laundry Services	3 spaces per 1,000 SF	4 spaces per 1,000 SF
	Limited Food Sales	2 spaces per 1,000 SF	4 spaces per 1,000 SF
	Liquor Stores	2 space per 1,000 SF	3 spaces per 1,000 SF
	Salons	2 spaces per 1,000 SF	4 spaces per 1,000 SF
Retail Sales and Services (Large)	Department Store, HomeImprovement Centers	2 spaces per 1,000 SF	4 spaces per 1,000 SF
	Furniture Stores and Showrooms	0.5 space per 1,000 SF	1 spaces per 1,000 SF

Commercial Uses (Continued)			
Use Category	Example Use Types	Minimum Requirement	Maximum Requirement
Retail Sales and Services (Large)	Hotels and Motels	0.75 space per room or suite, plus 1 space per 4 personsto the maximum occupancy load of each public meetingand/or assembly room, plus spaces otherwise required for accessory uses (e.g., restaurants and bars).	1 space per room or suite, plus 1 space per employee onthe largest work shift, plus 1 space per 4 persons to the maximum occupancy load of each public meeting and/orassembly room, plus spaces otherwise required for accessory uses (e.g., restaurants and bars).
	Retail Center, Mall, or Shopping Center	3 spaces per 1,000 SF	4 spaces per 1,000 SF
	Supermarket	3 spaces per 1,000 SF	4 spaces per 1,000 SF

	Truck Stops	5 spaces per 1,000 SF, plus spaces otherwise required for accessory uses (e.g., restaurants).	7 spaces per 1,000 SF, plus spaces otherwise required for accessory uses (e.g., restaurants).
Specialty Businesses	Auction Yards	1 space for each 2,000 square feet of land up to the first 8,000 square feet, plus 1 space for each 4,000 square feet up to a parcel of 24,000 square feet, plus 1 space for each 6,000 square feet over 24,000 square feet.	No Maximum
	Funeral Homes	1 space for each 3 seats (one seat equals 24 inches of pew or bench space) in the main assembly room/chapel.	1 space for each 4 seats (one seat equals 24 inches of pew or bench space) in the main assembly room/chapel.
	Crematories (stand-alone)	1 space for each employee	1.5 spaces for each employee
	Day Care Centers	1 space per employee per peak shift plus one space per 6 children of licensed capacity of the facility	1 space per employee per peak shift plus one space per 4 children of licensed capacity of the facility

Industrial Uses			
Use Category	Example Use Types	Minimum Requirement	Maximum Requirement
Any Industrial use found in Table 2.2		No Minimum	No Maximum

Miscellaneous Uses			
Use Category	Example Use Types	Minimum Requirement	Maximum Requirement
Accessory Uses	Accessory Barns or Stables	NA	
	Accessory Storage or Garage	NA	
	Home Occupation/Home Based	1 space per dwelling unit (see Section 26-4.E)	No Maximum
	Residential Association	1 space per employee	No Maximum
	Bed and Breakfast	2 spaces for principal dwelling unit, plus 0.75 space per room or suite.	2 spaces for principal dwelling unit, plus 1 space per room or suite.
	Day Care Center (Home-based)	2 spaces for employees and a loading and unloading zone for a minimum of one 1 vehicle (see Section 26-4.D)	No Maximum
	Outdoor Seating (Restaurant)	Refer to restaurant requirements.	
	Business or Residence-based Rooftop Solar Installation	NA	
Medical Marijuana Production	Medical Marijuana Production Facility	0.75 space per employee per peak shift	1 space per employee per peak shift
Community Infrastructure	Airport and Associated Facilities	Per site plan	
	Utility Facilities	NA	
	Wireless Communication Towers	NA	
	Large Wind Energy Conversion	NA	
	Radio Tower	NA	
	Small Wind Energy Conversion	NA	
	Utility-Scale Solar Facilities	NA	

	Transportation Terminal	Schedule C	
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Miscellaneous Uses			
Use Category	Example Use Types	Minimum Requirement	Maximum Requirement
Mixed Use	Mixed Use Building	By each component of the building (i.e. office, dwellings, restaurant, etc.).	
Temporary Uses	Amusement Park (Temporary)	1 space per every 2 participants at full capacity, plus 1 space per employee	No Maximum
	Farmers Market	Per site plan	
	Temporary Real Estate Office for New Development	2 spaces	No Maximum
	Temporary Sales (e.g., Outdoor)	Per site plan	
	Temporary Worker Living Quarters	1 space per living unit	No Maximum
	Temporary Office	2 spaces per 1,000 SF	No Maximum
	Temporary Storage	NA	

Chapter 6.3. – Definitions

Currently Licensed Motorized vehicle or Equipment: Any personal motorized vehicle or equipment which is licensed and operable for the current year in which it is inspected by the City. This includes personal passenger vehicles with a cargo capacity rating of one ton or less and recreational equipment.

Driveway: A private roadway access for vehicles to a parking space, garage, dwelling, or other structure.

Driving Aisle: The portion of a parking lot which allows ingress and egress of vehicles from a public or private right-of-way to the parking stall.

Hard Surface: Concrete or asphalt pavement.

Improved Parking Surface: A durable surface of concrete or bituminous pavement.

Loading Space: A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks and having a minimum dimension of twelve (12) feet by twenty-five (25 feet) and vertical clearance of at least fourteen (14) feet.

Residential Districts: Shall include the zoning districts specified as RR, R1, R1S, R2, RM, R3C, RH, MH and residential PUD.

Parking Space: a parking space is an area, enclosed in the main building or in an accessory building, or unenclosed, exclusive of driveways, which is used on a regularly recurring basis for the parking of a motor vehicle and which is connected to a building entrance, either:

1. immediately, or
2. by an access driveway, or
3. by a combination of an aisle or aisles and an access driveway—with a street or alley.

Parking Lot: a parcel of land (or combined parcels of land under common ownership or control) which contains four (4) or more parking spaces, along with any associated access driveway and any associated aisle or aisles.

Article 7: Landscaping

Chapter 7.1. – Standards

SECTION 7.1-1. REQUIRED LANDSCAPING

A. Purpose

The purpose of this Section is to clearly express the city's intent for all properties to be landscaped and maintained with great care. Properties shall be landscaped to express sensitivity to environmental conditions and provide functional value in urban ecosystems as well as adding an emphasis on aesthetic quality for the community.

1. The requirements of this section are intended to guide landscaping within commercial, industrial and residential zoning districts in a consistent and equitable manner using simple formulas to calculate required plant quantities.
2. All landscaping must be designed to add visual beauty to the property, provide a high level of aesthetic value, buffer potentially incompatible land uses from one another, and conserve the value of properties within the City and the extra-territorial jurisdiction. The quantity and quality of the design should be compatible with each zoning district and the intended use of the property.
3. All new development, additions, and enlargements or redevelopment of a site shall comply with the landscape requirements of this chapter and incorporate sustainable landscape elements in the planting design to include, but not be limited to, use of native species, rain gardens/bioretenion systems, green rooftops, and xeriscaping are encouraged for water conservation.
4. Aesthetic design elements and hardscapes that complement the plant material such as public art, fountains, plazas, courtyards, and front yard/entrance statements are also encouraged to complete the transformation of outdoor spaces.

B. Applicability

This chapter shall apply to new development within all zoning districts other than R1, R2 districts, and the CBD District, unless the new development consists of a multifamily dwelling containing three (3) dwelling units or more, in which case this section shall apply without regard to the district in which such multifamily new development occurs. Additional exceptions are noted below.

1. This section applies to improvements on private property and does not require or allow for improvements on right of way owned and maintained by any public agency. Note that these regulations also applies to public uses in any zoning district, subject to the City's zoning authority.
2. New public zoned uses shall follow the same provisions as required for C2 zoned properties. Requirements for MH districts are contained in Chapter 2.12.

3. Requirements for landscaping in I1 and I2 districts are contained in Chapters 2.20 and Chapter 2.21.
4. "R1" Single Family Residential District and "R2" Two-Family Residential District shall comply with the provisions of Section 7.1-1 F.

C. Change in Use

Changes in use of an existing property shall require compliance with this chapter as follows:

1. A change in use that involves existing or proposed outdoor storage shall comply with Section 7.1-4 of this chapter to provide screening for all outdoor storage areas.
2. A change in use as the result of a rezoning shall cause the landscaping requirements for the newly adopted zoning district to be met as set forth in this chapter.

D. Additions and Enlargements

1. Building Area
 - a. Minor building additions or enlargements that increase the floor area of the building by less than twenty-five percent (25%) shall not require additional landscaping.
 - b. An addition or enlargement that increases the floor area by greater than twenty-five (25%) but less than seventy-five (75%) shall require compliance with this chapter only in the area where the addition is constructed.
 - c. Additions and enlargements that increase the floor area by seventy-five percent (75%) or more shall require compliance with this chapter for the entire development site.
 - d. Credit may be given to existing landscaping.
 - e. New secondary and accessory structures shall count toward the addition or enlargement thresholds as provided in 7.1-1 D. 1. a.-c.

Parking and Loading Area

- a. Minor parking and loading area additions that increase the total parking and loading area by less than twenty-five percent (25%) shall not require additional landscaping.
- b. An addition that increases the total parking and loading area by greater than twenty-five (25%) but less than seventy-five (75%) shall require compliance with this chapter only in the area where the addition is constructed.
- c. Additions that increase the parking and loading area by seventy-five percent (75%) or more shall require compliance with this chapter for the entire development site.
- d. Credit may be given to existing landscaping.
- e. New secondary and accessory structures shall count toward the addition or enlargement thresholds as provided in 7.1-1 D. 2. a.-c.

E. Administrative Approval for Practical Landscaping Improvements

The Planning Division has the authority to allow flexibility to the requirements of this Chapter to enable the following:

1. Flexibility concerning the location of required landscaping to allow for landscaping to be focused adjacent to right of way, around main building entrances, garages, and other areas with increased visibility.
2. Flexibility concerning the location of required landscaping to allow for landscaping to be focused in buffer areas adjacent to conflicting land use.
3. To ensure that landscaping is consistent with other requirements of this Ordinance, such as the Design Guidelines.
4. To reduce landscaping requirements commensurate with native vegetation to be preserved and maintained onsite.

F. Single Family and Two-Family Lots

1. Single-family and two-family lots shall have primarily turf (seeding, sod), or alternative plant or other landscaping material approved by the Planning Division, established within the front yard within 120 days of the City issuing a Certificate of Occupancy (excluding time between October 1st and May 1st in which the turf shall be established within the next growing season).
2. All silt fence or erosion controls required by NPDES must be maintained until turf is established.
3. Any required sidewalk installation must be established for all portions of a yard within one (1) year of the issuance of a Certificate of Occupancy.
4. The public right-of-way from the curb to the property line is required to be landscaped and maintained by the property owner.
5. To ensure continuity in streetscape design and to reduce costs associated with transportation projects, this area shall not be paved with concrete or asphalt, other than a driveway apron as permitted per Section 6.1-5 C. Conventional Paving. Exceptions to this requirement may be granted in-writing by the City Engineer or their designee. Verbal authorization shall not constitute an exception to this requirement. Stamped concrete may only be installed between the public sidewalk and the street curb by the City, who will then maintain the stamped concrete.

G. Time of Performance

1. All required trees, plants, ground cover, screening materials, landscape materials, hardscape materials, and irrigation improvements (if any) must be in place prior to issuance of final Certificate of Occupancy unless an extension is approved by the Planning Director. If weather conditions prevent the timely installation of required landscaping the Building Permit holder must provide financial surety as follows: Landscape installation must be secured either by the posting of full cash bond, or the posting of an irrevocable letter of credit, or funds held in escrow from a licensed and accredited financial institution as a financial security.

2. The amount of financial security shall be based on an opinion of cost prepared by the landscape architect, landscape designer, landscape contractor or civil engineer submitting the landscape plan in the amount sufficient to guarantee the installation of all the required landscaping elements and materials, including trees, shrubs, perennials, ornamental grasses, ground cover, rock mulch, wood mulch, top soil, edging material, or any other materials necessary to install the required landscape materials, as well as all labor costs to implement the landscape plan, plus ten percent (10%).
3. The opinion of cost shall not be expressed as solely a lump sum amount but shall include an itemized list with cost break down sufficient to verify the validity of the estimate of cost.
4. After winter season, if the required landscaping is not installed as agreed by the owner, by July 1 of the year following the occupancy or use of the property, the City may call and cash the financial security and order the installation of the landscaping according to the approved landscape plan by a contractor of the City's' choosing. When selecting a contractor, the City shall comply with all federal, state, and local procurement requirements and the City of Minot's latest Purchasing Policy.

H. Plan Required

1. A building permit for new development shall not be issued unless the application for such permit includes a Landscape Plan as set forth in Section 7.1-3 that addresses all the applicable requirements as set forth in this chapter and said Landscape Plan is approved by the Planning Division.
2. Likewise, Landscape Plans are required with submittals for Conditional Use Permits and Planned Unit Developments. The approved plan shall be considered the "plan of record" for the property, which plan shall be kept in the Planning Division files.
3. Said plan shall be the guiding document for ongoing maintenance and timely replacement of dead, diseased, damaged or otherwise missing plant material. The plan of record shall be the source of reference for all future inquiries and decisions regarding landscaping for the site.

I. Landscaping Within Boulevard or Right-of-Way Limited

To ensure continuity in streetscape design and to reduce costs associated with transportation projects, this area shall not be paved with concrete or asphalt. Exceptions to this requirement may be granted in writing by the City Engineer or their designee. Verbal authorization shall not constitute an exception to this requirement. Stamped concrete may only be installed between the public sidewalk and the street curb by the City, who will then maintain the stamped concrete.

SECTION 7.1-2. GENERAL REQUIREMENTS

General landscape requirements that shall apply in all multiple-family residential, business, mixed use, public and industrial districts include the following:

A. Landscape Plan and Plant List Required

All developments subject to the landscaping requirements of this chapter shall follow the submittal requirements as established and maintained by the Planning Division.

Plant Diversity

1. Native, climate sensitive vegetation is encouraged to the maximum extent possible. NDSU Extension provides detailed plant lists [here](#) for more information.
2. The landscape plan design shall include a variety of trees, shrubs, perennials, and groundcovers including deciduous canopy, ornamental, and evergreen trees to provide year-round interest and variety and to avoid total loss from disease or pests associated with a monoculture. No single variety of plants shall be allowed to constitute more than twenty-five percent (25%) of the required plant material.

Restricted Species / Cultivars

Some plants may be deemed undesirable to meet City requirements. The Planning Division will review all Landscape Plans and alternative species, or cultivars may be required to be substituted for undesirable plants.

Sizes

All plant material must meet the minimum size requirements per functional category as follows:

Table 7.1-2(a). Plant Size Requirements	
Plant Type	Size Requirement
Deciduous canopy trees	Minimum one and one-half (1½) inch caliper
Ornamental trees	Minimum one and one-half (1½) inch caliper
Evergreen (conifer) trees	Minimum height, five feet (5') as measured from the top of the root ball to the top of the central leader
Shrubs (deciduous and evergreen)	Minimum two/three (2 to 3) gallon container
Ornamental grasses	Minimum two/three (2 to 3) gallon container. No one (1) gallon.
Perennials and groundcovers	Minimum one (1) gallon container.
Notes:	
1. Measurements in caliper inches shall mean the diameter of the trunk measured six (6) inches above the root flare.	
2. Plant material that does not meet the above listed minimum size requirements must be removed and replaced with suitable sizes before a Final Certificate of Occupancy will be issued.	

Substitutions

All plant species and cultivars of the quantities and sizes set forth on the approved Landscape Plan shall be installed in the appropriate location as depicted on the approved Landscape Plan. Substitutions may be allowed if the substitute plant is of the same size and function as the original plant. Substitutions

must be submitted to the Planning Division prior to planting and approved in writing by the Planning Division.

Inorganic Landscaping Materials

1. No artificial trees, shrubs, plants, or turf shall be used to fulfill the minimum requirements for landscaping.
2. Inorganic materials, such as stone, boulders, loose rock, and decorative pavers, may be used as follows:
 - a. Loose landscape rock with supplemental landscaping is allowed in the ten foot (10') wide landscape strip reserved for street trees. Decorative pavers may be installed between the sidewalk and street curb if approved by the Engineering Department, however, this area shall not be paved with concrete or asphalt.
 - b. Loose landscape rock may be used in parking lot medians and islands intending to meet the interior parking lot landscape requirements on private property as long as one (1) deciduous canopy tree at least one and one-half inches (1 ½") in caliper is provided in each such island with Supplemental Landscaping as set forth in Section 7.1-2.
 - c. Loose landscape rock may be used in the four-foot (4') wide (or wider) landscape strip required along the perimeter of the building on all street facing facades, however additional plant material shall be planted in addition to the rock. Supplemental Landscaping shall be required as set forth in Section 7.1-4(E).
 - d. Automatic underground sprinkler systems or drip irrigation systems are not required but recommended for plantings surrounded by loose landscape rock.
3. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscape area, except for driveway crossings and sidewalks.
4. Organic mulch is allowed and encouraged around the base of trees and plants to conserve moisture and control weeds. Mulch ring three feet (3') in diameter composed of hardwood mulch at least three inches (3") in depth is recommended.

Artificial Turf Standards

The use of artificial turf in the City of Minot and its jurisdiction is subject to the following regulations:

1. Artificial Turf is allowed as follows per zoning district:

Table 7.1-2(b). Artificial Turf and Zoning Districts	
Zoning District	Requirements
R1, R1S, R2, RM, R3C, RH, MH	Allowed, provided that provisions of the Landscape Chapter are met, and minimum required pervious cover is maintained.
P, C1, C2	Allowed, except as groundcover in the side or rear within any required twenty-foot (20') wide buffer yard screening a more intensive use from adjacent property used or zoned for residential purposes.

Table 7.1-2(b). Artificial Turf and Zoning Districts	
Zoning District	Requirements
CBD	Allowed.
M1, M2, OP, I1, I2	Allowed to the maximum extent of impervious coverage in that district
GMU, AG	Allowed.

2. Artificial turf can be installed on an athletic field located in any zoning district to the maximum extent allowed by an approved landscaping and storm water management plan.
3. Artificial turf shall be considered an impervious ground cover unless the applicant demonstrates an acceptable level of permeability in the method and design of installation, subgrade and drainage ability as approved by the Engineering Department.
4. Artificial turf may be used on areas of impervious coverage of a property in any zoning district so long as it is included in and is approved as part of an overall site Plan, Landscaping Plan, and Storm Water Management Plan, and meets the other requirements listed in this section.
5. Artificial turf shall not be installed in the public right-of-way or across recorded city and private utility easements unless the property owner first obtains an encroachment permit as provided for in [Chapter 28, Article VII, Division 1](#) of the City of Minot Code of Ordinances and permission is granted in writing by the Planning Division or the Engineering Department.

6. Minimum Quality Standards for Artificial Turf:

Artificial turf installed on property in Permitted Zones must meet the following minimum quality standards:

- a. Subject to approval by the Planning Division, artificial turf containing synthetic infill materials must show that the infill product was produced expressly for that purpose and approved with an ASTM certification.
- b. Artificial turf containing organic infill materials is permitted.
- c. Artificial turf must imitate a natural turf-like appearance and must include the following:
 - i. A minimum blend of at least three (3) colors, predominately green.
 - ii. A minimum blade length of one and one half inches (1.5”), with spines and uneven tops.
 - iii. The artificial turf must meet the minimum industry weight standard of sixty (60) ounces pile weight, or greater.
- d. Exceptions:
 - i. Alternative blade length and color variations may be approved by the Planning Division.

7. Minimum Installation Standards for Artificial Turf:

Artificial turf can be installed on property in Permitted Zones as follows:

- a. Artificial turf shall be clearly marked and described on all plans required by this Ordinance.

- b. Except for single-family residential lots, property owners shall conduct an adequate storm water system analysis as set forth in Article 12 of this Code before installing any artificial turf on their property. Any installation and maintenance of artificial turf must comply with the storm water management program set forth in Article 12 of this Code and the property owner must comply with any required and approved storm water management plans or permits when installing and maintaining artificial turf on their property.
 - c. The subgrade beneath artificial turf shall be formed and compacted to meet the design requirements of the approved grading and/or drainage plan.
 - d. Artificial turf beneath a tree canopy shall include a minimum area measuring six feet (6') in diameter around the tree trunk that is free from artificial turf and covered with hardwood mulch or decorative rock. In some cases, the Planning Division may require a larger area left open around the tree trunk based on the subject tree species.
 - e. Artificial turf shall be installed to meet all manufacturers installation requirements.
 - f. All required base and sub-base material shall be graded to achieve a uniform appearance.
 - g. In areas where the artificial turf is installed adjacent to back of curb, sidewalks or other concrete/asphalt surfaces, the height of the turf backing shall be at least one (1) inch below the height of the adjacent concrete/asphalt.
8. Minimum Maintenance Standards for Artificial Turf:
- a. Artificial turf shall be maintained in a clean and orderly condition.
 - b. Artificial turf shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces, heat degradation or excessive wear. Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn.
 - c. If artificial turf is located in an area where public or private agencies perform utility installation, maintenance or repair, or street maintenance or repair, the property owner shall be responsible for all costs attributed to damage of the turf as a result of aforementioned utility or street work as set forth in the encroachment agreement.

Installation Conflicts

Landscape contractor shall notify the Planning Division prior to planting of any conflicts that arise in the field that prohibit plant material from being installed in accordance with the approved plan. Planning staff will meet with the contractor in the field to resolve such conflicts prior to planting. Any changes to the approved plan will be noted and kept on file.

Visibility Clearance at Intersections

The landscaping requirements in this section shall be modified in their application as necessary to leave visibility clearance triangles unobstructed, as defined in [Section 28-13 of the Municipal Code of Ordinances](#).

Maintenance

1. Upon installation of required landscape materials, each owner shall take appropriate actions to insure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this section and the approved Landscape Plan for the project.
2. Maintenance of plant materials and planting areas may consist of, but is not limited to, the following seasonal tasks; mulching and re-mulching, pruning, weed control, fertilizing, pest control, litter control, and watering.

Watering

Automatic, underground sprinkler systems with water saving heads and drip style irrigation are encouraged to promote plant survivability and growth. Other watering methods may be used, however any plants that perish as a result of inadequate watering shall be replaced.

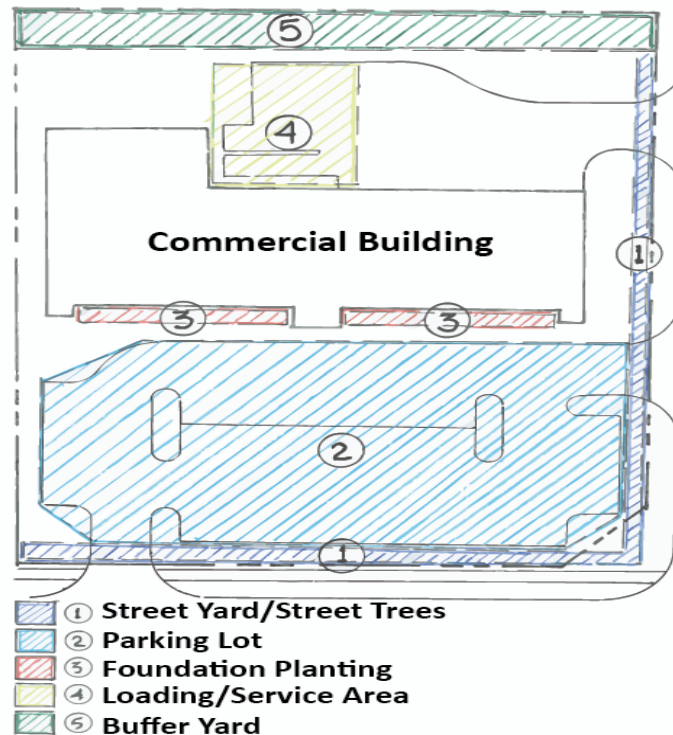
On-going Timing and Enforcement

Landscaping that is not installed, maintained, or replaced as needed to comply with this chapter shall be considered a violation of this section and shall be subject to the penalty as described in Section 13.2-2 of the Zoning Ordinance.

SECTION 7.1-3. MINIMUM LANDSCAPING REQUIRED

General components that must be addressed on a Landscape Plan including Street Landscaping, Parking Lots, Foundation Plantings, Loading and Service Areas, Buffer yards, Supplemental Landscaping (See Diagram 7.1-3(a) for illustration of general components on a typical commercial development site). For Supplemental Landscaping requirements see Section 7.1-4(E).

Diagram 7.1-3(a) – General Landscaping Components



A. Street Landscaping

Landscaping shall be required adjacent to all public streets abutting the property.

1. **Depth of Landscaping.** A strip of land reserved for landscaping shall be provided along each street and shall extend to a minimum depth inward from the right-of-way line on private property the entire length along all street frontage(s) as follows:
 - a. RM, RH, C1, C2, GMU, Public, M1, M2, and OP Districts – Ten feet (10')
 - b. Planned Unit Development (PUD) – Varies (established by PUD approval)
2. **Street Trees.** Street trees are required along all street frontages of the property as set forth below:
 - a. One (1) deciduous canopy tree, at least one and one half (1½) inch caliper size, shall be required for each fifty gross lineal feet (50') of street frontage along each street within the street yard landscaping strip. The 1 in 50 formula is used to establish the total quantity required along any stretch of street frontage however, the required trees can be placed in groupings, staggered, or evenly spaced across the frontage depending on the preference of the owner and/or designer (See Diagram 7.1-3(b)).
 - b. When a street is located such that a landscaped bufferyard is required in Section 7.1-4(C), the bufferyard requirement shall take precedence over the street trees (the streetscape cannot be required to meet both standards).

- c. When a street is located such that fenced screening of outdoor storage is required, the street tree requirement still applies.
3. Exemptions.
- a. Outdoor Display Lots. Street tree quantities may be reduced to a maximum of one-half the number otherwise required for areas used for display of vehicles for sale, lease, or rent including; passenger cars and trucks, boats, ag implements, trailers, ATV's/UTV's, and recreational vehicles if approved by the Planning Director. In such cases, the ten-foot (10') wide landscape strip shall be landscaped for the entire length of the street frontage as set forth in Section 7.1-4(E), Supplemental Landscaping" of this Chapter to offset the reduction in street trees. Any lesser reduction in street trees shall require a proportional adjustment of Supplemental Landscaping.
 - b. Alternative design options to offset the reduction in street trees may be considered by the Planning Division.
 - c. Industrial zoned sites in zoning districts M1 and M2 offering large equipment and machinery, tractor trailer trucks, track vehicles, etc. are not exempt from the street tree requirement.

Diagram 7.1-3(b) – Street Tree Planting

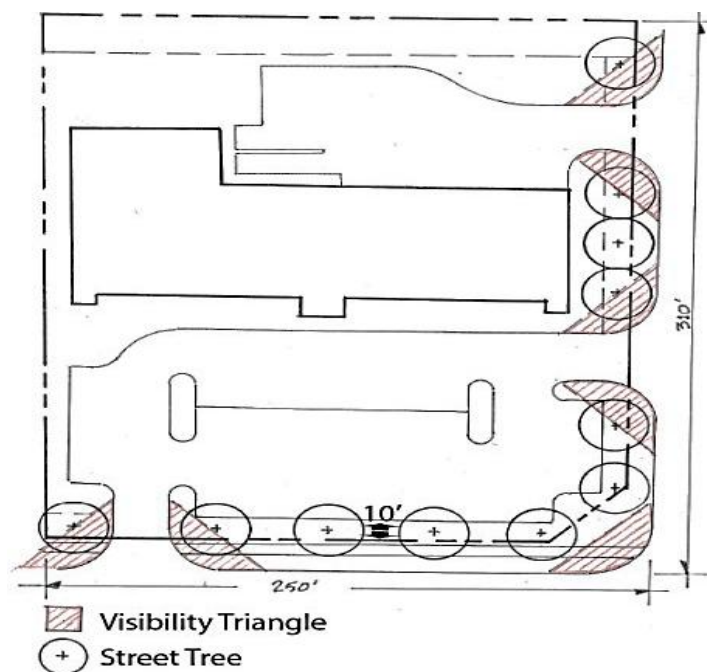
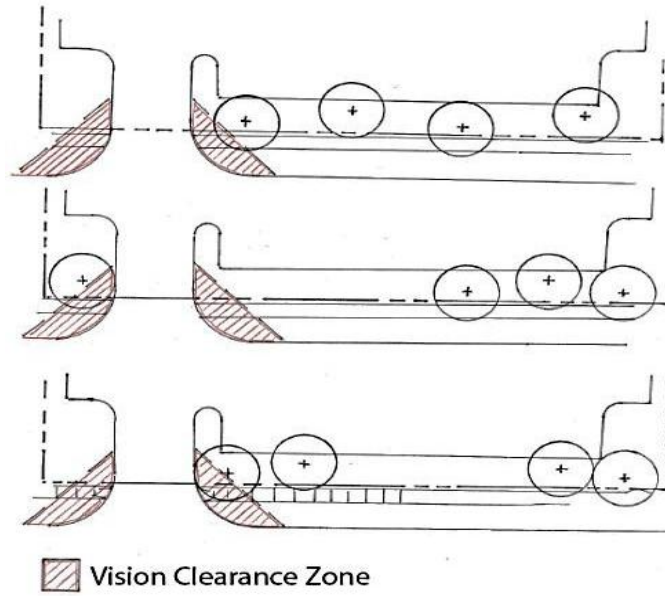


Diagram 7.1-3(c) – Street Tree Design Options

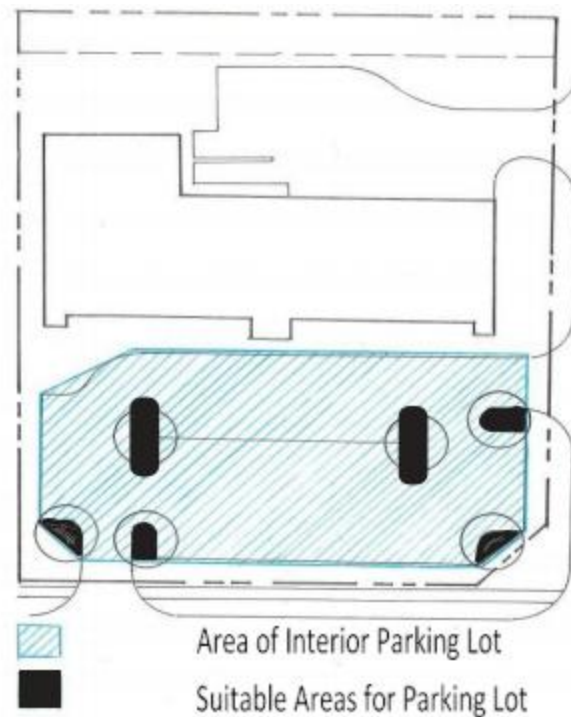


B. Parking Lot Landscaping

Unless otherwise noted, each off-street parking lot shall comply with the following regulations:

1. **Interior Landscaping.** Parking lots shall provide interior landscaping in distinct islands at a minimum ratio of twenty (20) square feet of landscape area per each (1) parking space.
 - a. Parking lot islands, medians, bump-outs, and corners shall be constructed to provide planting areas for the proposed landscaping (See Diagram 7.1-3(d)).
 - b. Parking lot islands, medians, bump-outs, and corners must be surrounded by a six inch (6") high by eighteen inch (18") wide concrete curb and gutter, or by some other vehicular barrier as approved by the Planning Division, to minimize damage to plantings, except that moveable concrete wheel stops shall not be allowed.
 - c. Landscaped island should be placed at the end of the parking rows where applicable, however, for smaller parking lots the total amount of landscaping required can be contained in one large island or median as opposed to several small areas to facilitate snow removal.
 - d. Minimum width of landscape islands shall be eight feet (8') and minimum size shall be one hundred (100) sq. ft.
 - e. A minimum of one (1) deciduous canopy tree at least one and one-half inch (1.5") caliper plus mulch or landscape rock, along with Supplemental Landscaping as set forth in Section 7.1-4(E) of this Chapter is required in each such location to meet the interior landscape requirement. If islands are planted to turf grass with the required tree, no additional landscape is required. Islands containing light poles, flag poles, or other equipment do not count towards this requirement unless they also contain a canopy tree and landscaping as described herein.
 - f. If the interior parking lot landscaping requirement is met by consolidating all the required landscape area into one large island or median, one (1) deciduous canopy tree at least one and one-half inch (1.5") caliper shall be planted in the island for each three hundred (300) square feet of the total required landscape area. In addition, Supplemental Landscaping as set forth in Section 7.1-4(E) of this Chapter shall be required for each island.
 - g. Exemptions. Parking facilities within RM, RH, R3C, M1, and M2 Districts shall be exempt from this requirement unless the use developed on the property is a commercial retail use type.

Diagram 7.1-3(d) – Interior Parking Lot Landscaping

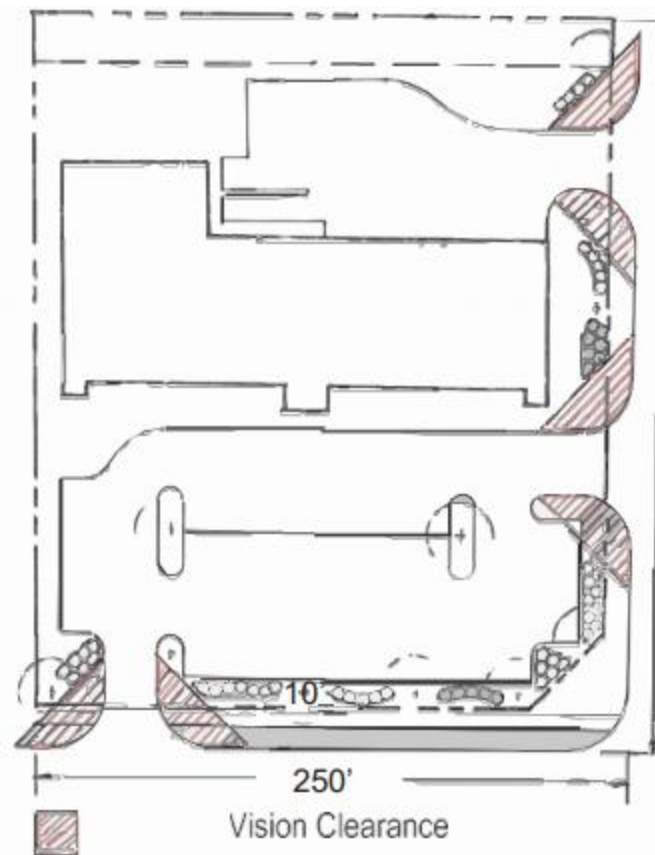


2. **Perimeter plantings.** All off-street parking areas shall be subject to the Parking Lot Perimeter Landscaping standards of this subsection as follows:
 - a. Street trees are required in the street yard landscaping strip along all parking lots with street frontage as previously set forth in the street tree requirements of this Section 7.1-3(A).
 - b. Parking facilities containing parking for more than one hundred (100) vehicles shall provide a minimum of one (1) deciduous or evergreen shrub for each ten lineal feet (10') of the landscape strip in the street yard for the entire length of all street frontages. Said shrubs shall be planted in groupings within a defined landscaping bed between the street trees (See Diagram 7.1-3(e)).
 - i. Exemptions. New and Used Vehicle Display Lots. Shrub perimeter plantings are not required for areas used for display of vehicles in conjunction with commercial vehicle sales or rental lots offering; passenger cars and trucks, boats, and recreational vehicles if approved by the Planning Division, however, Supplemental Landscaping as set forth in Section 7.1-4(E) of this Chapter is required.
 - c. Parking lots with a finished grade that is two feet (2') or more, higher in elevation than an abutting public street shall provide a barrier at least three feet (3') in height, but no higher than four feet (4') in height to shield headlight glare from the parking lot into the adjacent street traffic. Said barrier shall consist of a living shrub hedge pruned to meet the required

height parameters, or an earthen berm, or a solid decorative fence or wall, or any combination of these options for the entire length of the parking lot that is elevated. Chain link fencing with privacy slats does not meet this requirement and is not an allowable option to satisfy these requirements. The barrier shall meet sight visibility standards at driveway and street intersections and shall be setback from the parking lot curb at least three feet (3') to allow for vehicle bumper overhang. In no case shall the barrier encroach into the public right-of-way of adjacent streets.

- d. For Multi-Family development in the RM and RH Districts containing 5 or more dwelling units, regardless of the zoning district in which it is located, when the design of the site is such that parking occurs in the front yard, a minimum of ten feet (10') landscaped area shall be provided between parking and building, in addition to the required setbacks.
3. **Screening of residential windows.** The light from automobile headlights and other sources shall be screened whenever it may be directed onto residential windows.

Diagram 7.1-3(e) – Parking Lot Perimeter Shrubs



C. Foundation Plantings

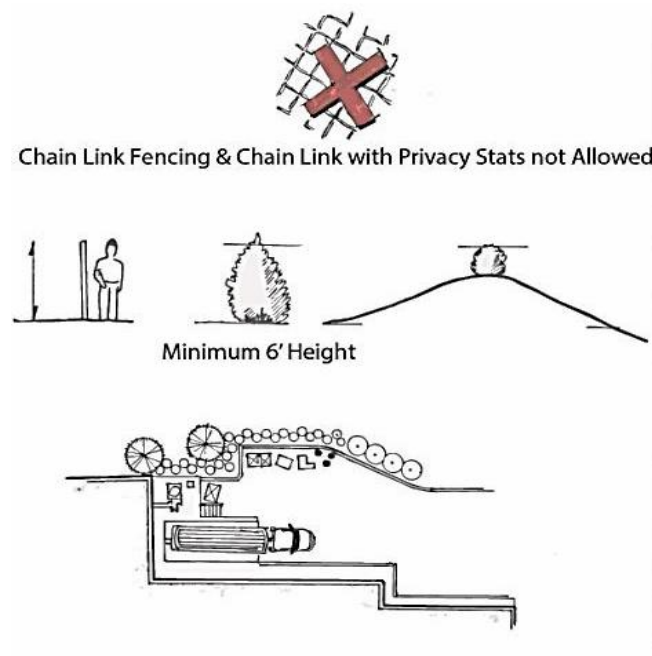
1. Any street-facing façade of the building shall require a linear landscape strip at least four feet (4') in depth across the frontage of the façade. Said landscape strip shall be landscaped as set forth in Section 7.1-4(E), Supplemental Landscaping.
2. Exemptions. Industrial zoned sites in zoning districts M1 and M2 are exempt from foundation perimeter landscaping unless the use developed on the property is a commercial retail use type.

SECTION 7.1-4. SCREENING REQUIREMENTS

A. Loading and Service Areas

1. Except at access points, one hundred percent (100%) screening of service areas typically found at the rear or on the side of commercial and industrial use areas is required when visible from a public or private street and/or from adjacent residential properties.
2. In commercial and industrial zones outdoor storage of inventory, loading docks, cargo containers, trailers, storage tanks, cardboard bailers, stockpiles of cardboard, wooden pallets or other shipping and packing materials, and similar service and storage areas shall be screened from view with an opaque barrier not less than six feet (6') in height. Said screening must consist of one or more of the following alternatives:
 - a. A solid wood, PVC, chain link with slats or masonry fence that complements the colors of the primary building
 - b. A landscape screen consisting of a hedge or evergreen shrubs that will reach a height at maturity of at least six feet (6'), or evergreen conifer trees for taller screening, when appropriate.,
 - c. An earthen berm planted to turf grass with side slopes no steeper than one foot of fall to four feet of run (25% grade) to be mowable, or if steeper, a planting plan using groundcover plants other than turf grass shall be approved by the Planning Division.
 - d. A combination of these elements.
 - e. Screening may be interrupted to provide access drives to service areas or for loading purposes, however, such interruptions shall not exceed twenty percent (20%) of the length of the required screened area.

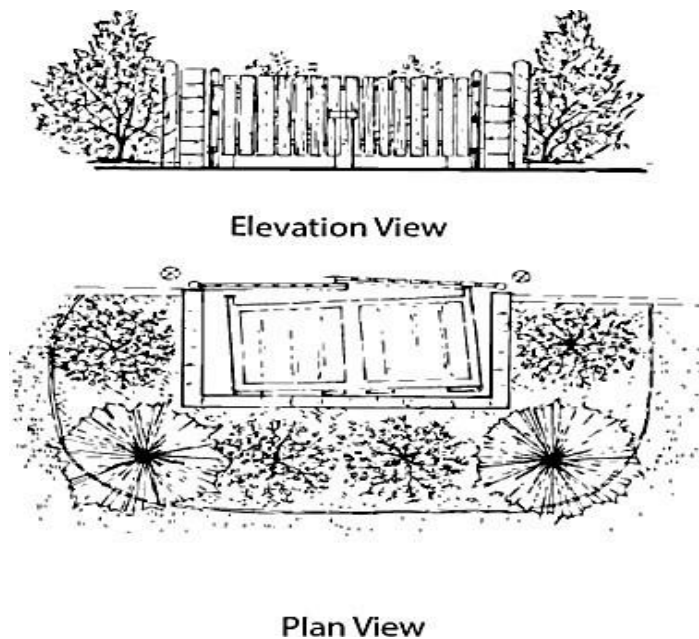
Diagram 7.1-4(a) – Screening of Loading/Service Areas



B. Trash Handling and Recycling Screening Requirements

1. The requirements of this section do not apply to the I1, I2, M1, and M2 Districts.
2. All trash and recyclable materials and handling equipment shall be completely screened from eye level view from a public street and adjacent properties by the principal building or enclosed within a solid fence made of wood or other approved material that is harmonious with the building materials and style of the principal structure.
3. Regardless of construction materials, the enclosure shall be screened by plant material with a minimum standard of shrubs that will attain at least six feet (6') in height at maturity planted in a defined landscape bed on all sides of the refuse enclosure available for planting.
4. Chain link fence materials (with or without slats) shall not be permitted, except for the trash and/or recycling enclosure gate, which may include chain link with slates.
5. The fence or wall shall be a minimum of six feet (6') in height.
6. Where in view from adjacent properties or a public street, a swinging door shall be installed and be at least six (6) feet in height. Any low-maintenance material may be used for the door/gate; however, the door/gate must completely block views from adjacent properties or a public street.
7. The enclosure cannot be in the front yard setback and shall be in the rear or side service area. The final location is subject to approval by the Planning Division and Public Works Department.
8. The area around the enclosure shall be designed to accommodate required planting beds.
9. Compactors that are attached to the principal structure shall be completely screened from eye level view from public streets and adjacent properties by means of landscaping or fencing.

Diagram 7.1-4(b) – Screening of Dumpster Enclosures



C. Buffer Yards

These provisions apply when a proposed use is developing in a more intensive zoning district which is adjacent to a less intensive zoning district or use, even if the less intensive property is undeveloped.

Table 7.1-4(a). Buffer Yard Requirements

More Intensive District	Less Intensive District	Width (Depth) of Required Buffer Yard	Width (Depth) if separated by a Street or Alley*
RM, RH, R3C, MH	RR, R1, R1S, R2	20 feet	Reduction to 10 feet w/ written approval
C1, C2, P, M1, M2, GMU, OP	RR, R1, R1S, R2, RM, RH, R3C, MH	20 feet	Reduction to 10 feet w/ written approval
Note: *See Section 6.1-4(D) for requirements for reduced width buffer yards.			

1. The owner/developer of a commercial or industrial use adjacent to a residential zone or use shall install and maintain a twenty-foot (20') wide landscaped buffer yard on his/her site abutting the entire length of the boundary along the residential site.
2. All buffer yards must be reasonably free of paved areas, access ways, sidewalks, storage, or other disturbances, excluding intermittent drives. Each required buffer yard must be entirely landscaped with grass or other suitable plant material with a minimum of one (1) tree for each twenty lineal feet (20') of buffer yard. At least fifty percent (50%) of the required trees shall be evergreen conifers, five to six feet (5'-6') minimum in height. The remaining fifty percent (50%)

of trees can be ornamental trees, deciduous canopy trees, shrubs (five {5} shrubs equal one {1} tree), or a combination thereof (See Diagram 7.1-4(c) and Diagram 7.1-4(d)).

Note: The five to one substitution for trees to shrubs is only valid in satisfying the buffer yard requirement and is not a permitted option for other site landscaping requirements contained in this Chapter.

Diagram 7.1-4(c) – Landscaped Buffer Yard

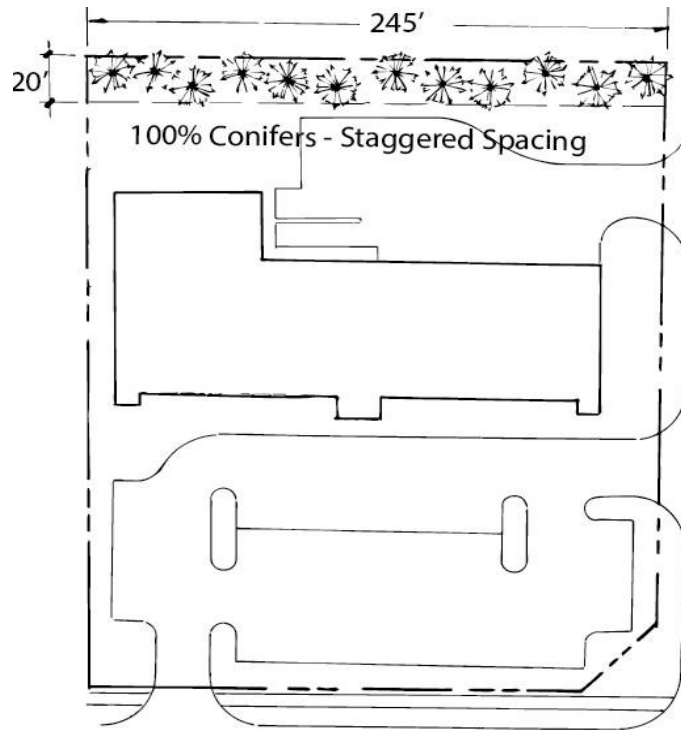
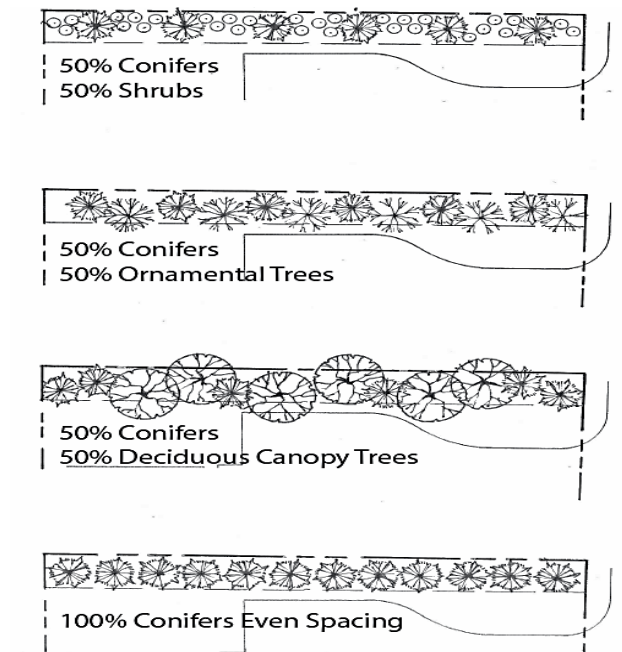


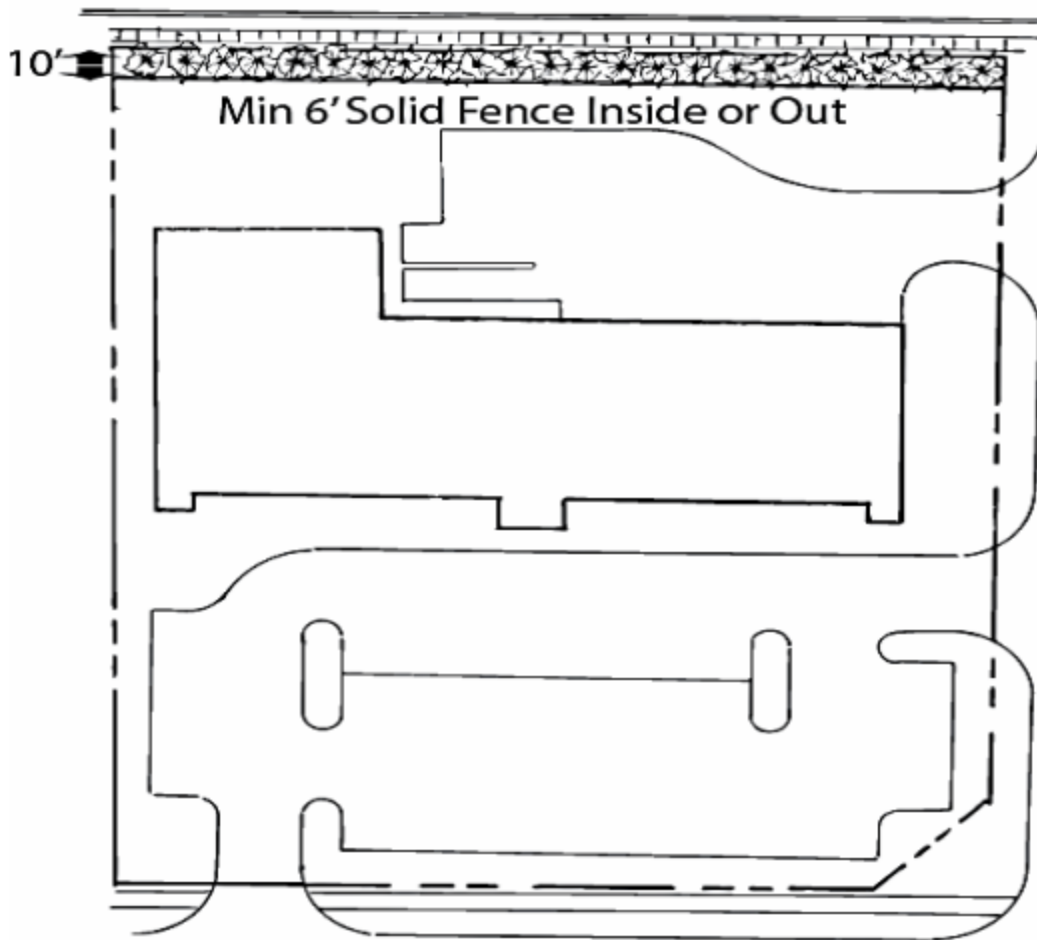
Diagram 7.1-4(d) – Landscape Buffer Design Options



D. Reduced Width Allowance

1. When a street or alley separates adjacent zoning districts requiring a buffer yard, the width of the buffer yard may be reduced to ten feet (10'). When an industrial use is adjacent to a less intensive commercial use, the owner/developer of the more intensive use shall install and maintain a 10' wide landscaped buffer yard on his/her site abutting the entire length of the less intensive common boundary.
2. In either case, given the reduced area, the developer must erect a solid fence or wall on the inside or outside line of the buffer yard, at least six feet (6') in height for the entire length of the required buffer yard (unless waived by the Planning Division), and plant one hundred percent (100%) evergreen trees of a compact, upright growth habit. The specific species and/or cultivar shall be called out on the Landscape Plan for approval by the Planning Division in meeting these special requirements. Required spacing shall be one (1) tree per each ten lineal feet (10') of buffer yard for the entire length of the buffer yard (See Diagram 7.1-4(e). Chain link fencing with privacy slats shall not be used to meet the fencing requirement, except in industrial zones M1 and M2.

Diagram 7.1-4(e) – Reduced Width Buffer Yard



E. Supplemental Landscaping

In addition to the landscaping requirements set forth in other Sections of this Chapter, Supplemental Landscaping is required as follows:

1. **Applicability.** Supplemental Landscaping is required for the following landscape areas:
 - a. Foundation perimeter plantings
 - b. Interior parking lot landscape islands
 - c. Street yard landscaping strip adjacent to the street(s) for premises with areas used for display of vehicles in conjunction with outdoor display as set forth in Section 7.1-3(A).
2. **Plant Unit Quantities.** For the purposes of this Section, the minimum amount of Supplemental Landscaping expressed as total plants required is calculated by multiplying the total area of the landscape bed or island in question by the number five (5) and dividing this total by the number one hundred (100).

$$\left(\frac{\text{Total SF of feature to be landscaped}}{100} \right) \times 5 = \text{Total Plants Required}$$

3. **Plant Categories.** To ensure diversity and promote design flexibility in the final landscape plants are divided into the following five (5) categories:
 - a. Large Shrubs. Exceeding six feet (6') in height at maturity. Can be deciduous or evergreen.
 - b. Shrubs (small to medium) Achieving four to six feet (4'-6') in height. Can be deciduous or evergreen.
 - c. Ornamental grasses.
 - d. Perennial plants.
 - e. Groundcover plants.
4. **Plant Percentages.** To ensure diversity in plant material a minimum percentage of the total requirement shall apply to each plant category. The percentages are assigned to each plant type in Table 7.1-4(b). Once the minimum number of plants required by plant type are determined, the remaining required plants can be of any of the five types (designer's choice).

Table 7.1-4(b). Percentage Multipliers	
More Intensive District	Less Intensive District
Shrub (large) – 5 gallon minimum	5 % required
Shrub – 2 gallon minimum	10% required
Ornamental Grasses – 2-gallon min.	10% required
Perennial plants – 1 gallon minimum	25% required
Groundcover – 1 gallon minimum	10% required
Shrub (large) – 5 gallon minimum	5 % required

Example: A landscape strip two hundred lineal feet (200') by ten lineal feet (10').

1. The amount of landscaped area in square feet is $200 \times 10 = 2,000$ square feet
2. The total amount of plants required is $200 \times \frac{5}{100} = 100$ total plants
3. Adjust the plant quantities by plant type using the Table 6.1-4(b) above.

Large shrubs	$100 \text{ plants} \times 5 \text{ percent} = 5 \text{ required}$
Shrubs	$100 \text{ plants} \times 10 \text{ percent} = 10 \text{ required}$
Ornamental grasses	$100 \text{ plants} \times 10 \text{ percent} = 10 \text{ required}$
Perennial plants	$100 \text{ plants} \times 25 \text{ percent} = 25 \text{ required}$
Groundcover plants	<u>$100 \text{ plants} \times 10 \text{ percent} = 10 \text{ required}$</u>

Total required by type

60

4. Determine remaining plants required. $100 - 60 = 40$ plants that can be any of the five categories.

SECTION 7.1-5. LIST OF RECOMMENDED AND PROHIBITED PLANT MATERIAL

A list of trees may be available through the Planning Division and through the Minot Park District, Forestry Department. Contact these agencies for availability. The list contains species, varieties, and cultivars that have proven to be tolerant of the climatic conditions in a northern urban environment. Trees that are prohibited from being planted in certain locations, or totally banned, are also listed. Substitution of trees not included on the recommended list is possible. The Planning Division will review the plan and provide written notice if any of the proposed plant material is not acceptable along with recommended substitutions.

Chapter 7.2. – Definitions

Buffer Strip/Buffer Yard: Landscaped area used to visibly separate incompatible uses use or to shield or block noise, light, or other nuisances.

Article 8: Wireless Facilities

Chapter 8.1. – Standards

SECTION 8.1-1. PURPOSE AND INTENT

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, these regulations are necessary to facilitate provision of wireless telecommunications towers and their facilities to the residents and businesses of the City. These regulations establish a predictable and balanced approach for the siting of wireless technology to accommodate the growth of wireless systems within the City while protecting the public by minimizing adverse visual effects of towers through careful design. These standards are designed to avoid potential damage to adjacent properties from structural failure by requiring structural standards and by maximizing the use of existing and approved structures and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community. In addition, these regulations ensure that the placement, construction, or modification of wireless telecommunications facilities complies with all applicable federal laws.

SECTION 8.1-2. APPROVALS REQUIRED FOR WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES

B. Administrative Review and Approval

The following types of applications are subject to the review process as provided in Section 8.1-3. No other type of zoning review beyond what is listed in Section 8.1-3 is necessary:

1. New wireless support structures that are less than one hundred (100) feet in height, in any Industrial District, with a no-hazard determination made by the FAA;
2. Concealed wireless facilities that are forty (40) feet or less in height, in any residential or commercial district, with a no-hazard determination made by the Federal Aviation Administration (FAA);
3. Monopoles or replacement poles located on public property other than street or alley right-of-way.
4. Monopoles or replacement poles within utility easements or rights-of-way, in any zoning district; with poles in right-of-way refer to [Article VII, Encroachments, Division 3, Wireless Telecommunications Facility Encroachments in the Minot Municipal Code](#).
5. Collocations applied under FCC statute 6409(a) that are not substantial modifications (see definitions).

Conditional Use

Any application for wireless facilities and/or wireless support structures not subject to administrative review and approval pursuant to this Ordinance shall be permitted in any district upon the granting of a conditional use permit from the Approving Body in accordance with the standards for granting a

conditional use permit set forth in Section 9.1-4, Conditional Use Permits, and Section 8.1-4 of this chapter. Valid conditions include but are not limited to drainage, landscaping, maintenance, lighting, fencing, access, indemnification, and compliance with all generally applicable laws. Any application submitted under FCC statute 332(c)(7) shall be reviewed for a conditional use permit.

Exempt from All Approval Processes

The following are exempt from all Minot zoning approval processes and requirements:

1. Ordinary maintenance of existing wireless facilities and wireless support structures, as defined in this Ordinance; and

Wireless facilities placed on utility poles, however, such facilities are subject to the requirements in [Article VII, Encroachments, Division 3, Wireless Telecommunications Facility Encroachments in the Minot Municipal Code](#).

SECTION 8.1-3. ADMINISTRATIVE REVIEW AND APPROVAL PROCESS

Content of Application Package-For New Sites (not co-locations)

All administrative review application packages must contain the following:

1. Administrative review application form signed by applicant;
2. Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue application. Such submissions need not disclose financial lease terms;
3. Site plans detailing proposed improvements. Drawings must depict improvements related to the applicable requirements including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements
4. Documentation from a qualified professional engineer licensed to practice in North Dakota of the calculation of the fall zone and certification that the wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this ordinance; and
5. FAA Airspace Analysis Form 7460 with No Hazard Determination or FAA Notice Criteria Tool demonstrating that Airspace Analysis Form 7460 is Not Requested.

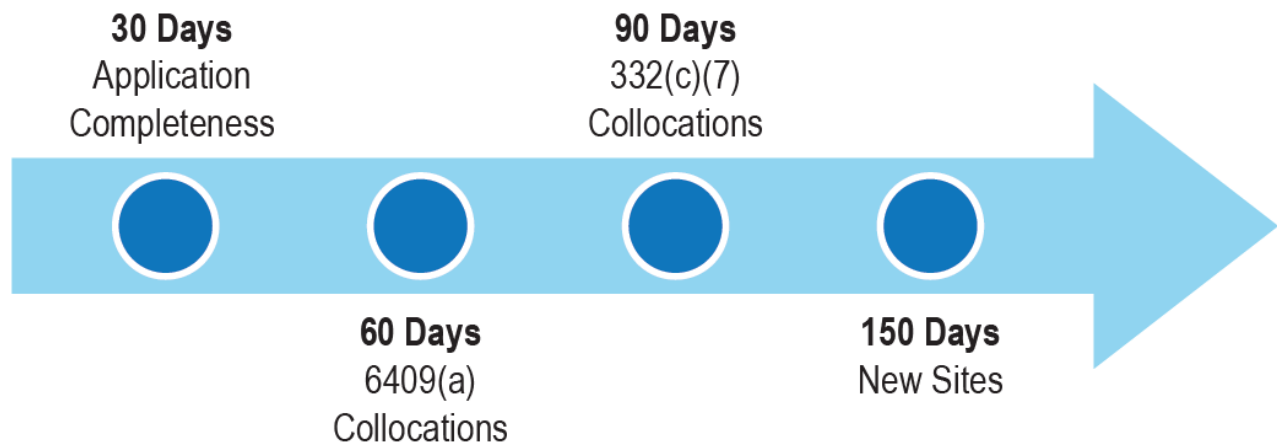
Content of Application Package-For Other Sites/Facilities/Co-Locations

All administrative review application packages must contain the following:

1. Administrative review application form signed by applicant;
2. Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue application. Such submissions need not disclose financial lease terms;
3. Site plans detailing proposed improvements. Drawings must depict improvements related to the applicable requirements including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements;

4. Documentation from a qualified professional engineer licensed to practice in North Dakota of the calculation of the fall zone and certification that the wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this ordinance; and
5. FAA Airspace Analysis Form 7460 with No Hazard Determination or FAA Notice Criteria Tool demonstrating that Airspace Analysis Form 7460 is Not Requested.

Procedure and Timing



1. Applications for New Sites That Are Subject to Administrative Review and Approval
Within one hundred fifty (150) calendar days of the receipt of an application for new sites that are subject to administrative review and approval under this Ordinance, the Building Official will:
 - a. Review the application for conformity with this Ordinance.
 - b. Make a final decision to approve or disapprove the application; and
 - c. Advise the applicant in writing of its final decision. If the Building Official denies an application, it must provide written justification of the denial, which must be based on substantial evidence of inconsistencies between the application and this Ordinance.
 - d. Failure to issue a written decision within one hundred fifty (150) calendar days may result in relief to the applicant as delineated by existing FCC regulations.
2. Applications for a 6409(a) Collocation Subject to Administrative Review and Approval



**Note: Circumstances such as 60th day landing on a weekend, holiday, or if there is a mutual agreement to extend the timeframe will result in a minor change of deadline.*

Within sixty (60) days of the receipt of an application for a collocation, the Building Official will:

- a. Review the application for conformity with this Ordinance. An application under this section is considered complete unless the Building Official notifies in writing, within thirty (30) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take ten (10) calendar days from receiving such notice to cure the specific deficiencies. No additional deficiencies shall be appended after the written notice is provided to the applicant. If the applicant cures the deficiencies within ten (10) calendar days, the application shall be reviewed and processed within sixty (60) calendar days from the initial date the application was received. If the applicant requires a period of time beyond ten (10) calendar days to cure the specific deficiencies, the sixty (60) calendar days deadline for review shall be extended by the same period of time;
- b. Make a final decision to approve or disapprove the collocation application; and
- c. Advise the applicant in writing of its final decision. If the Building Official denies an application, it must provide written justification of the denial, which must be based on substantial evidence of inconsistencies between the application and this Ordinance.

3. Building Permit

The Building Inspector shall issue a building permit following approval of the application under administrative review in accordance with the process and standards in this Ordinance.

SECTION 8.1-4. CONDITIONAL USE PERMIT PROCESS

A. Conditional Use Permitting

Any wireless facility or wireless support structures not meeting the requirements of Section 8-1.2(A) or Section 8.1-2(C) may be permitted in all zoning districts upon the granting of a Conditional Use Permit, subject to:

1. The submission requirements of Section 8.1-4(B)
2. The applicable standards of Section 8.1-8 and

3. The requirements of conditional use permits, Section 9.1-4.

Content of Conditional Use Permit Application Package

All conditional use permit application packages must contain the following:

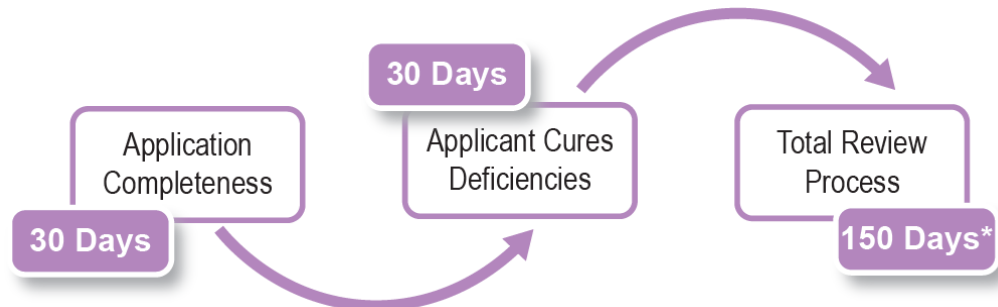
1. Conditional use permit application form signed by applicant;
2. Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms;
3. Written description and scaled drawings of the proposed wireless support structure or wireless facility, including structure height, ground and structure design, and proposed materials;
4. Number of proposed antennas and their height above ground level, including the proposed placement of antennas on the wireless support structure;
5. Line-of-sight diagram or photo simulation, showing the proposed wireless support structure set against the skyline and viewed from at least four (4) directions within the surrounding areas;
6. A statement that the proposed wireless support structure will be made available for collocation to other service providers at commercially reasonable rates, provided space is available and consistent with Section 8-1.8(A)(1) of this Ordinance; and
7. Notification of surrounding property owners and posting as required by Section 9.1-4 and Section 9.2-1.
8. FAA Airspace Analysis Form 7460 with No Hazard Determination or FAA Notice Criteria Tool demonstrating that Airspace Analysis Form 7460 is Not Requested.

Procedure and Timing for New Site

Within one hundred fifty (150) calendar days of the receipt of an application under Section 8.1-4 of this Ordinance, the Building Official will:

1. Complete the process for reviewing the application for conformity with ordinances applicable to conditional use permits, including conducting a hearing in accordance with Section 9.1-4 of the Minot Zoning Ordinance. An application under this section is deemed to be complete unless the Building Official notifies the applicant in writing, within thirty (30) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty (30) calendar days from receiving such notice to cure the specific deficiencies. No additional deficiencies shall be appended after the written notice is provided to the applicant. If the applicant cures the deficiencies within thirty (30) calendar days, the application shall be reviewed and processed within one hundred fifty (150) calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty (30) calendar days to cure the specific deficiencies, the one hundred fifty (150) calendar days deadline for review shall be extended by the same period of time;
2. Make a final decision to approve or disapprove the application; and

3. Advise the applicant in writing of its final decision. If the Approving Body denies an application, it must provide written justification of the denial.
4. Failure to issue a written decision within one hundred fifty (150) calendar days shall constitute an approval of the application.



**Note: Circumstances such as 150th day landing on a weekend, holiday, or if there is a mutual agreement to extend the timeframe will result in a minor change of deadline.*

Procedure and Timing for 332(c)(7) Collocations

Within ninety (90) calendar days of the receipt of an application under Section 8-1.4 of this Ordinance, the Building Official will:

1. Complete the process for reviewing the application for conformity with ordinances applicable to conditional use permits, including conducting a hearing in accordance with Section 9.1-4 of the Minot Zoning Ordinance. An application under this section is deemed to be complete unless the Building Official notifies the applicant in writing, within thirty (30) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take ten (10) calendar days from receiving such notice to cure the specific deficiencies. No additional deficiencies shall be appended after the written notice is provided to the applicant. If the applicant cures the deficiencies within ten (10) calendar days, the application shall be reviewed and processed within ninety (90) calendar days from the initial date the application was received. If the applicant requires a period of time beyond ten (10) calendar days to cure the specific deficiencies, the ninety (90) calendar days deadline for review shall be extended by the same period of time;
2. Make a final decision to approve or disapprove the application; and
3. Advise the applicant in writing of its final decision. If the Approving Body denies an application, it must provide written justification of the denial.
4. Failure to issue a written decision within ninety (90) calendar days shall constitute an approval of the application.

SECTION 8.1-5. ANTENNAS MOUNTED ON ROOFS, WALLS, AND EXISTING TOWERS:



**Note: Circumstances such as 90th day landing on a weekend, holiday, or if there is a mutual agreement to extend the timeframe will result in a minor change of deadline.*

- A.** The placement of commercial wireless telecommunication antennas on roofs, walls, and existing towers may be approved by resolution of the Approving Body without a public hearing provided the antennas meet the requirements of this ordinance. Requests under this section must be accompanied by a final site plan and building plan and a report prepared by a qualified professional engineer licensed to conduct business in North Dakota indicating the existing structure or tower's suitability to accept the antenna, and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment must be indicated. Completed information shall be provided to the City, which will then be placed on the Approving Body agenda. Applicants will be informed of incomplete applications within thirty (30) days. The Approving Body may require additional information when considering an application.
- B.** Private wireless telecommunications antennas, such as satellite dishes and other similar antennas, are permitted accessory uses in all residential districts to a maximum height of fifteen (15) feet and may not be located in a required front or side yard setback; except for private wireless telecommunications antennas less than thirty (30) inches in diameter which may be located within a required front or side yard setback if mounted upon a residential structure.

SECTION 8.1-6. INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS

No new or existing telecommunications service may interfere with Public Safety Telecommunications. Before the introduction of new service or changes in frequencies or maximum signal output, telecommunication providers must notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

SECTION 8.1-7. TOWERS AND ANTENNAS UPON PUBLIC PROPERTY

Any antenna or tower, any lines, cable, equipment, or wires or braces in connection with either that may at any time extend across or over any part of the public right-of-way, public street, highway, sidewalk, or property line must comply with [Article VII, Encroachments, Division 3, Wireless Telecommunications Facility Encroachments in the Minot Municipal Code](#).

SECTION 8.1-8. GENERAL STANDARDS AND DESIGN REQUIREMENTS

A. Design

1. Wireless support structures shall be subject to the following:
 - a. Shall be engineered and constructed to accommodate a minimum number of collocations based upon their height:
 - i. Support structures fifty (50) to one hundred (100) feet shall support at least two (2) telecommunications providers;
 - ii. Support structures greater than one hundred (100) feet but less than one hundred- fifty feet (150) shall support at least three (3) telecommunications providers;
 - iii. Support structures greater than one hundred-fifty (150) feet in height shall support at least four (4) telecommunications providers.
 - b. The equipment compound area surrounding the wireless support structure must be of sufficient size to accommodate accessory equipment for the appropriate number of telecommunications providers in accordance with Section 8.1-8(A)(1)(a). Consideration of the required equipment area shall take into account the constraints of the surrounding built environment.
2. Concealed wireless facilities shall be designed to accommodate the collocation of other antennas whenever economically and technically feasible. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
3. Commercial wireless telecommunication towers must be a monopole design unless the approving body determines that an alternative design would better blend into the surrounding environment or the applicant provides evidence to the City that an alternative design is necessary to successfully engage in commercial telecommunication services.
4. Upon request of the applicant, the approving body may waive the requirement that new wireless support structures accommodate the collocation of other service providers if it finds that collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer antennas will promote community compatibility.
5. A letter of intent or interest on behalf of a carrier shall be included with the design that once the support structure is constructed, it is reasonably sure that an antenna will be mounted within one (1) year after completion.

Location

1. Towers supporting amateur radio antennas and conforming to all applicable provisions of this ordinance are allowed only in the rear yards of residentially zoned property.
2. Towers supporting commercial antennas and conforming to all applicable provisions of this ordinance are allowed only upon the following residential zoned property:

- a. Church sites, when camouflaged as steeples, bell towers, or other architecturally compatible structures.
- b. Park sites, when compatible with the nature or the park.
- c. Government, school, and utility sites.
- d. Towers supporting commercial antennas and conforming to all applicable provisions of this ordinance are allowed within the Agricultural, Public, Commercial and Industrial Districts.
- e. Towers supporting commercial antennas and conforming to all applicable provisions of this ordinance are allowed within the M2 Heavy Industrial District as a permitted use, provided the property does not abut the Light Commercial District or any Residential District.

Setbacks

1. Unless otherwise stated herein, each wireless support structure shall be set back from all property lines of the underlying zoning district and may not encroach upon any easements. Towers shall conform to each of the following requirements:
 - a. Towers shall also be setback from all property lines equal to its engineered fall zone.
 - b. Towers may not be located between a principal structure and a public street within a front or side yard, with the following exceptions:
 - c. In Industrial Zoning Districts, towers may be placed within a side yard abutting a public street, provided that the street is not along the perimeter of the district.
 - d. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
2. A tower's setback may be reduced or its location in relation to a public street adjusted, at the sole discretion of the Approving Body, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure or if the applicant provides evidence that a setback reduction is necessary to successfully engage in commercial telecommunication services.
3. In all non-residential zoning districts, the maximum height of any tower, including all antennas and other attachments, must not exceed one (1) foot for each two (2) feet the tower is set back from a residential zoning district or a maximum height of one hundred and fifty (150) feet, whichever is less, unless the applicant provides evidence to the City that the proposed tower height is technically necessary to successfully engage in commercial telecommunication services.

Height

1. The height of towers will be determined by measuring the vertical distance from the tower's center point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure and the tower must meet the height restrictions.

2. In residential districts, wireless support structures shall not exceed a height equal to one hundred (100) feet from the base of the structure to the top of the highest point, including appurtenances. Notwithstanding the foregoing, the Approving Body shall have the authority to vary the foregoing height restriction upon the request of the applicant. With its waiver request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Approving Body.
3. All towers must meet the maximum height restrictions of this section.

Aesthetics

1. Lighting and Marking

Wireless facilities or wireless support structures shall not be lightened or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

2. Signage

Signs located at a wireless facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited. Notwithstanding the foregoing, nothing in this Ordinance shall prohibit signage that is approved for other uses on property on which wireless facilities are located (e.g., approved signage at locations on which concealed facilities are located).

Accessory Equipment

Accessory equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the wireless facility or wireless support structure. Any equipment not used in direct support of such operation shall not be stored on the site.

Fencing and Screening

1. Ground mounted accessory equipment and wireless support structures shall be secured and enclosed with a fence not less than six (6) feet in height as deemed appropriate by the Approving Body or Building Official.
2. Vegetative screening shall be provided around the base of the tower enclosure unless the sight vision triangle precludes it. Screening shall consist of one (1) evergreen (conifer) tree at least five feet (5') in height at the time of planting for each twenty (20) lineal feet.
3. The Approving Body may waive the requirement of Section 8.1-8(G)(1) and (2), if it is deemed that a fence and/or screening is not appropriate or needed at the proposed location.

SECTION 8.1-9. MISCELLANEOUS PROVISIONS

A. Abandonment and Removal

If a wireless support structure is abandoned, and it remains abandoned for a period in excess of twelve (12) consecutive months, the City of Minot may require that such wireless support structure be removed only after first providing written notice to the owner of the wireless support structure the owner of the real property and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the wireless support structure within ninety (90) days of receipt of said written notice. In the event the owner of the wireless support structure fails to reclaim the wireless support structure within the ninety (90) day period, the owner of the wireless support structure or the owner of the real property upon which the wireless support structure sits shall be required to remove the same within six (6) months thereafter. The city shall ensure and enforce removal by means of its existing regulatory authority, with costs of removal charged to the owner.

Multiple Uses on a Single Parcel or Lot

Wireless facilities and wireless support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

SECTION 8.1-10. WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES IN EXISTENCE ON THE DATE OF ADOPTION OF THIS ORDINANCE

A. Grandfather Rights

Wireless facilities and wireless support structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use.

Activities at Non-Conforming Wireless Support Structures

Notwithstanding any provision of this Ordinance:

1. Ordinary maintenance may be performed on a non-conforming wireless support structure or wireless facility.
2. Collocation of wireless facilities on an existing non-conforming wireless support structure shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming structure and/or use and shall be permitted through the administrative approval process defined in Section 8.1-3; provided that the collocation does not substantially modify the size of the equipment compound at that location or otherwise substantially modify the existing non-conformity.
3. Substantial modifications may be made to non-conforming wireless support structures utilizing the conditional use permit process defined in Section 8.1-4 of this Ordinance.

Chapter 8.2. – Definitions

Abandonment: Cessation of use of a wireless support structure for wireless telecommunications activity for at least the minimum period of time specified under this ordinance.

Accessory Equipment: Any equipment serving or being used in conjunction with a wireless facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

Antenna: Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

Base Station: The equipment and non-tower supporting structure at a specific site authorized to communicate between user equipment and a communications network, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

Collocation: shall mean and refer to the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Commercial Wireless Telecommunication Services: Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Concealed Wireless Facility: Any wireless facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed to camouflage or conceal the presence of antennas or towers so that the purpose of the facility or wireless support structure is not readily apparent to a casual observer.

Eligible Facilities Request: A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment but does not include a substantial modification.

Equipment Compound: An area surrounding or near the base of a wireless support structure within which are located wireless facilities.

Existing Structure: A wireless support structure, erected prior to the application for an eligible facilities request, collocation or substantial modification under this ordinance that is capable of supporting the attachment of wireless facilities. The term includes but is not limited to, electrical transmission towers, buildings and water towers. The term shall not include any utility pole.

Fall Zone: The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

(FCC): Shall mean and refer to the Federal Communications Commission or its successor.

FCC Telecommunications Act of 1996: Overhaul of the Communications Act of 1934 allowing media cross-ownership and the authority for telecommunications providers to site facilities under local government control.

FCC Section 332(c)(7) of the Communications Act: Preserves state and local authority over zoning and land use decisions for personal wireless service facilities, but sets forth specific limitations on that authority. State or local governments:

1. May not unreasonably discriminate among providers of functionally equivalent services

2. May not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services
3. Must act on applications within a reasonable time period
4. Must make any denial of an application in writing supported by substantial evidence in the written record.
5. Preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions.

FCC Section 6409(a): From the 2012 Spectrum Act, provides that cities must approve placement or modifications to certain existing wireless facilities within sixty (60) days or the permit is deemed granted.

Monopole: A single, freestanding pole-type structure supporting one or more antennas. For the purposes of this Ordinance, a monopole is not a tower or a utility pole.

Ordinary Maintenance: Ensuring that wireless facilities and wireless support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing, and modifications that maintain functional capacity and structural integrity; for example, the strengthening of a wireless support structure's foundation or of the wireless support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing equipment compound and relocating the antennas to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include substantial modifications.

Replacement Pole: A pole of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation. Requires removal of the wireless support structure it replaces.

Site: For towers or monopoles other than facilities located in public right-of-way, referring to the current boundaries of the leased or owned property surrounding the tower, monopole, any access, or utility easements currently related to the site, and, for other eligible support structures, shall mean and be further restricted to, that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Substantial Modification: The mounting of a proposed wireless facility or wireless facilities on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the following criteria:

1. Increases the existing vertical height of a wireless support structure by:
2. More than ten percent (10%) or one additional antenna array not more than twenty (20') feet higher for towers not within a public right-of way, or
3. Increases the existing width of a wireless support structure by:
4. More than twenty (20') feet or the tower width at the level of the appurtenance, whichever is greater, for towers not within public right-of-way, or

5. The request defeats the existing concealment elements of a tower or base station, or
6. The request violates a prior condition of approval that does not conflict with the other standards for a substantial change.

Tower: Any ground or roof-mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Utility Pole: A structure owned and/or operated by a public utility, municipality, electric membership corporation or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

Water Tower: A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

Wireless Facility or Wireless Facilities: The set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling and associated equipment necessary to provide wireless telecommunications services.

Wireless Support Structure: A freestanding structure, such as a monopole or tower, designed to support wireless facilities. This definition does not include utility poles.

Wireless Transmission Equipment: Any equipment that facilitates transmission for any authorized wireless communication service including backup power.

Article 9: Procedures

This chapter explains the various applications associated with developing in compliance with the City of Minot's Zoning Ordinance. Included is a step-by-step guide to the submittal and processing of each of the following applications:

- Sign Permits
- Variances
- Conditional Use Permits
- Interim Uses
- Zoning Map Amendment (Zone Change or Rezoning)
- Zoning Ordinance Text Amendment (Change to Ordinance Text)
- Appeal of Administrative Decisions (Decisions Made by City Staff)
- Annexation

This chapter also details how the City shall provide notice of the above listed applications. Decision-making bodies of the City are also detailed in this chapter.

Chapter 9.1. – Application Procedures

SECTION 9.1-1. SIGN PERMITS

A. Intent

Any installation, modification, or expansion of any nonconforming or conforming on-premise or off-premise sign which is not exempt from the provisions of this Ordinance shall be subject to the following permit procedure prior to installation.

B. Application Submittal

Application forms are available at the Planning Division or on the City's website. Sign permit applications shall be submitted to the Planning Division on a form established by the Planning Division along with a non-refundable fee that has been established by resolution of the City Council. Application checklists that detail requirements for a complete application are established and maintained by the Planning Division. The application shall not be processed until the application is deemed complete by the Planning Division and the required fee has been paid. If the Planning Division determines that the application is incomplete, the application will be returned to the applicant along with an explanation of the application's deficiencies and/or missing information. The applicant shall provide documentation of landowner approval as part of the application.

C. Review and Action

The Planning Division shall be responsible for conducting reviews to determine if the proposed sign(s) comply with all applicable regulations and standards. The Planning Division shall not issue a sign permit unless the plans and specifications conform in all respects to the provisions of this Ordinance.

D. Assignment of Permit

A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

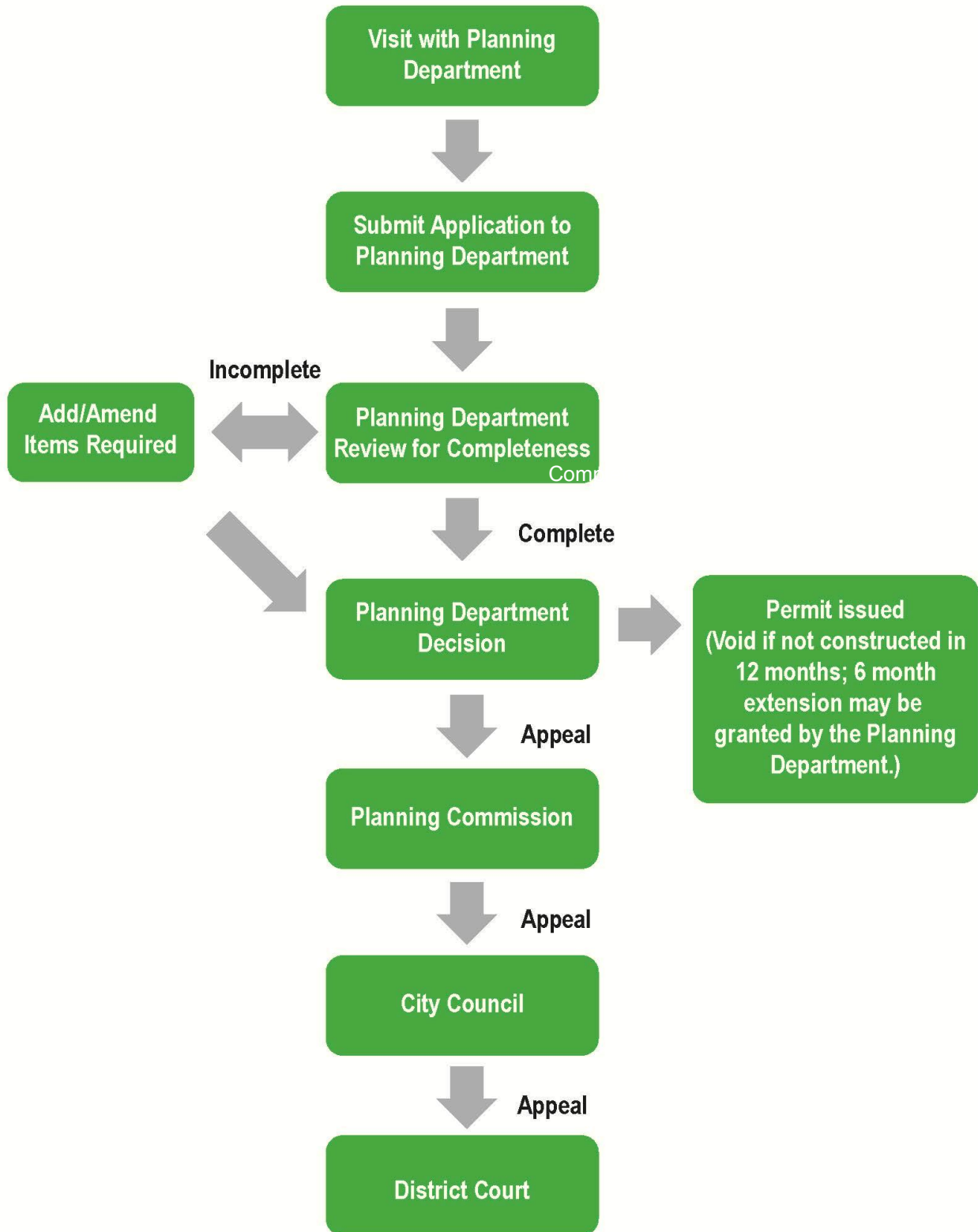
E. Revocation

A sign permit may be revoked if the sign is not maintained in good condition.

F. Expiration

A sign must be constructed in accordance with an approved permit within twelve (12) months of the date of permit approval. The Planning Division may grant no more than one (1) six (6) month extension. Thereafter, the permit is void.

Sign Permit Process



SECTION 9.1-2. MASTER SIGN PLAN

A. Review of Master Sign Plan

Applicant shall submit the completed Master Sign Plan application and submit document as required by the Planning Division. All applications for a Master Sign Plan shall be considered and approved by the Planning Division.

B. Evaluation Criteria

Master Sign Plans shall be evaluated based on all of the following criteria:

1. **Placement.** All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement, access points, site features, and other structures; orientation relative to viewing distances and viewing angles; spacing; and pedestrian and traffic safety considerations. Wall Signs may be approved on building walls, other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.
2. **Quantity.** The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety and land development character considerations such as the size of the development and the number of development sub-areas.
3. **Size.** All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In no event shall a Master Sign Plan contain a detached sign that exceeds the maximum height standard permitted by this Chapter.
4. **Design Features and Materials.** Sign design themes and materials shall be compatible with the architecture, colors, materials of the project, and compatible with surrounding development.
5. **Site Development Standards.** The City may not reduce any site development standard to less than fifty (50%) percent of any minimum standard, nor may any site development standard be allowed to be more than one hundred fifty (150%) percent of the maximum standard. For safety purposes, no sign shall be permitted to reduce the setback, or be placed within the vision clearance triangle.
6. **Permitted Sign Budget.** An applicant may request use of the Calculated Permitted Sign Budget or Maximum Permitted Sign Budget, whichever is larger for the site.

Table 9.1-2 Master Sign Plan Budget Calculation Table							
	Zoning Districts						
	AG	RR, R1, R1S, R2	R3C, RM, RH, MH	C1, GMU	C2, C4	CBD, P	M1, M2, OP
Multiplier for Calculated Permitted Sign Budget	0.05	1	1	0.75	1.5	1.5	2
Maximum Permitted Sign Budget	RU: 4 sqft NRU: 200 sqft	RU: 2 sqft NRU: 200 sqft	RU: 2 sqft NRU: 50 sqft	800 sqft	800 sqft	4 stories or shorter: 500 sqft; 5 stories or taller: 900 sqft	800 sqft
RU - Residential uses: Includes all residential uses plus permitted home based businesses and excludes multi-family and manufactured home park use types. NRU - Non-residential uses: Includes all non-residential uses plus multi-family and manufactured home park use types.							

A. Permitted Sign Budget. The permitted sign budget is the square footage of the area allowed for permanent signage on the premises. The permitted sign budget is a function of the property's frontage on a street or private way. To calculate the permitted sign budget of a property, follow the instructions below:

1. Identify the zoning of the premises.
2. Measure the total street frontage as the length of a premise fronting a public or private street (excluding alleys). For multiple frontage properties, the total street frontage shall be calculated as the longest street frontage, plus one-half the length of all additional street frontages.
3. Determine the Calculated Permitted Sign Budget by multiplying the total street frontage length by the zoning district multiplier found in Table 9.1-2.

C. Master Sign Plan Approval

The City shall approve or approve with modifications and/or conditions, an application for a Master Sign Plan subject to the requirements of this Chapter and based on compliance with the Purpose and Evaluation Criteria, outlined previously in this Section. An action of the City shall be accompanied by

"findings of fact", giving the reasons for the action. The City may request additional information to assist in the review process.

D. Limitations of Administrative Approval

This Section sets the parameters of the Master Sign Plan process; anything beyond these parameters is outside the boundary for administrative review. For requests diverging from the standards outlined in Article 4 and limits set for the Master Sign Plan process, the applicant may follow the Planned Development procedure, outlined in Chapter 2.23, PUD Overlay, to request approval for additional signage considerations.

E. Conditions

The Planning Division may attach conditions, requirements, or standards necessary to assure that the signs covered by the Master Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the City shall not base any condition on the message content of a sign. Off-premise signs shall not be included in a Master Sign Plan.

F. Permitting

After approval of a Master Sign Plan, the applicant is responsible for applying for a sign permit for each sign or group of signs.

G. Modifications/Amendments to Master Sign Plan

Minor amendments to a Master Sign Plan may be approved administratively. Minor amendments include such changes which are determined to have little to no visual impact or improved visual impact and are consistent with the intent of the original approval.

H. Noncompliance

The applicant shall follow the approved Master Sign Plan. Any violation or noncompliance will result in a written notification of violation or noncompliance. The applicant shall be required to bring signage into compliance, at applicant's expense within the time specified in the written notification.

I. Termination

If no substantial signage development has taken place for three (3) years following approval of the Master Sign Plan, the Master Sign Plan shall be considered null and void.

SECTION 9.1-3. VARIANCES

A. Types of Variances Allowed

The Planning Commission is authorized to grant variances from the following standards contained in this Ordinance:

1. Zoning district dimensional standards
2. Parking and loading standards

3. Sign area
4. Sign height
5. Fence standards

B. Voluntary Pre-application Review

Prior to submitting a complete application to the Planning Division, applicants are encouraged to do the following:

1. Meet with a Planning Division staff person to review the proposed variance application. This meeting provides a screening process to identify and resolve potential issues before the application is submitted. Upon review, the staff person will either recommend further pre-application review with the Development Review Team or formal submittal of the variance application.
2. Meet with the Development Review Team to solicit City input beyond the Planning Division. City staff will schedule the Development Review Team meeting and invite all participants.

Application forms are available at the Planning Division or on the City's website.

C. Application Submittal

Variance applications shall be submitted to the Planning Division on a form established by the Planning Division along with a non-refundable fee that has been established by resolution of the City Council. Application checklists that detail requirements for a complete application are established and maintained by the Planning Division. The application shall not be processed until the application is deemed complete by the Planning Division and the required fee has been paid. If the Planning Division determines that the application is incomplete, the application will be returned to the applicant along with an explanation of the application's deficiencies and/or missing information.

D. Application Review

The Planning Division will prepare a report with a recommendation based upon the review criteria in this section.

E. Planning Commission Public Hearing

1. ***Hearing Notice.*** Once the applicant has furnished all information as requested by the Planning Division, the Planning Commission shall consider the application at its next hearing, provided sufficient notice of the hearing has been given and there has been sufficient time for staff to review the proposal. Written and published notice of the hearing must be provided in compliance with Section 9.2-1(B) and (C).
2. ***Planning Commission Action.*** The Planning Commission shall hold a public hearing to approve, approve with conditions, or deny the application. When a quorum is present, a majority vote is sufficient (of those present) for the adoption of any motion. The public hearing may be continued by the Planning Commission without again complying with the notice requirements, provided that the continuance is set for a date and time certain and announced at the original

public hearing. The Planning Commission shall use the criteria located in this section as guidance to determine if a variance should be approved. No application for a variance which has been denied in whole or in part may be resubmitted within six (6) months of the date of the order of denial, except upon grounds of new evidence or upon proof of change of conditions.

3. **Memorandum of Action.** The Planning Commission shall prepare a written memorandum setting forth the reasons or justifications for the issuance of the variance and said memorandum shall be attached to the application.

F. Appeal

Appeals of variance may be filed by any person aggrieved or by any officer, department, board, or agency affected by any decision of the Planning Commission. Appeals of variances shall be submitted to the Planning Division within ten (10) business days after the decision was made by the Planning Commission. Appeals to the City Council shall involve sufficient notice per Section 9.2-1. An appeal on the action of the Planning Commission shall be taken to the City Council. An appeal of the City Council's decision is taken to the District Court.

G. Criteria

1. A variance may not be approved unless the Planning Commission finds that there exists a unique hardship. The strict application of the applicable standards will constitute a unique hardship due to circumstances unique to the property not created by the landowner, not including economic or fiscal hardship. A unique hardship is limited to one or more of the following:
 - a. **Shape of Property.** The request arises from conditions of exceptional shallowness or shape of a specific piece of property.
 - b. **Topography.** The request arises from exceptional topographical conditions.
 - c. **Exceptional Practical Difficulties.** Without the variance reasonable use of the property is not possible.
2. Further, a variance may not be approved unless the Planning Commission finds both of the following to be affirmed:
 - a. The granting of the variance will not adversely affect the rights of property owners in the surrounding neighborhood, or the character of the surrounding neighborhood.
 - b. The granting of the variance will not be contrary to the Comprehensive Plan.

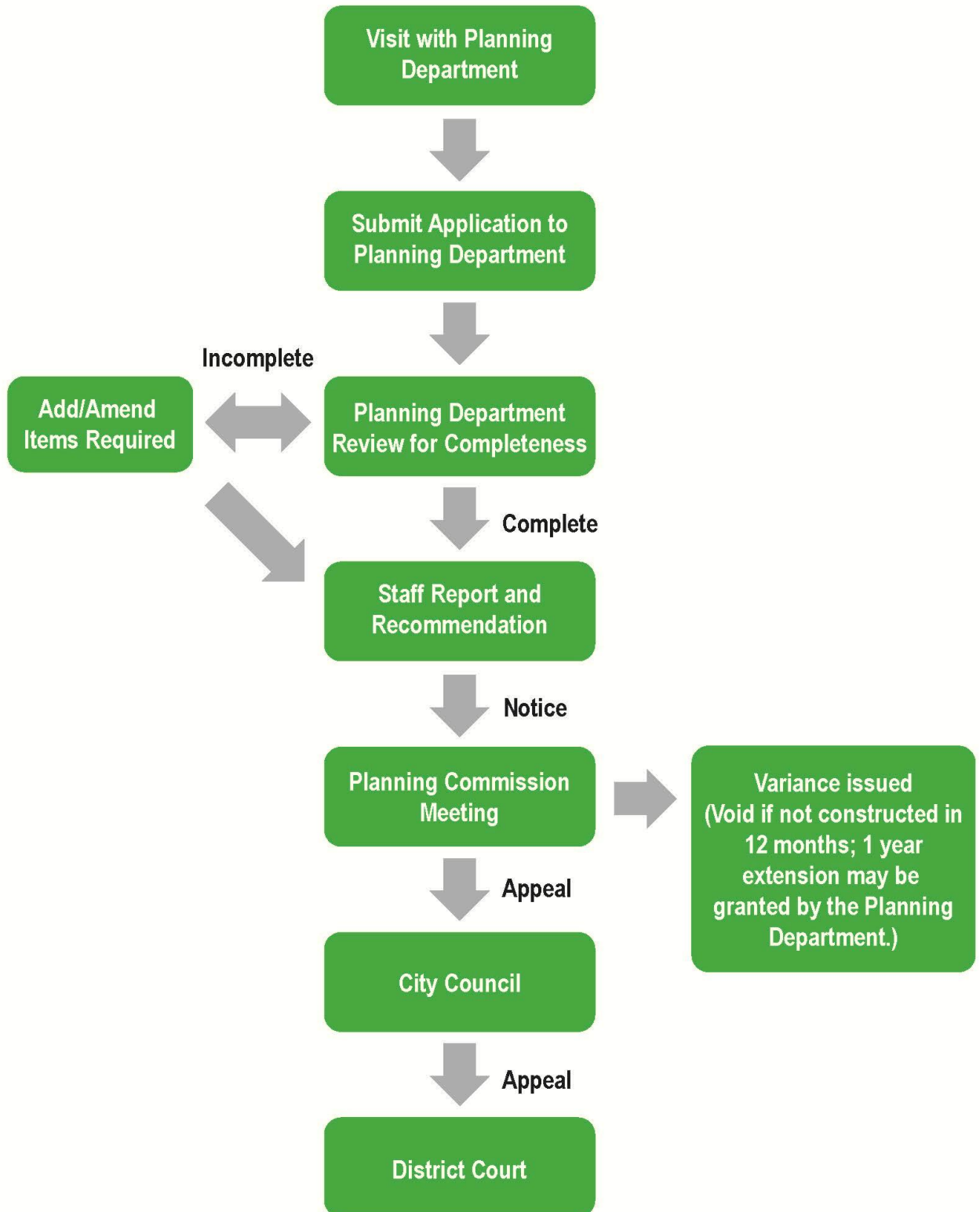
In making the above finding, the Planning Commission may add conditions of approval to mitigate negative externalities stemming from a request in order to affirm granting of a variance.

H. Term and Expiration

1. Any variance approved by the Planning Commission shall have a time limit of one (1) year after the Board's approval, during which the variance must be put into effect by the owner. Alternatively, the Planning Commission may establish a different time limit for any variance

implementation if special circumstances warrant the same. If the time limit should expire before the variance is put into effect, the Planning Division, upon the owner's written request, may grant additional time, not to exceed one (1) year.

Variance Process



SECTION 9.1-4. CONDITIONAL USE PERMITS

A. Intent

The provisions of this section are intended to permit certain land uses which, under special conditions and review, can be compatible with the uses permitted by right in a zoning district, and desirable to the development of the City as a whole. Only those uses which are identified as “permitted by a conditional use permit” under the zoning use matrix are eligible for a conditional use permit under the procedure described below.

B. Voluntary Pre-Application Meeting

Prior to submitting a complete application to the Planning Division, applicants are encouraged to do the following:

1. Meet with the Planning Division to review the proposed conditional use permit application. This meeting provides a screening process to identify and resolve potential issues before the application is submitted. Upon review, staff will either recommend further pre-application review with the Development Review Team or formal submittal of the conditional use permit application.
2. Meet with the Development Review Team to solicit City input beyond the Planning Division. City staff will schedule the Development Review Team meeting and invite all participants.

Application forms are available at the Planning Division or on the City’s website.

C. Application Submittal

Conditional use permit applications shall be submitted to the Planning Division on a form established by the Planning Division along with a non-refundable fee that has been established by resolution of the City Council. Application checklists that detail requirements for a complete application are established and maintained by the Planning Division. The application shall not be processed until the application is deemed complete by the Planning Division and the required fee has been paid. If the Planning Division determines that the application is incomplete, the application will be returned to the applicant along with an explanation of the application's deficiencies and/or missing information.

D. Application Review

The Planning Division will prepare a report with a recommendation and proposed conditions based upon the review criteria set forth in this section.

E. Planning Commission Hearing and Decision

1. **Hearing Notice.** Once the applicant has furnished all information as requested by the Planning Division, the Planning Commission shall consider the application at its next hearing, provided sufficient notice of the hearing has been given and there has been sufficient time for staff to review the proposal. Written and published notice of the hearing must be provided in compliance with Section 9.2-1(B) and (C).
2. **Recommendation of Conditions.** In acting on the request, the Planning Commission may recommend such conditions, safeguards, or restrictions upon the property benefited by the

conditional use as necessary to minimize any potentially injurious effect on other property in the area, or to carry out the general purpose and intent of this Ordinance.

3. ***Planning Commission Action.*** At the time of the hearing, the Planning Commission shall take testimony and formulate their decision to either approve, approve with conditions, or deny the conditional use permit request. When a quorum is present, a simple majority vote is sufficient (of those present) for the adoption of any motion. The public hearing may be continued by the Planning Commission without again complying with the notice requirements, provided that the continuance is set for a date and time certain and announced at the original public hearing.

F. Review and Approval Criteria

In reviewing any application for a conditional use permit, the Planning Commission shall find that the application meets all the following criteria, as applicable:

1. The request will be harmonious with the general and applicable specific objectives of the City's Comprehensive Plan and this Ordinance.
2. The proposed conditional use at the specified location will not be detrimental to or endanger the health, safety, welfare, comfort, or convenience of the public.
3. The proposed conditional use will not cause substantial injury to the value of other property within the area in which it is located.
4. The location, size, design, and operating intensity of the proposed conditional use will not prevent the development and use of neighboring property in accordance with the applicable zoning district. In making this determination, the Planning Commission will consider the siting, nature, and height of existing and proposed buildings and structures, and the extent and effectiveness of proposed buffering or landscaping.
5. Adequate public services and facilities exist or will be provided by the developer at the time of development, including adequate utilities, water and sewer systems, drainage structures, and other such facilities and services which are necessary to serve the development.
6. The request will not create excessive additional requirements for public facilities and services at public cost and will not be detrimental to the economic welfare of the community.
7. Adequate access roads or entrance and exit drives exist or will be provided by the developer to prevent traffic safety hazards and minimize traffic congestion on public streets.
8. The request will not result in the destruction, loss, damage of a natural, scenic, or historic feature of major importance.

G. Appeal

Appeals of conditional use permits may be filed by any person aggrieved or by any officer, department, board, or agency affected by any decision of the Planning Commission. Appeals of conditional use permits shall be submitted to the Planning Division within ten (10) business days after the decision was made by the Planning Commission. Appeals to the City Council shall involve sufficient notice per

Section 9.2-1. An appeal on the action of the Planning Commission shall be taken to the City Council. An appeal of the City Council's decision is taken to the District Court.

H. *Limit on Successive Applications*

If the Planning Commission denies an application for a conditional use permit, an application for the same use on any portion of the subject property may not be refiled by the original applicant for three (3) months.

I. *Amendments*

The procedure for amending a conditional use permit shall be the same as required for the original approval.

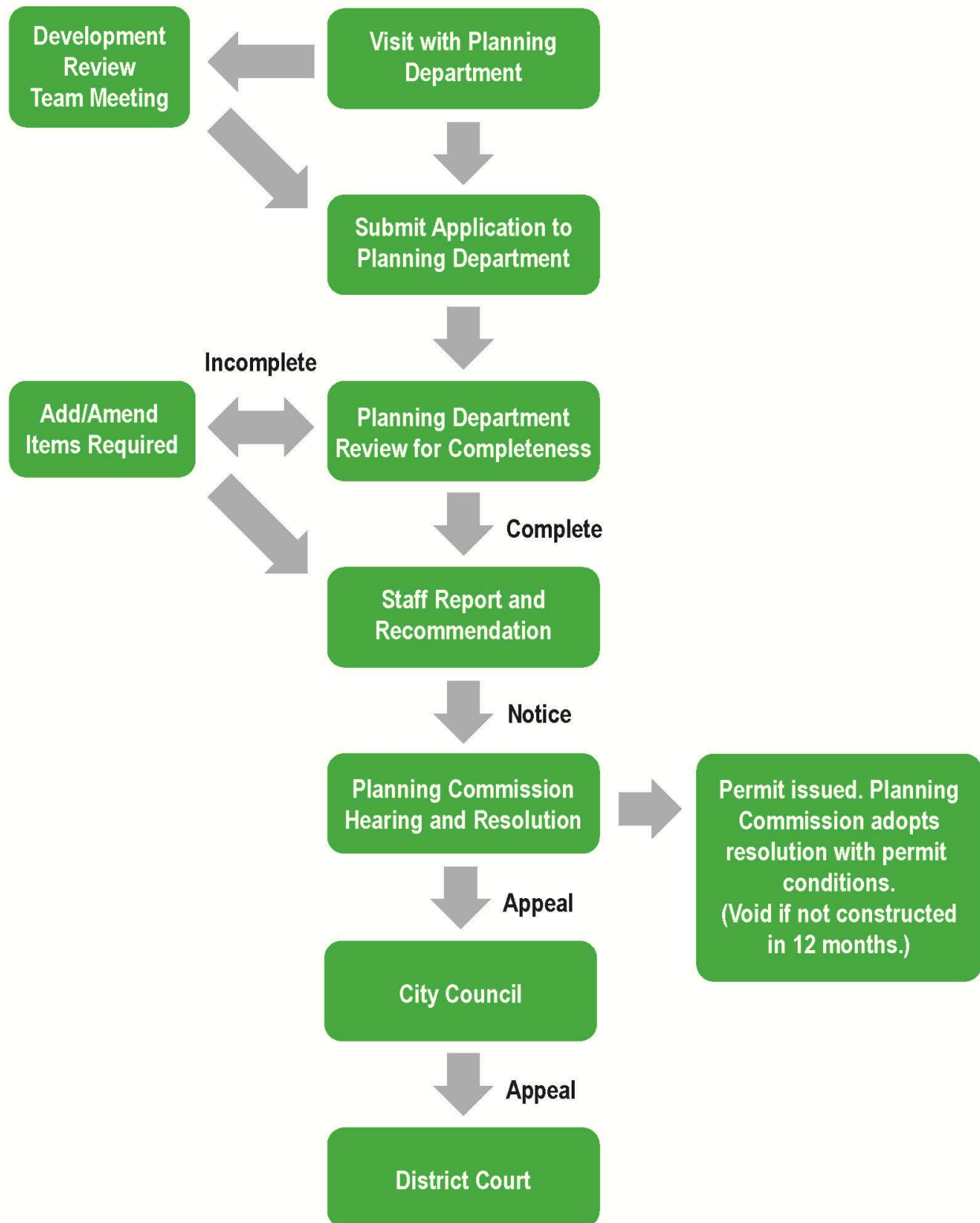
J. *Term and Expiration*

1. ***Time limit.*** Substantial construction must take place within one (1) year of the date on which the conditional use permit was granted, or the permit shall be void. If the conditional use is discontinued for a period of twelve (12) months, the permit shall be void.
2. ***Change of use.*** Any change of the use as documented in the resolution of approval shall void the conditional use permit.
3. ***Vested property right.*** A conditional use permit goes with the land, and not the applicant or operator, and becomes a vested property right, and cannot be taken away unless the operator, for example, is out of compliance with the conditions of approval set forth in the permit.

K. *Revocation*

1. ***Process.*** The Planning Division may initiate revocation of a conditional use permit for noncompliance with any of the conditions set forth in the resolution granting the application. The Planning Division shall provide written and published notice of the meeting in compliance with Sections 9.2-1(B) and (C). As set forth in Sections 9.1-4(E) and (F), the Planning Commission shall hold a public hearing as part of the process for considering a permit revocation. Appeals on the action of the Planning Commission are taken to the City Council. Appeals on the action of the City Council are taken to the District Court.
2. ***Revocation not needed for expiration.*** If the time limit for development under the conditional use expires or the time limit for duration of the use as established in the permit passes, the permit shall be revoked upon the date of expiration. The permit applicant and property owner shall be notified of said revocation.
3. ***Effect of revocation.*** The revocation of the conditional use permit shall have the effect of denying all rights granted by the conditional use permit.

Conditional Use/Interim Use Permit Process



SECTION 9.1-5 INTERIM USES

A. Intent

An interim use permit allows temporary use of property for a minimum cumulative period of over eight (8) months and extending until a specified date, until a specified event, or until zoning regulations no longer permit it. It is intended to allow for a reasonable use of property if the property cannot be used in a manner that is permitted by the zoning district, or to allow a use that is presently acceptable but that, with anticipated development or zone change, will not be acceptable in the future.

B. Application, Public Hearing, Notice, and Procedure

The application, public hearing, public notice and procedure requirements for interim use permits shall be the same as those for conditional use permits as provided in Section 9.1-4 of this chapter. Application forms are available at the Planning Division or on the City's website.

C. Criteria

The Planning Commission shall authorize an interim use permit only if they find that the following criteria are met:

1. An Interim Use Permit is the preferred method for authorizing the specified use, as defined by the zoning use matrix.
2. The date or event that will terminate the use can be identified with certainty
3. The interim use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
4. The interim use will be subjected to, by agreement with the owner, any conditions that the Planning Commission has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the Interim Use Permit.

D. Term and Expiration

An interim use permit terminates at the end of the permit period. It may also be terminated by violation of established conditions or a change in zoning regulations. Until the end of the permit period, the interim use permit goes with the land, and not the applicant or operator, and is a vested property right.

E. Revocation

1. **Process.** The Planning Division may initiate revocation of a conditional use permit for noncompliance with any of the conditions set forth in the resolution granting the application. The Planning Division shall provide written and published notice of the meeting in compliance with Sections 9.2-1(B) and (C) and as set forth in Sections 9.1-4(E) and (F), the Planning Commission shall hold a public hearing as part of the process for considering a permit revocation. Appeals on the action of the Planning Commission are taken to the City Council. Appeals on the action of the City Council are taken to the District Court.

2. **Revocation not needed for expiration.** If the time limit for development under the conditional use expires or the time limit for duration of the use as established in the permit passes, the permit shall be revoked upon the date of expiration. The permit applicant and property owner shall be notified of said revocation.
3. **Effect of revocation.** The revocation of the interim use permit shall have the effect of denying all rights granted by the interim use permit.

F. Appeals

Appeals of interim use permits may be filed by any person aggrieved or by any officer, department, board, or agency affected by any decision of the Planning Commission. Appeals of interim use permits shall be submitted to the Planning Division within ten (10) business days after the decision was made by the Planning Commission. Appeals to the City Council shall involve sufficient notice per Section 9.2-1. An appeal on the action of the Planning Commission shall be taken to the City Council. An appeal of the City Council's decision is taken to the District Court.

SECTION 9.1-6. TEMPORARY USE PERMITS

A. Intent

Provisions authorizing temporary uses are intended to permit occasional, temporary uses and activities when consistent with the purposes of this Ordinance and when compatible with other nearby uses.

B. Exemptions

The following shall be permitted as temporary uses without complying with the permit requirements of this section:

1. Garage sales conducted in residential areas by the owner of such premises for no more than 3 days total in any 180-day period.
2. Christmas tree sales.
3. Mobile food vendors.
4. Lemonade stands and similar uses in residential areas.

C. Authority to Approve

Temporary uses are prohibited, except that the Planning Division shall have the authority and responsibility to grant permits for certain temporary uses as provided in this section.

D. Definition

A temporary use is a use of property conducted from an area, structure or facility that does not require a building permit from the City of Minot and which may not comply with the use or dimensional standards of this Ordinance. Such area, facility, or structure may include parking lots, lawns, trucks, tents, or other temporary structures.

E. Time Limit

Temporary uses will be permitted for a maximum of fifteen (15) days, provided, however, the Zoning Administrator should be authorized to allow such temporary use to extend for as long as eight (8) months. Upon expiration of a temporary use permit, another permit for the same premises may not be obtained for at least thirty (30) days. The applicant shall submit a written explanation of the length of time needed for the temporary use.

Examples of uses that require temporary use permits include, but are not limited to the following:

1. Greenhouses,
2. Fireworks sales (permitted outside City limits only),
3. Outdoor seating and serving area at a restaurant (must include an alternative parking plan if on-site parking area is affected),
4. On-site storage tents, trailers, or other shelter to house inventory during construction or other unusual business interruptions.

F. Permit Required

A permit must be obtained from the Planning Division before establishing a temporary use.

G. Procedure

A complete application for Temporary Use Permit must be submitted to the Planning Division in a form established by the Planning Division along with a non-refundable fee that has been established by the City Council. No application will be processed until the application is complete and the required fee has been paid. The application shall be reviewed for its likely effects and surrounding properties and its compliance with the purpose of this section. The Planning Division shall impose such conditions of approval as are necessary to ensure compliance with the purposes of this Ordinance. If the permit complies with all applicable provisions of this Ordinance it will be approved.

SECTION 9.1-7. ZONING MAP AMENDMENT (REZONING)

A. Intent

The official zoning map may be modified from time to time by the City Council. Zoning map amendments, or rezonings, may be initiated by a petition from the owner(s) of the affected property, a recommendation from the Planning Commission, or by City Council action.

B. Voluntary Pre-application Meeting

Prior to submitting a complete application to the Planning Division, applicants are encouraged to do the following:

1. Meet with a Planning Division staff person to review the proposed zoning map amendment application. This meeting provides a screening process to identify and resolve potential issues before the application is submitted. Upon review, the staff person will either recommend further pre-application review with the Development Review Team or formal submittal of the application.

2. Meet with the Development Review Team to solicit City input beyond the Planning Division. City staff will schedule the Development Review Team meeting and invite all participants.

Application forms are available at the Planning Division or on the City's website.

C. Application Submittal

An application for zoning map amendment shall be submitted to the Planning Division on a form established by the Planning Division along with a non-refundable fee that has been established by resolution of the City Council. Application checklists that detail requirements for a complete application are established and maintained by the Planning Division. The application shall not be processed until the application is deemed complete by the Planning Division and the required fee has been paid. If the Planning Division determines that the application is incomplete, the application will be returned to the applicant along with an explanation of the application's deficiencies and/or missing information.

D. Application Review

The Planning Division must review each proposed zoning map amendment and prepare a report with a recommendation to approve or deny the request. The report will consider the nature of the proposed change within the context of its surroundings and evaluate the potential impacts on other persons, property, infrastructure, and services. Zoning map amendments should be consistent with the City's Comprehensive Plan. In some cases, the future land use map may require amendment to support the rezoning.

E. Planning Commission Hearing and Recommendation

1. ***Hearing Notice.*** Once the applicant has furnished all information as requested by the Planning Division, the Planning Commission shall consider the application at its next hearing, provided sufficient notice of the hearing has been given and there has been sufficient time for staff to review the proposal. Written and published notice of the hearing must be provided in compliance with Sections 9.2-1(B) and (C).
2. ***Planning Commission Action.*** The Planning Division will summarize the staff report at the hearing. At the close of the hearing, the Planning Commission shall make a recommendation to approve or deny the zoning map amendment and provide findings of fact to support this motion. When a quorum is present, a simple majority vote is sufficient (of those present) for the adoption of any motion. The public hearing may be continued by the Planning Commission without again complying with the notice requirements, provided that the continuance is set for a date and time certain and announced at the original public hearing.

F. City Council First Reading

1. ***Council Action.*** The Council may approve or deny the application for rezoning on first reading. A second reading is required to finalize the decision.
2. ***First Reading Timeline.*** The City Council shall consider the recommendation from the Planning Commission at the next available City Council meeting following the Planning Commission decision. This timeline does not apply if the action is tabled by the Planning Commission.

G. City Council Second Reading

1. **Council Action.** At the Second Reading, the City Council shall make a final motion to approve or deny the application for zoning map amendment or postpone the decision to allow for further review.
2. **Requirement for Approval.** When a quorum is present, a simple majority vote is sufficient (of those present).

H. Review and Approval Criteria

In reviewing any application for a zoning map amendment, the Planning Commission and City Council shall find that the following criteria have been satisfied, as applicable:

1. The requested zone change is justified by a change in conditions that occurred since the previous zoning classification was established, an error in the official zoning map, or by the need to resolve a discrepancy between the official zoning map and the Comprehensive Plan.
2. The City and other agencies will be able to provide necessary public services and facilities to serve planned or potential development allowed by the new zoning classification.
3. Approval of the zoning change will not substantially diminish the condition or value of property in the vicinity.
4. The proposed zoning change is consistent with the purpose of this Ordinance, with the Comprehensive Plan, and with the other adopted policies of the City.

I. Written Protest

1. **Valid Protest Petition.** Prior to the Second Reading of the City Council, a valid written protest petition must be submitted to the Planning Division stating the name(s), signature(s), and address(es) of the protesting property owner(s). A valid protest must include a petition signed by at least twenty (20) percent of property owners within the notice area as detailed in Section 9.2-1(C). Any owner of property within the petition area described herein may submit a petition, except for the City of Minot.
2. **Super-Majority Vote Required.** If a valid written protest petition is submitted to the Planning Division prior to the Second Reading, approval of a zoning map amendment on Second Reading shall require a super-majority (five members) of the City Council.

J. Appeal of the City Council Decision

Appeals on the action of the City Council are taken to the District Court.

K. Notice of Amendment Adoption

Within thirty (30) days after the City Council approves a zoning change, a notice of the approved amendment shall be published in accordance with Section 40-47-04.2 of the North Dakota Century Code.

SECTION 9.1-8. ZONING ORDINANCE TEXT AMENDMENT

A. Intent

The Zoning Ordinance text may be modified from time to time by the City Council to implement the Comprehensive Plan, respond to general community needs or desires, to comply with state or federal law, and for other reasons.

B. Who May Submit Applications

1. Any member of the public, after coordination with the Planning Division.
2. The Planning Division, upon recommendation by the Planning Commission, at the direction of City Council, or by its own initiative in line with fulfilling best practice or in fulfillment of the Comprehensive Plan.

C. Voluntary Pre-application Meeting

Prior to submitting a complete application to the Planning Division, applicants who are members of the public are encouraged to do the following:

1. Meet with a Planning Division staff person to review the proposed zoning ordinance text amendment application. This meeting provides a screening process to identify and resolve potential issues before the application is submitted. Upon review, the staff person will either recommend further pre-application review with the Development Review Team or formal submittal of the zoning ordinance text amendment application.
2. Meet with the Development Review Team to solicit City input beyond the Planning Division. City staff will schedule the Development Review Team meeting and invite all participants.

Application forms are available at the Planning Division or on the City's website.

D. Application Submittal

An application for zoning ordinance text amendment shall be submitted to the Planning Division on a form established by the Planning Division along with a non-refundable fee that has been established by resolution of the City Council. Application checklists that detail requirements for a complete application are established and maintained by the Planning Division. The application shall not be processed until the application is deemed complete by the Planning Division and the required fee has been paid. If the Planning Division determines that the application is incomplete, the application will be returned to the applicant along with an explanation of the application's deficiencies and/or missing information.

E. Application Review

The Planning Division must review each proposed zoning ordinance text amendment and prepare a report that describes the purpose and effect of the amendment.

F. Planning Commission Hearing and Recommendation

1. **Hearing Notice.** Once the applicant has furnished all information as required by the Planning Division, the Planning Commission shall consider the application at its next hearing, provided sufficient notice of the hearing has been given and there has been sufficient time for staff to review the proposal. Written and published notice of the hearing must be provided in compliance with Sections 9.2-1(B) and (C).
2. **Planning Commission Action.** The Planning Division will summarize the staff report at the hearing. At the close of the hearing, the Planning Commission shall make a recommendation to approve or deny the zoning ordinance text amendment and provide findings of fact to support this motion. When a quorum is present, a simple majority vote is sufficient (of those present) for the adoption of any motion. The public hearing may be continued by the Planning Commission without again complying with the notice requirements, provided that the continuance is set for a date and time certain and announced at the original public hearing.

G. City Council First Reading

1. **Council Action.** The City Council may make a recommendation to approve or deny the application for the zoning ordinance text amendment at the end of the public hearing. A second reading is required to finalize the decision.
2. **First Reading Timeline.** The City Council shall consider the recommendation from the Planning Commission at the next available City Council meeting following the Planning Commission decision. This timeline does not apply if the action is tabled by the Planning Commission.

H. City Council Second Reading

1. **Council Action.** At the Second Reading, the City Council shall make a final motion to approve or deny the application for zoning ordinance text amendment, or postpone the decision to allow for further review.
2. **Requirement for Approval.** Approval requires a simple majority of the City Council (at least four councilmembers).

I. Review and Approval Criteria

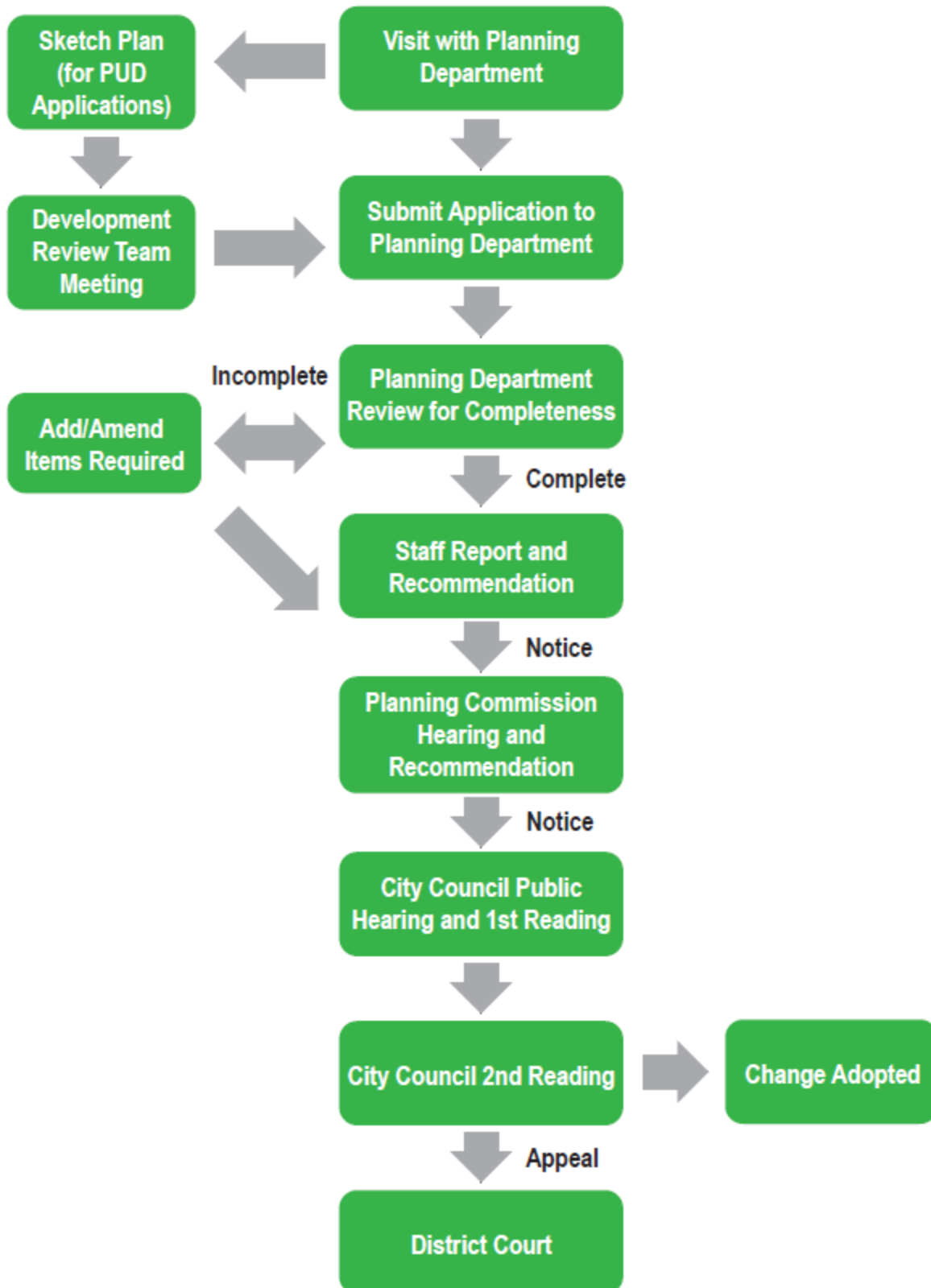
In reviewing any application for a zoning ordinance text amendment, the Planning Commission and City Council shall find that the following criteria have been satisfied, as applicable.

1. The amendment must not adversely affect the public health, safety, or welfare.
2. The amendment is supported by a strategy, recommendation, or other concepts from the Comprehensive Plan.
3. The amendment is necessary because of changed social or economic conditions in the areas affected.
4. The amendment is necessary to improve the ordinance by introducing best practices or makes the ordinance easier to understand and use by the public.

J. Notice of Amendment Adoption

Within thirty (30) days after the City Council approves a zoning ordinance text amendment, a notice of the approved amendment shall be published in accordance with [Section 40-47-04.2 of the North Dakota Century Code](#).

Zoning Ordinance Text Amendments and Map Changes



SECTION 9.1-9. APPEAL OF ADMINISTRATIVE DECISIONS

A. Intent

This section describes the procedure for the appeal of any order, requirement, decision, or determination made by an administrative official of the City, in the following instances:

1. Relief from decisions made by administrative officials approving, approving with conditions or denying site plans, sign permits, or building permit applications for development approval.
2. Relief from administrative interpretations involving the meaning and implementation of this Ordinance.

B. Right to Appeal

Appeals of administrative decisions may be filed by any person aggrieved or by any officer, department, board, or agency affected by any decision of the administrative official.

C. Appeal Submittal

A written appeal shall be submitted stating the decision intended for appeal and the reasoning for the appeal, along with a non-refundable fee that has been established by resolution of the City Council. The appeal shall not be processed until the appeal is submitted in writing and the required fee has been paid.

D. Timing of Appeal Submittal

Appeals of administrative decisions and associated required submittal material shall be submitted to the Planning Division within ten (10) business days after the decision was made by an administrative official of the City.

E. Effect of Appeal Submittal

The submission of an appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Planning Commission, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Planning Commission or by a court of record.

F. Appeal Review

The Planning Division must prepare a report that provides applicable documents relating to the administrative decision and a response to the appeal outlining the issue from the City's perspective.

G. Planning Commission Public Hearing

1. ***Transmittal of Appeal.*** The appeal of an administrative decision is directly transmitted from the Planning Division to the Planning Commission as soon as the application is deemed complete.
2. ***Hearing Notice.*** Once the applicant has furnished all information as requested by the Planning Division, the Planning Commission shall consider the appeal at its next meeting, provided

sufficient notice of the meeting has been given and there has been sufficient time for staff to review the appeal. Written and published notice of the meeting must be provided in compliance with Sections 9.2-1(B) and (C).

3. **Hearing.** The Planning Commission shall hold a public hearing to affirm or amend the administrative decision. The public hearing may be continued by the Planning Commission without again complying with the notice requirements, provided that the continuance is set for a date and time certain and announced at the original public hearing. The Planning Commission will use the criteria located in this section as guidance to determine if an appeal of an administrative decision should be approved.

H. Review Criteria

An appeal shall be sustained only if the Planning Commission finds that the administrative official erred. Every decision of the Planning Commission shall be accompanied by written findings of fact specifying the reason for the decision. These findings shall be filed in the office of the Planning Division within fifteen (15) days after the date of the final action.

I. Further Appeal

A decision of the Planning Commission on an administrative appeal may be appealed to the City Council within ten (10) business days of the Planning Commission's final decision. A decision of the City Council may be appealed to the District Court.

SECTION 9.1-10. ANNEXATION

A. Compliance with State Law

All annexation requests shall follow provisions outlined in [Section 40-51.2-07 through Section 40-51.2-11 of the North Dakota Century Code](#).

B. Approval

Approval of annexation requires a simple majority vote of the City Council.

C. Extension of the Extra-Territorial Area

The two (2) mile extraterritorial area shall automatically extend upon annexation. The City Council, with recommendation from the Planning Commission, shall zone the properties within the newly established area of extraterritorial jurisdiction concurrent with adoption of the annexation ordinance. The zoning determination shall consider the Future Land Use Map as contained in the comprehensive plan of the City of Minot, the use of the land at the time of annexation, and the Ward County zoning in place at the time the extraterritorial area is extended.

Chapter 9.2. – Related Procedures

SECTION 9.2-1. NOTICE REQUIREMENTS

A. *Notice Content*

All notices required under this Ordinance must indicate the following:

1. The time and place of the hearing.
2. A description of any property involved in any zoning change, by street address if streets have been platted or designated in the area affected, or by legal description or map.
3. A description of the nature, scope, and purpose of the proposal.
4. A statement of the times and location at which the proposal will be available to the public for review.
5. A statement referring to the available protest/appeal processes.
6. A reference to the section of the zoning ordinance being addressed.

B. *Published Notice*

The Planning Division shall ensure that notice is published in the official newspaper of the City at least once each week for two (2) successive weeks preceding the date of the first scheduled public hearing.

C. *Written Notice*

The Planning Division shall provide written notice by mail to all owners of the subject property and all property owners within three hundred (300) feet of the subject property if located within the City of Minot. The Planning Division shall provide written notice by mail to all owners of the subject property and all property owners within six hundred (600) feet of the subject property if located within the City of Minot's Extra-territorial Jurisdiction. The notice shall be deposited in the U.S. mail at least fifteen (15) days before the first scheduled public hearing. "Notify" shall mean the mailing of a written notice to the address on record with City of Minot. The failure of property owners to actually receive the notice shall not invalidate the proceedings. If property is not the subject of the application, then written notice may only be provided to the applicant.

D. *Website Notice*

All notices shall be placed on the City website at least fifteen (15) days prior to the first scheduled public hearing.

E. *Waiver of Notice*

The requirement that written notice be mailed to landowners may be waived in whole or in part (by such devices as selective or random mailing) in respect to proposals only for Zoning Ordinance map amendment and text amendments that are initiated by the City itself. Such waiver shall be by resolution joined in by super majority of the City Council and must be made no less than 15 days prior to the public hearing.

F. Constructive Notice

If questions arise at the hearing regarding the adequacy of notice, the body hearing the matter shall make a finding regarding whether there was compliance with the notice requirements of this article.

Chapter 9.3. – Decision-Making Bodies

SECTION 9.3-1. CITY COUNCIL POWERS

A. Powers and Duties

1. **Zoning Ordinance Text Amendments.** The Council shall be responsible for reviewing Zoning Ordinance text amendments and for taking the final action to approve or deny such applications.
2. **Zoning Map Changes.** The Council shall be responsible for reviewing zoning map amendments and for taking the final action to approve or deny such applications.
3. **Subdivisions.** The Council shall be responsible for reviewing and taking the final action to approve or deny subdivision applications.
4. **Conditional and Interim Use Permits.** The Council shall be responsible for hearing appeals related to conditional and interim use permit decisions made by the Planning Commission and for taking final local action on such appeals.
5. **Variances.** The Council shall be responsible for hearing appeals of the Planning Commission's decision on variance applications and for taking the final local action on such appeals.
6. **Other Planning Commission Decisions.** The Council shall be responsible for hearing appeals of all Planning Commission decisions in addition to variance applications and for taking the final local action on such appeals.

SECTION 9.3-2. PLANNING COMMISSION

The Planning Commission shall be appointed and shall operate in accordance with [Chapter 25 – Planning and Zoning Generally, Article II. -Planning Commission, Sec. 25-11 through Sec. 25-17, Code of Ordinances City of Minot.](#)

A. Powers and Duties

1. **Zoning Ordinance Text Amendments.** The Planning Commission shall be responsible for reviewing Zoning Ordinance text amendments and for recommending that the Council approve, approve with changes, or deny such applications.
2. **Zoning Map Changes.** The Planning Commission shall be responsible for reviewing zoning map changes and for recommending that the Council approve, approve with changes, or deny such applications.
3. **Subdivisions.** The Planning Commission shall be responsible for recommending that the City Council approve, approve with conditions, or deny subdivision applications.

4. **Conditional and Interim Use Permits.** The Planning Commission shall be responsible to approve, approve with conditions, or deny conditional and interim use permit applications.
5. **Variances.** The Planning Commission shall be responsible for reviewing variance applications and for taking the final action to approve, approve with conditions, or deny such applications.
6. **Other Matters.** The Planning Commission shall have other duties as determined by the City Council and as provided by the North Dakota Century Code.

SECTION 9.3-3. ZONING ORDINANCE STEERING COMMITTEE

Table 9.3-3. Powers and Duties			
Procedure	Planning Division	Planning Commission	City Council
Future Land Use Map Changes	R	R	DM
Zoning Ordinance Text Amendments	R	R	DM
Zoning Map Changes	R	R	DM
Subdivisions	R	R	DM
Conditional Use Permits	R	DM	A
Interim Use Permits	R	DM	A
Variances	R	DM	A
Sign Permits (Administrative Decision)	DM	A	A
Other Administrative Decisions	DM	A	A
Notes: R = Regulatory/Review Role DM = Decision Making Role A = Appeal Role			

Chapter 9.4. – Definitions

Annexation: The incorporation of land into the City with a resulting change in the boundaries of the City.

Variance: The relaxation of dimensional standards, including height, area, and setback requirements, where specific physical conditions unique to the site would create an unreasonable hardship in the development of the site for permitted uses.

Vested Property Right: A doctrine of law by which an owner or developer is entitled to proceed in accordance with a prior zoning provision or approval where there has been substantial expenditures in reliance upon such prior zoning provision or approval, even though it would not conform to the new development regulations.

Article 10: Subdivisions

Chapter 10.1 – Administration

SECTION 10.1-1. PURPOSE

The regulations of this chapter are designed to provide for the proper arrangement of streets in relation to existing and planned streets, components of the comprehensive plan, and adopted plans or policies of the City. Additional elements include adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, for the avoidance of congestion of population, and for easements for building setback lines and for public utility lines.

SECTION 10.1-2 [RESERVED]

SECTION 10.1-3. GRANT OF AUTHORITY

These land subdivision regulations are adopted under the authority granted by Chapter 40-48 of the North Dakota Century Code.

SECTION 10.1-4 [RESERVED].

SECTION 10.1-5. JURISDICTION

These land subdivision regulations shall govern all subdivisions of land within the corporate limits of the City of Minot, North Dakota as now or hereinafter established and all land within the extraterritorial jurisdiction within two (2) miles of the corporate limits of the City of Minot or as established by written agreement between the City of Minot and Ward County.

SECTION 10.1-6 [RESERVED]

SECTION 10.1-7. ADDITIONAL ENFORCEMENT PROVISIONS

A. Building Permit Issuance

No building permit shall be issued for an improvement located on a lot unless:

1. On a lot of record as defined in Chapter 10.5;
2. On a lot depicted in a plat which has been approved in accordance with these regulations;
3. On a lot the boundaries of which were established at a time when and where the City of Minot Planning Commission had no jurisdiction with respect to the establishment of such boundaries.

If a lot at one time qualifies for the issuance of a building permit under one of the three categories, then any subsequent alteration of its boundaries shall not be furthered in non-conformity upon platting.

B. Additional Penalties

Nothing herein is intended to waive any rights the city might have under North Dakota Century Code Chapter 40-48 or other state law with respect to penalties and the grant of a cause of action.

Chapter 10.2. – Process

SECTION 10.2-1 METHODS OF SUBDIVISION

A. Intent

It shall be unlawful for any person who is the owner, or agent of an owner, of any land within the City of Minot or the extraterritorial jurisdiction within two (2) miles of the corporate limits of the City of Minot or as established by written agreement between the City of Minot and another political subdivision to subdivide land except as specifically permitted by the respective Major and Minor Subdivision processes outlined in this Chapter and determined by the characteristics in this Section.

B. Minor Subdivision

A Minor Subdivision, the process for which is provided in Section 10.2-11, must meet all of the following characteristics to be eligible for consideration of approval:

1. No more than three (3) additional lots are being created;
2. No new public infrastructure required. For clarity of this criterium, individual service lines that connect to the trunk line located within the public right-of-way are not considered public infrastructure;
3. Does not involve lots within more than one zoning district;
4. Is not one Minor Subdivision Plat in a series of Minor Subdivision Plats proposed for contiguous lots as a way to circumvent the Major Subdivision Plat process;
5. The resulting lot(s) conform(s) to the minimum lot area, width and depth for the zoning district in which the property is located or, if presently non-conforming, will not be furthered in non-conformity upon platting;

6. For lots with existing structures, all setback requirements for the zoning district in which the property is located must be met or, if presently non-conforming, will not be furthered in non-conformity upon platting;
7. Wholly contained within existing platted lot or lot(s); and
8. The Minor Subdivision Plat does not exceed five (5) acres in residential zoning districts within the corporate boundaries of the City of Minot.

C. Major Subdivision

A Major Subdivision Plat is any subdivision that does not meet the characteristics of a Minor Subdivision. A Major Subdivision must include both a Major Subdivision Preliminary Plat and a Major Subdivision Final Plat as provided in Sections 10.2-7 and 10.2-9 respectively.

SECTION 10.2-2 [RESERVED]

SECTION 10.2-3 MASTER PLAN REQUIRED

A. Intent

A Master Plan provides information necessary for a holistic consideration of a development site in relation to surrounding properties. Infrastructure connectivity, area topographical limitations, and any remaining undeveloped lands must be evaluated in some instances to determine the suitability of a Major or Minor Subdivision Plat. The following is when a Master Plan is required to accompany a Major or Minor Subdivision Plat application:

1. Development of ten (10) acres or more; or
2. Any development which is intended to be developed in phases; or
3. A development that is, by the professional opinion of the Planning Division, unlikely to develop eighty percent (80%) of the number of proposed lots with a primary use present after three (3) years; or
4. A development less than ten (10) acres of a contiguous parcel; or
5. Any other development where the Development Review Team determines a Master Plan is necessary.

B. Application Submittal

A Master Plan shall be submitted along with a Major Subdivision Preliminary Plat or Minor Subdivision Plat, as required, and is considered an additional requirement per Section 10.2-7 C. Application Submittal and Section 10.2-11 C. Application Submittal respectively. At a minimum, a Master Plan shall include the following:

1. A plat-like document containing all parcels within a distance of six-hundred (600) feet at a scale of one inch equals 200 feet or less, including a north arrow and date all in the same location. The total distance may be increased or decreased subject to approval by the City Engineer or their designee. Parcel information will be based on available information and include:
 - a. Approximate acreage of each parcel;
 - b. Existing land uses;
 - c. How the area will be serviced with major utilities, such as water, sanitary sewer, storm sewer, gas and electric, and roadways;
 - d. Zoning and Future Land Use;
 - e. Proposed Zoning and Proposed Future Land Use, if applicable;
 - f. Contours with intervals sufficient to determine the character and topography of the area, but in no case shall the intervals be more than five (5) feet;
 - g. Location, type and size of all existing water mains, storm sewers, sanitary sewers, culverts, bridges, and other public and private utility structures; and
 - h. General location of all existing public and private facilities, such as buildings, cemeteries, schools, parks, utility stations, and vegetative cover, as necessary;
 - i. Vicinity map depicting one-mile radius of the proposed Master Plan area.

C. Application Review

The Planning Division must review each proposed Master Plan in conjunction with its corresponding Major or Minor Subdivision Plat application. The report for the corresponding Major or Minor Subdivision Plat as provided in Section 10.2-7 D. Application Review and Section 10.2-11 D. Application Review respectively will consider the Master Plan information when providing a recommendation surrounding said application.

D. Planning Commission and City Council

No separate recommendation for approval or final approval of a Master Plan is necessary. The Master Plan is considered an additional submittal to accompany a corresponding Major or Minor Subdivision Plat application.

E. Expiration

A Master Plan is subservient to the Comprehensive Plan of the City and any other City plans which may, from time to time, be updated subsequent to evaluation and approval of a Master Plan. Changing conditions, policies, or other circumstance may arise which redirect the City's focus for infrastructure, result in a change in standards or specifications, or produce some other reason why a previously approved Master Plan is no longer supported. If concerns regarding changing future circumstances exist, other mechanisms to provide assurance for broader development aspirations may be available through a development agreement or Planned Unit Development (PUD) and should be explored by the

developer if desired.

SECTION 10.2-4 [RESERVED]

SECTION 10.2-5 CONSIDERATIONS GOVERNING SUBDIVISION DESIGN APPROVAL, CONDITIONS IMPOSED THEREON

In approving or disapproving a proposed subdivision design, the Commission will decide as to whether or not the proposed design meets the technical requirements imposed by this Article, and if not, whether any such requirements should be waived. Additionally, as provided by North Dakota Century Code 40-48-09, the Commission shall bear in mind the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City of Minot and its environs which, in accordance with present and future needs, will best promote the amenities of life, health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including adequate provision for light and air, surface drainage and sewage disposal, distribution of population, good civic design and arrangement. This will also include wise and efficient expenditure of public funds, adequate provisions of public utilities and other public requirements, alignment with the City of Minot Comprehensive Plan, and the general embellishment of the area under its jurisdiction.

SECTION 10.2-6 [RESERVED]

SECTION 10.2-7 MAJOR SUBDIVISION PRELIMINARY PLAT

A. Intent

The Major Subdivision Preliminary Plat is the first part of a two-part process. The major subdivision preliminary plat affords the property owner, developer, and/or applicant the opportunity to have the proposed preliminary design evaluated as to whether or not the requirements as provided in this Article are fulfilled, and is intended to provide financial relief to said party(ies), in many instances, from having to provide a complete design of the proposal which may be unsuccessful in achieving approval. The preliminary plat may include conditions of approval that require modification to the design and must be addressed prior to or as a part of the respective Major Subdivision Final Plat application.

B. Pre-application Meeting Required.

The Applicant is required to hold a Development Review Team meeting for any preliminary plat application to identify and address issues prior to submission of an application and avoid needless expenditure of time and money on a proposed subdivision design that will not meet the approval of the City without extensive revision. A copy of the minutes of the Development Review Team meeting will be distributed to the Applicant or their designee.

C. Application Submittal

Application forms are available at the Planning Division or on the City's website. Applications shall be submitted to the Planning Division on a form established by the Planning Division along with a non-

refundable fee that has been established by resolution of the City Council. Application checklists that detail requirements for a complete application are established and maintained by the Planning Division. The application shall not be processed until the application is deemed complete by the Planning Division and the required fee has been paid. If the Planning Division determines that the application is incomplete, the application will be returned to the applicant along with an explanation of the application's deficiencies and/or missing information. At a minimum, the application shall include the following:

1. Landowner Approval. The Applicant, if other than the property owner, shall provide documentation of landowner approval.
2. Preliminary Plat. A preliminary plat containing:
 - a. The location of the present property lines, streets, buildings, water courses and floodplains, tree masses, and other existing features within the premises to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto; and
 - b. The names and adjoining boundaries of all adjoining subdivisions; and
 - c. Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the premises to be subdivided or immediately adjacent thereto; and
 - d. Contours with intervals sufficient to determine the character and topography of the premises to be subdivided; but in no case shall the intervals be more than five (5) feet; and
 - e. The manner in which any proposed streets or public rights-of-way within the premises to be subdivided will interconnect with the nearest arterial or minor arterial street; and
 - f. Such other information as the City Engineer may reasonably require to understand the existing environmental conditions and intent of the Applicant.

D. Application Review

The Planning Division must review each proposed Major Subdivision Preliminary Plat and prepare a report with a recommendation to approve or deny the request. The report will consider the nature of the proposed development as prescribed within Section 10.2-5.

E. Planning Commission Hearing and Recommendation

1. **Hearing Notice.** Once the applicant has furnished all information as requested by the Planning Division, the Planning Commission shall consider the application at its next hearing. Written and published notice of the hearing must be provided in compliance with Sections 9.2-1(B) and (C).
2. **Planning Commission Action.** The Planning Division will summarize the staff report at the hearing. At the close of the hearing, the Planning Commission shall make a recommendation to approve, approve with conditions, or deny the Major Subdivision Preliminary Plat and provide findings of fact to support this motion. When a quorum is present, a simple majority vote is

sufficient (of those present) for the adoption of any motion. The public hearing may be continued by the Planning Commission without again complying with the notice requirements, provided that the continuance is set for a date and time certain and announced at the original public hearing.

F. City Council, Ratification Required.

The Major Subdivision Preliminary Plat requires ratification by City Council by way of consent. The City Council will approve, approve with conditions, deny, or postpone the decision to allow for further review.

G. Appeal

Appeals on the action of the City Council are taken to the District Court.

H. Expiration.

No later than 12 months (or 18 months with the concurrence of the City Council) after a Major Subdivision Preliminary Plat has been approved or approved with conditions by the City Council, the Applicant must submit the Major Subdivision Final Plat meeting the requirements provided in this Article. Failure to submit the Major Subdivision Final Plat prior to the Major Subdivision Preliminary Plat expiration shall require the Applicant to submit a new application meeting the requirements contained in this Chapter.

SECTION 10.2-8 [RESERVED]

SECTION 10.2-9 – MAJOR SUBDIVISION FINAL PLAT

A. Intent

The Major Subdivision Final Plat is the second part of a two-part process. The major subdivision final plat should substantially conform to the lot layout of the approved preliminary plat and address all conditions of approval, if any.

B. Application Submittal

Application forms are available at the Planning Division or on the City's website. Applications shall be submitted to the Planning Division on a form established by the Planning Division along with a non-refundable fee that has been established by resolution of the City Council. Application checklists that detail requirements for a complete application are established and maintained by the Planning Division. The application shall not be processed until the application is deemed complete by the Planning Division and the required fee has been paid. If the Planning Division determines that the application is incomplete, the application will be returned to the applicant along with an explanation of the application's deficiencies and/or missing information. At a minimum, the application shall include, or

provide evidence that the necessary information has already been submitted to the appropriate department, the following:

1. Confirmation from the City Engineer or their designee of approved plans and specifications in conformance with Section 10.3-13-15.
2. Confirmation from the City Engineer or their designee of approved storm water management plan in conformance with Section 10.3-15 B.
3. A Development Agreement as required by the City Engineer or Planning Division.
4. A final plat in recordable form shall consist of one (1) original. The original shall be drawn on one or more sheets on Mylar (with a dull finish on both sides). Each sheet will be of the dimension of eighteen (18) inches by twenty-four (24) inches and including the following:
 - a. The name of the subdivision and the legal description of the property subdivided and points of the compass, the scale of plat, the date, and the names of the owner or owners and the surveyor's certification required by North Dakota Century Code 40-50.1-03.
 - b. The boundary lines of the area being subdivided with accurate dimensions and bearings;
 - c. The lines of all proposed and existing streets and alleys with their widths and names;
 - d. An accurate outline of any property that is offered for dedication to public use and all lot lines with an identification system for all lots and blocks;
 - e. An indication of easements for any right-of-way provided for public use, services or utilities, with figures showing their dimensions and an indication of the types of uses permitted within the easement;
 - f. Radii, arcs, chords, points of tangency, central angles for all circular curves;
 - g. All dimensions, both linear and angular, necessary for locating boundaries of subdivisions, lots, streets, alleys, and of any other areas for public or private use, with linear dimensions expressed in feet and decimals of a foot;
 - h. The location of all survey monuments with their descriptions;
 - i. The current effective one percent annual floodplain boundary as shown on the Flood Insurance Rate Maps;
 - j. The proper acknowledgement of the owners and their written consent to the plat and restrictions, including dedication to the public use of all public streets, alleys, parks or other open spaces shown thereon and the granting of easements indicated thereon; and
 - k. A certificate of approval for endorsement by the City Engineer, which when signed shall be conclusive proof of prior approval of the plat by the Planning Commission and City Council.
5. The City Engineer is granted the authority to establish rules, regulations and procedures for the implementation of this chapter, such as, by way of example, and not by way of limitation, rules pertaining to the size and scale of sketch maps required under Subsection (c).

C. Application Review

The Planning Division must review each proposed Major Subdivision Final Plat and prepare a report with a recommendation to approve, approve with conditions, or deny the request. The report will

consider the nature of the proposed development as prescribed within Section 10.2-5.

D. City Council, Approval Required.

The Major Subdivision Final Plat requires approval by City Council by way of consent. The City Council will approve, approve with conditions, deny, or postpone the decision to allow for further review.

E. Appeal

Appeals on the action of the City Council are taken to the District Court.

F. Expiration.

Following approval or approval with conditions by the City Council, staff shall record the Major Subdivision Final Plat. Any recording fees for the Major Subdivision Final Plat, development agreement, or other necessary documentation related to the application shall be paid by the Applicant and provided to the City Engineer or their designee prior to recordation. A Major Subdivision Final Plat that is approved with conditions must satisfy said conditions or provide assurances of performance within a development agreement prior to recordation. Staff shall not record a plat which does not meet the requirements contained in this Article. Failure by the Applicant to satisfy conditions of approval or provide assurances of performance within a development agreement to address said conditions within six months shall result in the expiration of the Major Subdivision Final Plat and shall require the Applicant to submit a new application meeting the requirements contained in this Chapter.

SECTION 10.2-10 [RESERVED]

SECTION 10.2-11 – MINOR SUBDIVISION PLAT

A. Intent

The Minor Subdivision Plat is intended to expedite property divisions where a limited number of lots are created, lots are being consolidated, and/or property boundaries are being adjusted between existing lots. Plats that qualify for this process are considered minor in nature and must meet the criteria outlined in this Section.

B. Pre-application Meeting Required.

The Applicant is highly encouraged to hold a Development Review Team meeting for any Minor Subdivision Plat application to identify and address issues prior to submission of an application and avoid needless expenditure of time and money on a proposed subdivision design that will not meet the approval of the City without extensive revision. At a minimum, the Applicant shall consult with the City Engineer and City Planner regarding a proposed development to identify obvious issues which may need to be addressed prior to submission of an application. No representations or statements made by, or actions taken by, the City Engineer or City Planner, members of their staff, the Commission, or other city officials in the course of such consultations shall be in any way binding upon the Commission prior to final approval of the subdivision design.

C. Application Submittal

Application forms are available at the Planning Division or on the City's website. Applications shall be submitted to the Planning Division on a form established by the Planning Division along with a non-refundable fee that has been established by resolution of the City Council. Application checklists that detail requirements for a complete application are established and maintained by the Planning Division. The application shall not be processed until the application is deemed complete by the Planning Division and the required fee has been paid. If the Planning Division determines that the application is incomplete, the application will be returned to the applicant along with an explanation of the application's deficiencies and/or missing information. At a minimum, the application shall include, or provide evidence that the necessary information has already been submitted to the appropriate department, the following:

1. A final plat in recordable form as described in 10.2-9 B. Application Submittal.

D. Application Review

The Planning Division must review each proposed Minor Subdivision Plat and prepare a report with a recommendation to approve or deny the request. The report will consider the nature of the proposed development as prescribed within Section 10.2-5 and ensure the proposal meets the criteria as provided in Section 10.2-1 B. Minor Subdivision.

E. Planning Commission Review, Optional

An applicant may request review by the Planning Commission at the next available Planning Commission meeting. As the item does not require a public hearing, noticing is not required. The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the Minor Subdivision Plat and provide findings of fact to support this motion. When a quorum is present, a simple majority vote is sufficient (of those present) for the adoption of any motion.

F. City Council, Approval Required.

The Minor Subdivision Final Plat requires approval by City Council by way of consent. The City Council will approve, approve with conditions, deny, or postpone the decision to allow for further review.

G. Appeal

Appeals on the action of the City Council are taken to the District Court.

H. Expiration.

Following approval or approval with conditions by the City Council, staff shall record the Minor Subdivision Plat. Any recording fees for the Minor Subdivision Plat, development agreement, or other

necessary documentation related to the application shall be paid by the Applicant. A Minor Subdivision Plat that is approved with conditions must satisfy said conditions or provide assurances of performance within a development agreement prior to recordation. Staff shall not record a plat which does not meet the requirements contained in this Article. Failure by the Applicant to satisfy conditions of approval or provide assurances of performance within a development agreement to address said conditions within six months shall result in the expiration of the Minor Subdivision Plat and shall require the Applicant to submit a new application meeting the requirements contained in this Chapter.

SECTION 10.2-12 – [RESERVED]

SECTION 10.2-13 – Vacation of Right-of-Way

A. Intent.

Where a request includes the vacation of right-of-way adjoining a property the applicant(s) shall follow the standards and procedures of a Major Subdivision Preliminary Plat and Major Subdivision Final Plat in addition to the requirements of this Section. A Minor Subdivision Plat may be utilized to facilitate a vacation of right-of-way.

B. Entire Segment of Right-of-Way Required.

Requests for a vacation of right-of-way must include one of the following circumstances:

1. The entirety of the requested vacated right-of-way segment terminates at each end by an intersecting and independently functioning segment of right-of-way that would not, through effect of the vacation, create a remnant segment of right-of-way which would not facilitate future connectivity or would interfere with existing connectivity, as determined by the City Engineer or their designee; OR
2. The entirety of the requested vacated right-of-way terminates at one end by another segment of intersecting and independently functioning right-of-way and at one end by private property such as a cul-de-sac or stub road that would not, through effect of the vacation, create a remnant segment of right-of-way.
3. A determination by the City Engineer or their designee and Planning Division that due to the number of property owners necessary to successfully fulfill the requirements in Section 10.2-13 B. 1. & 2. that it would be in the best interest of the City to allow a right-of-way vacation application from a subset of property owners for the portion of right-of-way abutting said property owners' land.

C. Property Owners' Signatures Required on Applications.

All property owners abutting the segment of the requested vacated right-of-way are required to sign the Major Subdivision Preliminary Plat and Major Subdivision Final Plat, or Minor Subdivision Plat, applications to be considered a complete application.

D. Property Owners' Property and Signatures Required on Plat.

The Major Subdivision Preliminary Plat and Major Subdivision Final Plat, or Minor Subdivision Plat shall include all property abutting the requested vacated right-of-way and the plat in recordable form shall include property owner signatures for all property owners party to the application.

E. Effect on Zoning Boundaries.

Section 2.1-4 provides for how zoning district boundaries are to be adjusted following any approved right-of-way vacation.

F. Establishing Publicly Inaccessible Right-of-Way Prohibited.

In no case shall a right-of-way vacation application be processed that would result in right-of-way that is inaccessible via the broader right-of-way network.

G. City Council, Resolution Required

City Council may approve, approve with conditions, or deny a request for a vacation of right-of-way or easement. A public hearing must be held at the City Council and shall involve sufficient notice per Section 9.2-1. A resolution, approved by two-thirds of all its members, is required. The resolution shall be published as in the case of ordinances. A transcript of the resolution, duly certified by the city auditor, shall be filed for record and duly recorded in the office of the Ward County Recorder.

Chapter 10.3. – Design Standards

SECTION 10.3-1 GENERAL

Improvements within subdivisions must be designed and installed in accordance with the standards of this Chapter, all other applicable requirements of this Land Development Ordinance and the following, as applicable:

1. All applicable provisions of the North Dakota Century Code;
2. The City's Building and Housing Codes;
3. Alignment with the Comprehensive Plan and other adopted plans or policies of the City.
4. The Capital Improvements Plan, including all streets, utility systems, drainage systems, and other infrastructure that may be included therein.
5. Rules of the Health Department, Department of Environmental Quality, and other local and state agencies responsible for providing facilities and services;
6. The rules of the North Dakota Department of Transportation;
7. The standards and regulations adopted by the Planning Commission and all boards, commissions, and agencies of the City;

8. Requirements of the Flood Protection and Storm Water Management Ordinances of the City of Minot including any necessary permits required from other governmental agencies.

SECTION 10.3-2 LAND UNSUITABLE FOR DEVELOPMENT

The Planning Commission shall not recommend approval of the subdivision of land that is unsuitable for development due to flooding, improper drainage, steep slopes, soil types, adverse earth formations or topography, utility easements, or other features that will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or its surrounding area. If adequate methods to overcome this unsuitability are formulated by the developer and approved by the City Engineer or their designee, the Planning Commission may recommend approval of the development on the condition that these measures are carried out.

SECTION 10.3-3 SUBDIVISION NAMES

Subdivision names may be requested by the Developer and approved by the Planning Division and Ward County. No duplicate subdivision names are allowed. The correct spelling of each word contained within the subdivision name must be used to avoid the need for corrections to documents related to transfer of ownership or other legal documentation.

SECTION 10.3-4 STREET NAMES AND NUMBERING

A. *Designation of Streets and Avenues*

All roadways running east and west shall be called "avenues" and all roadways running north and south shall be called "streets".

B. Division of City into Quadrants

1. All that portion of Main Street south of Central Avenue shall be called South Main Street and all that portion of Main Street north of Central Avenue shall be called North Main Street. All that portion of Central Avenue west of Main Street shall be called West Central Avenue and all that portion of Central Avenue east of Main Street shall be called East Central Avenue.
2. The names of all streets and avenues south of Central Avenue and west of Main Street shall be followed by the word "Southwest" and all streets north of Central Avenue and west of Main Street shall be followed by the word "Northwest". All the streets and avenues north of Central Avenue and east of Main Street shall be followed by the word "Northeast" and all streets and avenues south of Central Avenue and east of Main Street shall be followed by the word "Southeast."

C. Street Number and Names

1. The avenues south of Central Avenue shall have a numeral prefix corresponding to their distance in number of platted blocks south of Central Avenue, except that Eleventh Street in

Brooklyn Addition shall be called Avenue "A", and that St. Peter Street shall be called St. Peter Avenue, and that in the numbering of the avenues two (2) blocks adjoining and on opposite sides of the streets bearing special names shall be considered one (1) block.

2. The avenues north of Central Avenue shall have a numeral prefix corresponding to their distance in platted blocks north of Central Avenue.
3. The streets west of Main Street shall have a numeral prefix corresponding to their distance in number of platted blocks west of Main Street, except that First Avenue West shall be called Beacon Street, that Park Street and Maple Street in Brooklyn Addition shall bear their present names, and that in the numbering of the streets two (2) blocks adjoining and on opposite sides of streets bearing the special names shall be considered one (1) block, and that the east and west distance in block twelve (12) in North Main shall be reckoned as two (2) blocks.
4. The streets east of Main Street shall have a numeral prefix corresponding to their distance in platted blocks east of Main Street, except that Mt. Curve Avenue shall be called Mt. Curve Street and shall not be considered in the numbering.
5. All streets that do not run east and west or north and south, except that they be a continuation of the east and west or north and south street, shall retain their present names.
6. In areas of the city where a numerical prefix is difficult to assign due to street grid description, topography, or as the result of previously assigned prefixes which may cause duplication or confusion, a street "name" may be assigned to a new street. Named streets in the "Southwest" portion Section 10.3-4.B.2 shall begin with any of the letters A through F. Named streets in the "Northwest" portion Section 10.3-4.B.2 shall begin with any of the letters G through L. Named streets in the "Northeast" portion Sec. Section 10.3-4.B.2 shall begin with any of the letters M through R, and named streets in the "Southeast" portion Section 10.3-4.B.2 shall begin with any of the letters S through Z.
7. For an existing numbered street or avenue, any change to a named street or avenue must be approved by the city council.
8. Where new streets or avenues are created by platting, dedication, deed, or other means, the City Engineer or their designee shall determine, if a named street is requested, that a named street complies with paragraph (6) of this section. The City Engineer or their designee shall make the final decision on any such request.

D. Use of Odd and Even Address Numbers

1. Facing to the north, on all streets running in a northerly direction from the north line of Central Avenue, the numbers upon the left side of the streets shall be odd numbers and the numbers on the right side of the street shall be even numbers.
2. Facing to the south, upon all streets running in a southerly direction from the south line of Central Avenue, the numbers on the left side of the street shall be odd numbers, and the numbers on the right side of the street shall be even numbers.

3. Facing on the west, on all avenues running westerly from the west line of Main Street, the numbers to the left shall be odd numbers and the numbers to the right shall be even numbers.
4. Facing to the east, upon all avenues running easterly from the east line of Main Street, the numbers to the left shall be odd and the numbers to the right shall be even numbers.
5. The numbering shall commence with number one (1) on the left side and number two (2) on the right side of each street from its point of intersection with Central Avenue and upon each avenue from its point of intersection with Main Street.

E. Numerals to be Displayed; Specifications

The numbers of all buildings within the city shall be in figures not less than two and one-half (2½) inches in length and shall be exhibited in plain sight on the street side of every building. For properties that maintain land uses where no building exists, the numbers shall be exhibited in plain sight near the approach to the property and adhering to the visibility triangle requirements provided in Section 28-13 of the Code of Ordinances, Minot, North Dakota.

F. Failure to Number

1. It shall be unlawful for any owner or other person in control or custody of a building or property with a non-agricultural active land use to fail to number in conformity with the official numbering plan and extensions thereof on file in the office of the City Engineer.
2. In the event of the failure, refusal, or neglect of the owner or other person in control or custody of a building or property with a non-agricultural active land use to comply with the requirements of this section, it is hereby made the duty of the City to place the proper numbers on the building and the cost of so doing shall be collected from the owner of the building or property with a non-agricultural active land use.

SECTION 10.3-5 TO 10.3-10 [RESERVED]

SECTION 10.3-11 LOTS

1. The lot arrangement and design shall be such that all lots will provide satisfactory building sites and street access, properly related to topography and the character of surrounding development.
2. All side lines of lots shall be as near as possible at right angles to straight street lines, or radial to curved street lines, unless a variation from this rule will give a better street and lot plan. Lots with double frontage shall be avoided wherever possible.
3. The minimum width and area of lots subject to the zoning authority of the City of Minot shall not be less than that specified in the zoning district in which the lot is located.

4. All lots shall have at least one lot line abutting a street other than an alley. The City Engineer or their designee may waive this requirement if they determine there is no feasible way for a lot to abut a public street. In this case, an access easement to the lot must be platted.

SECTION 10.3-12 BLOCKS

1. Block lengths shall not exceed six-hundred-sixty feet (660') as measured along the street centerline from centerline intersection to centerline intersection in all subdivisions that are wholly or partially residential in use excepting the following:
 - a. In the RR and AG zoning districts, block lengths shall not exceed one-thousand-three-hundred-twenty (1,320) feet as measured along the street centerline from centerline intersection to centerline intersection. This distance may be increased or decreased subject to meeting the standards provided in Section 13, Article III of the Code of Ordinances, Minot, North Dakota related to adoption of the International Fire Code.
 - b. Commercial and industrial subdivisions shall not have a maximum block length, but must provide access continuity to the surrounding subdivisions and arterial street plan.
 - c. If the project is a planned unit development and an exception from the maximum block length has been requested, and granted, as part of the application.
 - d. On an individual basis with justification approved by the City Engineer or their designee.

SECTION 10.3-13 DEDICATION OF RIGHT OF WAY, EASEMENTS, AND STREET WIDTHS

A. Right of Way Dedication

1. The arrangement of public street and alley right of ways in new subdivisions shall make provision for the continuance of existing right of ways in adjoining areas or their proper projection where the land is not subdivided, insofar as they may be deemed necessary for public requirements.
2. The street and alley arrangement should also avoid creating hardships to the owners of adjoining property when they plat their own land and seek to provide a convenient access to it.
3. Whenever there exists a dedicated or platted half street or alley right of way adjacent to the tract to be subdivided, the other half of the street or alley right of way shall be platted. Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names shall be checked for duplication.

4. The widths and locations of major streets shall conform to widths and locations designated on the plan for major streets.
5. The minimum width of streets shall conform to Table 10.3-13. When streets adjoin un-subdivided property, a half street width must be dedicated.
6. Dead-ended streets are to be avoided, but if necessary, in the opinion of the City Engineer or their designee, they shall terminate in a circular right-of-way with a minimum diameter of one-hundred-twenty (120) feet unless the City Engineer or their designee approves an equally safe and convenient space, provided that, however, no dead end street or street ending in a cul-de-sac shall be more than six-hundred (600) feet in length from the point of intersection with the cross street to the beginning of the cul-de-sac.
7. Alleys, when provided, shall have a minimum width of twenty (20) feet.
8. Rural section roadways may be allowed in specific circumstances and only by approval of the City Engineer or their designee.

Right of way and street widths shall conform to the following table unless modified by the City Engineer or their designee:

Table 10.3-13 Urban Street Standards								
Functional Classification	Lanes	Parking Allowed	Street Width Face of Curb (FOC)	Sidewalks			Min.R /W (FT)	Notes
				Right (FT)	Left (FT)	Location		
Local	2	Both Sides	36	5	5	1' off R/W	66	Typical Street Section
Local	2	Both Sides	36	5	5	1' off R/W	80	On section lines
Collector	2	Both Sides	36	5	5	1' off R/W	66	Existing Streets Only
Collector	2	One side	36	5	10	1' off R/W	80	Newly Platted Collectors With Ability to Expand to 3 Lanes
Collector	3	None	40	5	10	1' off R/W	80	Newly Platted Collectors
Minor Arterial	2	None	36	5	5	1' off R/W	80	Newly Platted Minor Arterial With Ability to Expand to 3 Lanes
Minor Arterial	3	None	40	5	10	1' off R/W	80	Newly Platted Minor Arterial

Minor Arterial	5	None	64	5	10	1' off R/W	120	Newly Platted Minor Arterial
Minor Arterial	7	None	88	10	10	1' off R/W	150	Newly Platted Minor Arterial

B. Easement Dedication

1. Necessary utility easements shall be provided as required and shown on the plat. Specifically, for storm sewers, sanitary sewers, or water mains, permanent easements shall be a minimum of twenty feet (20') wide.
2. The City Engineer or their designee may require easement widths greater than the minimum if pipe depths or topography require a larger dedication for access and maintenance of infrastructure.
3. A public utility easement ten feet (10') wide shall be provided along the front lot line of every lot. The City Engineer may waive this requirement in their sole discretion if the dedication of the easement may cause a detriment to the public or a public improvement. The waiver determination will be kept on file in the Community Development office.
4. Whenever any stream or important surface drainage course is located in an area that is being subdivided, the subdivider shall provide an adequate easement for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course. The City Engineer or their designee shall determine the width.

SECTION 10.3-14 SIDEWALKS

1. Sidewalks are required in all new subdivisions which are designed with urban section right of ways, and have any R, MH, C, CBD, OP, GMU, and P zoning district.
2. Sidewalks are exempt from AG, M, and I zoning districts unless required by the City Engineer or their designee.
3. Following a recommendation from the City Engineer or their designee, the City Council may exempt sidewalks in new subdivisions.
4. Sidewalks must be installed by the building permittee by June 1st of the year following building permit issuance. If sidewalks have not been completed by that date, sidewalks will be installed by the City and special assessed to the property owner.
5. Beginning January 1, 2022, all new subdivisions require property owners to install sidewalks within five (5) years from the recording date of the plat, regardless if a building permit has been obtained by the property owner. If sidewalks have not been completed by that date, sidewalks will be installed by the City and special assessed to the property owner.
6. For those subdivisions older than five (5) years from the recording date of the plat, the City Engineer or their designee may identify gaps in the sidewalk network that are required to be completed within a reasonable and specified date by the adjoining property owner. The City

Engineer or their designee will make a recommendation to the City Council of the necessity of the sidewalk construction, and recommend they be installed. Upon concurrence with the City Engineer or their designee, the City Council shall order the construction of sidewalks by a specific date. If sidewalks have not been completed by that date, sidewalks may be installed by the City and special assessed to the property owner.

7. Sidewalk construction requirements are governed by the City's standard specification and details as approved by the City Council. Permitting and licensing requirements of Chapter 28 of the Code of Ordinances, City of Minot, North Dakota shall be adhered to.
8. Shared use paths shall be installed by the Developer at the time of street construction and shall meet the requirements in the approved plans.
9. The Developer is required to install all ADA curb ramps and landing zones within the subdivision at the time of street construction and shall meet the requirements in the approved plans.

SECTION 10.3-15 PUBLIC UTILITIES

A. Water and Sanitary Sewer

1. Subdivisions shall comply with the requirements of Chapter 31 of the Code of Ordinances, City of Minot, North Dakota.
2. Each subdivision connecting to the water and sanitary sewer systems shall be designed in accordance with the City's water and sewer master plans.
3. Each subdivision shall be designed to extend water and sanitary sewer through the subdivision for connection of adjacent land.
4. Water and sanitary sewer design shall meet City Standard Specifications and all requirements of the North Dakota Department of Environmental Quality.
5. If the land to be subdivided is outside of the service area of the municipal sewage system, no final subdivision design can be approved by the City Council unless it is accompanied by a report or a letter of approval from First District Health Unit certifying the land is able to be served by an onsite septic system.

B. Storm Sewer

1. Subdivisions shall comply with the requirements of Chapter 31 of the Code of Ordinances, City of Minot, North Dakota.
2. Subdivisions shall comply with floodplain and storm water requirements as provided in Articles 11 and 12 respectively of the Land Development Ordinance of the City of Minot.
3. The City's Stormwater Design Standards Manual and the Standard Specifications shall govern design requirements of storm water systems.

C. Electricity and Gas Utilities

1. For the health and safety of the public, all subdivisions must be served with electricity and gas utility services.
2. In the extraterritorial jurisdiction of the City, if gas utility service is not available, the requirement may be waived by the City Engineer or their designee.

SECTION 10.3-16 TO 10.3-20 [RESERVED]

SECTION 10.3-21 SUBDIVISION FINANCIAL SECURITY

A. Form of Financial Security

1. Each subdivision that requires the installation of City owned infrastructure shall be required to provide a financial security to the City in a form that is approved by the City Attorney or their designee.
2. Financial security shall be in the form of:
 - a. Cash deposited with and held by the city pending final completion of the improvements;
or
 - b. Cash backed irrevocable letter of credit, drawn from a financial institution located within the State of North Dakota, that has been submitted to and accepted by the City Attorney and is irrevocable until final completion of all improvements and warranty period.
 - c. Alternate forms of financial securities may be accepted by the city upon a finding by both the City Attorney and the City Engineer that such alternate form of financial security is in the best interest of the city.
3. Financial securities shall be submitted to the City Engineer and accepted by the City Attorney prior to the City Engineer's signature on the final plat.
4. The financial security shall be written to allow the City to draw upon the financial security at any time as well as allowing the City to make multiple draws.

B. Value of Financial Security

1. The initial financial security shall be an amount equal to one hundred ten percent (110%) of the estimated cost for all subdivision grading and infrastructure work and shall include inflation, city bidding disadvantage and city project management.
 - a. Estimated cost of the work shall be determined in part by detailed bids from the subdivider's contractors as issued on said contractors' letterhead and submitted to the city engineer and totaled. To that total, an allotment of five percent (5%) for inflation, ten percent (10%) for city bidding disadvantage and twelve percent (12%) for city project

management is figured and then added to the total bid amounts. The total of bids for the work and additional percentages listed above is then multiplied by one hundred ten percent (110%) to obtain the amount of the initial financial security.

2. If at any time during construction of the subdivision improvements it becomes evident the financial security is no longer adequate to cover the cost of the subdivision improvements, the City may request an increase to the amount of financial security for the project. Within 14 days of the request by the City, the Developer shall comply with the request by reissuing the financial security to the City for the increased amount.
3. After construction of the subdivision improvements are complete, the Developer shall schedule a substantial completion inspection of the subdivision improvements with the Developer's consulting engineer and the City. Upon issuance of substantial completion, the City shall begin the two year warranty period for all subdivision improvements. The financial security shall be reduced to 10% of the total bid cost of the subdivision improvements and be held until the warranty period is complete. The consulting engineer shall develop a punch list of correction items for the Developer's contractors to complete. Once the corrections have been made, a final inspection will take place with the consulting engineer and the City.

SECTION 10.3-22 REQUIREMENTS FOR BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY

A. Requirements for Building Permits

In order for new subdivisions to begin receiving building permits, the following requirements must be met:

1. Final plat has been approved by the City Council;
2. Storm water management plan has been approved by the City Engineer or their designee
3. Water, sanitary and storm sewers have been installed, tested, and accepted by the City
4. Street section has been installed with a base lift of pavement
5. Street signs have been installed

B. Requirements for Certificate of Occupancy

1. Electricity and gas utilities have been installed and are functional
2. Street lighting has been installed, tested, and accepted by the City
3. Final lift of pavement has been placed
4. ADA curb ramps have been installed

Chapter 10.4. – Public Land Dedication

SECTION 10.4-1 PURPOSE AND APPLICABILITY

A. Purpose

This Chapter is set here for new development within the City and its extraterritorial area increases population and/or demand upon public services, it shall be required that the owner or developer (subdivider) of every subdivision or resubdivision of property dedicate land for parks, playgrounds, public open space, public trails, municipal facilities, park facilities and/or pay a fee per unit of development in accordance with those regulations for the purpose of providing the above-mentioned public uses and facilities for existing and future residents of the community. Subdivisions or resubdivisions of properties which are partially or fully developed will only be required to provide for dedication on the undeveloped portion of the property being platted into lot(s). All land that qualifies for this must be approved in agreement to the Minot Park District and adhere to the requirements of this Chapter.

B. Applicability

The provisions of this requirement shall apply to all of residential, commercial, industrial and other subdivisions within these districts. This shall include replats where land dedication and/or Fee per Unit of dedication have not been previously provided. Where landowners previously have dedicated land in advance of development, the city staff in cooperation with the Minot Park District will determine if a dedication will be required and what an equitable amount would be. Prior to the submittal of the application the landowner or developer of the land must meet with the Minot Park District to discuss if the park dedication location is within a desired area of the park district and if any trail systems maintained by the park district need to be placed within the subdivision. The Minot Park District will not be forced to take any land that they don't need and/or want for the purpose of dedication.

SECTION 10.4-2 [RESERVED]

SECTION 10.4-3 PARKS DISTRICT RECOMMENDATION

A. Procedure

The subdivider of property shall submit with the application for subdivision or resubdivision a letter from the Park District indicating their recommendation for land dedication (based on Park Master Plan) or Fee per Unit of land dedication. When the subdivider has not provided a letter of recommendation from the Park District, the application will be considered incomplete. The City will then notify the Park District and provide information on the proposed subdivision. The Park District will be given thirty (30) days, concurrent with the review of the subdivision information and provide recommendations, whereupon the application will be considered complete and the City will proceed to Committee hearings. The Planning Commission will consider the Park District recommendations in addition to public uses and facilities identified within the Comprehensive Plan and other City plans when formulating their recommendation

to the City Council. The City Council will have final authority, with the approval of the Park District, to determine whether land dedication or Fee per Unit of land dedication will be accepted.

B. Agreement

For each subdivision of property, the subdivider will provide an agreement showing legal description of the land dedication, Fee Per Unit or both prior to any recording of the plat. This agreement will be approved by the City Attorney and the Park District Attorney and Director. The agreement needs to be approved and signed prior to the City's release of the signed final plat (Mylar's) for recording with Ward County Recorder's Office.

SECTION 10.4-4 [RESERVED]

SECTION 10.4-5 TYPES OF LAND DEDICATION

Dedication of land, Fee Per Unit or variation of both will be required for any large subdivision of land of ten (10) lots or three (3) acres of contiguous land or more within a development on any land previously divided by plat, metes or bounds or any other means. Applicants and/or developers shall dedicate a reasonable amount of land for parks, playgrounds, public open spaces or trails. An exception can be made, upon approval by the Minot Park District, to postpone the required land dedication or determination of fee in lieu if the proposed subdivision is for purposes of sales transition and not for development purposes. If a dedication determination is postponed it shall be documented as such by the City of Minot and Minot Park District. Such postponement does not exempt the parcel from required future dedication upon future subdivision for development purposes. Meetings with the city staff and Minot Park District are required before any subdivision application will be considered for City Council. There are three different ways of dedicating land listed in this Section.

A. Fee per Unit of Land Dedication

When it is determined by the Park District that park dedication is not desirable due to location, size or other suitability factors, the City shall require, in lieu of land dedication, a cash Fee Per Unit (individual dwelling unit, i.e. Single-family home equals one (1) dwelling unit) dedication. The Fee Per Unit is equal to a rate set by the Minot Park District that will be compiled yearly based on land value, price of materials, and additional costs. For the purposes of this section, Fee per Unit shall be determined at the time of final plat approval in accordance with the Park District rates. The Fee per Unit will then be issued when the building permit fee is collected. Fee per Unit will be adjusted yearly and all developments or property owners will pay the same per unit fee based on their zoning and units.

B. Land Dedication

The amount of land required to be dedicated by the subdivider pursuant to this ordinance, shall be based upon the type of development and the total amount of Fees per Unit that would be generated by

the development at full build out. The Minot Park District will not be forced to take any land that they don't need and/or want for the purpose of dedication. Prior to the submittal of the application the landowner or developer of the land must meet with the Minot Park District to discuss if the park dedication location is within a desired area of the park district and if any trail systems maintained by the park district need to be placed within the subdivision. The city staff in cooperation with the Minot Park District will determine if a dedication will be required and what an equitable amount would be based on the Minot Park District Fee per Unit Breakdown. The subdivider and the Minot Park District will then have an agreement that will be submitted to the city stating the legal transfer of land, maintenance of land, and any additional amenities that would be included. When land dedication is accepted, the amount of land will be calculated based on the following figures:

1. The total amount of Fees per Unit that would be generated by the development at full build out.
2. Fair market value of land, based on the average cost of land within that zoning district. For the purposes of this section, these two figures will be a rate set by the Minot Park District in accordance with the City Assessor, that will be compiled yearly based on land value, price of materials, and additional cost. Once these two figures are calculated, the amount of land to be dedicated is determined by how much land it would take to equal the fees generated by the development.

Example: Calculation of land amount.

If fees generated (# of Units x Value) = \$150,000; and

If fair market value = \$25,000 per acre.; then

$\$150,000 / 25,000 = 6$ acres to be dedicated.

All land dedications shall be conveyed by warranty deed to the Park District. Where no proposed use is given for lots within the proposed subdivision, the City will base the required dedication on the future land use as shown in the Comprehensive Plan. Industrially zoned properties are exempt.

C. Combined Land and Fee per Unit Dedication

The City and the Minot Park District may elect to receive a combination of cash as a Fee Per Unit and land as part of park land dedication requirements. In such cases, the developer or builder would have

an agreement that is approved by the Park District. This would allow the percentage of land dedicated to reduce the amount of Fee Per Unit or waived by an equal amount.

SECTION 10.4-6 [RESERVED]

SECTION 10.4-7 LAND SUITABILITY

Land to be dedicated shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. In evaluating the adequacy of proposed land dedications, the City shall consider factors including size, shape, topography, geology, hydrology, tree cover, access and location. Land will not be accepted as meeting the required dedication if it is encumbered with major utility easements, storm drains or retention areas, wetlands or other features which make the property difficult to utilize for parks or other desired municipal or park facilities. The City may consider land for parks or open space that is located in the vicinity of areas for storm water retention, major drains, or wetlands or other natural features provided the dedication will further the interests of the City or Park District, as well as the City's Comprehensive Plan. The City Council will have final authority, with the approval of the Park District, to determine whether land will be accepted for dedication with the direction of the Park District.

SECTION 10.4-8 [RESERVED]

SECTION 10.4-9 TIMING AND MAINTENANCE

Prior to final plat approval by the City Council, the subdivider shall denote on the plat the designated park or open space land, or shall tender a deed of the dedicated land to the public entity that is to receive the land. If the plat is not approved, the deed shall be returned to the subdivider. The transfer of the deed is only final upon final approval of plat. The public entity that receives the dedicated land shall be required to maintain such land.

SECTION 10.4-10 [RESERVED]

SECTION 10.4-11 PAYMENT

The builder or property owner shall make the payment to the City when fees are collected for the building permit. Funds received by the City shall be placed in the park district foundation for park development and in the discretion of the Park Board be used to benefit the residents of the community. Any public facilities constructed or improved with these funds shall be located in the general neighborhood if benefitting that subdivision, or elsewhere in the community if benefitting the community as a whole following the Park District master plan.

SECTION 10.4-12 [RESERVED]

SECTION 10.4-13 PRIVATE OPEN SPACE AND PARKS IN HIGHER-DENSITY DISTRICTS

A. Private Open Space/Parks

Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the City Council, against the requirement of dedication for park and recreation purposes, provided the City Council finds it in the public interest to do so. Generally, however, land dedications for private parks will be discouraged.

B. Homeowners' Association

If a homeowners' association shall be established, Fee per Unit maybe reduced or waived. The Park District will accept a reduced or waived Fee per Unit based on a proposed park or open space and connection to bike trail system, storm water elements, drives, utilities, etc. These elements are subject to review and approval from the City Engineer, City Attorney, and Director of the Park District. The Homeowners' Association will be responsible for all maintenance including but not limited to any landscaping, exterior building, snow clearing and regular maintenance of private driveways and other areas owned in common ownership when there is more than one individual property owner having interest within the development.

SECTION 10.4-14 [RESERVED]

SECTION 10.4-15 PLAN TO PROVIDE FOR PUBLIC USE

Wherever a tract to be subdivided includes area for school, or other public use, such as streets, which are indicated on official City plans or any portion thereof, such space may be required for reservation by the Planning Commission (zoning designation to Public Zone). If so required, the Planning Commission shall give the public agency involved sixty (60) days to express its interest in the proposed subdivision in connection with the use of the public site. Should interest be expressed by the public agency involved, that agency shall have an additional sixty (60) days within which to arrange for the acquisition of the public site under consideration. If no interest is shown within the first sixty (60) days, the developer may proceed with development of the parcel in question.

SECTION 10.4-16 [RESERVED]

SECTION 10.4-17 AMENITIES AND PRESERVATION OF NATURAL FEATURES

A. General

Existing and proposed natural features which would add value to land, enhance traffic corridors, or benefit the City as a whole, shall be preserved and/or included in the design of subdivisions.

B. Boulevard Trees

Boulevard trees, if required, shall be planted in accordance with the City of Minot and the City Forester. The installation of the trees provided for within the landscaping plan shall then be installed when the street is developed to urban road standards.

SECTION 10.4-18 [RESERVED]

SECTION 10.4-19 FAIR MARKET VALUE

A. Dispute Regarding Fair Market Value

If the developer or subdivider doesn't believe in the fair market value that is set by the Minot Park District in accordance with the City Assessor that is compiled yearly may be subjected to the following:

1. The City and the developer may agree as to the fair market value; or
2. The fair market value may be based upon a current appraisal submitted to the City by the subdivider at the subdivider's expense. The appraisal shall be made by appraisers who are certified or licensed through the State of North Dakota.
3. If the City disputes such appraisal, the City may, at the subdivider's expense, obtain an appraisal of the property by a qualified real estate appraiser, in which the appraisal shall be conclusive evidence of the fair market value of the land.

Chapter 10.5. – Definitions

The definitions of words or phrases set forth in this chapter are supplemental to the definitions of the same or similar words or phrases set forth in other Articles of this ordinance, but to the extent that there may be an inconsistency between definitions in this Chapter and definitions in other Articles, the definitions in this Chapter govern for the purpose of the application and interpretation of Article 10 Subdivisions.

Abut: to physically touch or border upon; or to share a common property line.

Access: A way or means of approach to provide physical entrance to property.

Alley: A public right of way less than thirty (30) feet in width dedicated to public use, primarily to provide vehicular service access to the side or rear of properties otherwise abutting on a street.

Auditor's/Outlot Plat: The plat referred to in NDCC 57-02-39 and ND Administrative Code Chapter 28-02.1-13.

Block: An area of platted land bounded entirely by streets, a railroad right-of-way, waterway, or another barrier.

Boundary Survey: The map, plat, or statement of the result of a survey, by which a parcel of land is measured on the ground and courses and distances of its boundaries, area, and contents are ascertained.

Conveyance: The document, instrument, or act that transfers title to real estate from one person to another.

Development Agreement: An agreement between a developer and the city that clearly establishes the developer's responsibilities regarding project phasing, the construction and maintenance of public and private facilities and improvements, and any other mutually agreed to terms and requirements.

Easement: A grant of legal permission by the property owner of the use of land by the public, or by one or more persons or corporations for a specific purpose.

Frontage: The linear distance along which a lot line adjoins a public street right-of-way.

Legal Lot: A lot that is shown on a recorded subdivision plat or which has been created through a boundary line adjustment.

Lot: Any tract of land, owned by one person or jointly owned by a combination of persons, the boundaries of which are established or depicted by any one or combination of the following methods:

1. Metes and bounds description;
2. A closed figure formed by a series of interconnecting lines drawn on a plat or by reference to a portion or fraction of a figure that is thus depicted;
3. Reference to a U.S. Government section or U.S. Government lot or fraction or portion thereof.

Lot Lines: The lines which establish the area and perimeter of a lot:

1. Front lot line: a lot line that abuts a street.
2. Rear lot line: a lot line that is opposite a front line.
3. Interior Side Lot Line: A side lot line that is shared by adjacent lots.
4. Street Side Lot Line: A side lot line that abuts a street.

Lot of Record: Land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the record of the Office of the County Recorder of Ward County, North Dakota.

Major Subdivision: A major subdivision consists of both the preliminary plat and final plat components of the subdivision process.

Minor Subdivision: A minor subdivision consists of the final plat component of the subdivision process and is limited to those properties meeting certain conditions.

Parcel: A contiguous area of land in the possession of, owned by, or recorded as the property of the same person or persons.

Private Street: A street, the use of which as a matter of right is limited to abutting landowners and their permittees, and which is not maintained with public funds

Public Street: A street which is dedicated for public use and which is maintained by public funds.

Public Right-of-Way: The area on, below, or above a public roadway, highway, street, alley, cart way, bicycle lane, public sidewalk, city-owned property, and public ground in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city.

Remnant Segment of Right-of-Way: A portion of right-of-way that would not facilitate future connectivity or would interfere with existing connectivity, as determined by the City Engineer or their designee.

Subdivision: A subdivision or subdividing is:

- 1) Any act that creates one or more lots which did not exist prior to the performance of such act, or which alters the boundaries of a lot that existed prior to the performance of such act. However, as long as the rule laid down in the prior sentence is observed, no subdivision occurs when there is a change of ownership with respect to a lot in its entirety; or
- 2) The establishment by recording in the office of the County Recorder of a conveyance or other instrument dedicating a street, highway, road, alley or other public right-of-way through a tract of land.

Surveyor's Certificate: A surveyor's certificate is a map, drawing or plan of one or more tracts of land, drawn to scale, upon which is depicted the boundaries of the tracts, and the size and location of structural improvements located upon such tracts, if any, and which is certified by a registered land surveyor as being accurate.

Article 11: Flood Protection

Chapter 11.1. – Statutory Authorization, Findings of Fact, Purpose, and Objectives

SECTION 11.1-1. STATUTORY AUTHORIZATION

The Legislature of the State of North Dakota has in North Dakota Century Code, [Chapters 40-47](#), [11-33](#) and [58-03](#), delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the City Council of the City of Minot, North Dakota does ordain as follows:

SECTION 11.1-2. FINDINGS OF FACT

- A. The flood hazard areas of the City of Minot are subject to periodic inundation which can endanger life, result in loss of property, create health and safety hazards, disrupt commerce and governmental services, cause extraordinary public expenditures for flood protection and relief, and impair the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. Flood losses caused by the cumulative effect of obstructions in the special flood hazard areas cause increases in flood heights and velocities. Inadequately floodproofed, elevated or otherwise unprotected structures also contribute to the flood loss.

SECTION 11.1-3. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding, and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in special flood hazard areas;
- F. To help maintain a stable tax base by providing for the second use and development of special flood hazard areas so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in a special flood hazard area; and,
- H. To ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

SECTION 11.1-4. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A.** Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B.** Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C.** Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D.** Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- E.** Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 11.1-5. LANDS TO WHICH THIS CHAPTER APPLIES

This chapter shall apply to all special flood hazard areas within the corporate limits of the City and its extraterritorial jurisdiction.

SECTION 11.1-6. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for Ward County, North Dakota and Incorporated Areas", dated February 15, 2002 with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the office of the City Engineer in Minot, North Dakota.

SECTION 11.1-7. COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION 11.1-8. GREATER RESTRICTIONS

This ordinance is not intended to repeal, remedy, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 11.1-9. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- A.** Considered as minimum requirements;
- B.** Liberally construed in favor of the governing body; and,
- C.** Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 11.1-10. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Large floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Minot, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 11.1-11. SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

Chapter 11.2. – Administration

SECTION 11.2-1. ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any special flood hazard area established in Section 11.1-6. Application for a development permit shall be made on forms furnished by the City Engineer and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A.** Elevation in relation to mean sea level, of the lowest floor of all structures;
- B.** Elevation in relation to mean sea level to which any structure will be floodproofed;
- C.** Certification by a registered professional engineer or architect in the State of North Dakota that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 11.3-2(B); and,
- D.** Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

SECTION 11.2-2. DESIGNATION OF THE CITY ENGINEER

The City Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

SECTION 11.2-3. DUTIES AND RESPONSIBILITIES OF THE CITY ENGINEER

Duties of the City Engineer shall include, but not be limited to:

- A.** Permit Review
 - 1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 11.3-3(E).

B. Use of Other Base Flood Data

1. When base flood elevation data has not been provided in accordance with Section 11.1-6, Basis for Establishing the Special Flood Hazard Areas, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available (known as best available data) from a federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development in the floodplain are administered in accordance with Section 11.3-2, Specific Standards.

C. Information to be Obtained and Maintained

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures:
 - a. obtain and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed;
 - b. maintain the floodproofing certifications required in Section 11.2-1(C).
3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. Alteration of Watercourses

The City Engineer shall:

1. Notify nearby communities, water resource districts, and the North Dakota State Engineer, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished; and,
3. Notify the appropriate water resource district prior to removal or placement of fill within two hundred feet of the bank of a body of water during normal flow or stage.

E. Interpretation of Flood Insurance Rate Map (FIRM) Boundaries

1. Make interpretation where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 11.5-1.

Chapter 11.3. – Provisions for Flood Hazard Reduction

SECTION 11.3-1. GENERAL STANDARDS

A. Anchoring

1. All new construction and substantial improvements, including additions, shall be anchored to prevent flotation, collapse or lateral movement of the structure and shall be capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
3. All additions to manufactured homes shall be similarly anchored.

Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding and shall be installed at least one foot above the Base Flood Elevation.

Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. All tanks must be watertight and all access openings must be at least one foot above the Base Flood Elevation.

Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Base Flood Elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

SECTION 11.3-2. SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation data have been provided as set forth in Section 11.1-6, Basis for Establishing the Special Flood Hazard Areas, or Section 11.2-2(B), Use of Other Base Flood Data, the following provisions are required:

A. Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, and attendant utilities elevated on fill to at least one foot above the Base Flood Elevation.

Nonresidential Construction

Construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated on fill to at least one foot above the Base Flood Elevation or, together with attendant utility and sanitary facilities shall:

1. Be floodproofed to at least two feet above the Base Flood Elevation, so that below this elevation the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified by a registered professional engineer or architect in the State of North Dakota that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 11.2-2(C)(2).

Manufactured Homes

1. Manufactured homes shall be anchored in accordance with Section 11.3-1(A)(2).
2. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated on fill to at least one foot above the Base Flood Elevation, and is securely anchored to an adequately anchored foundation system as hereinabove provided.

SECTION 11.3-3. FLOODWAYS

Located within the special flood hazard areas established in Section 11.1-6 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided

demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If Section 11.3-3 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 11.3, Provisions for Flood Hazard Reduction.

Chapter 11.4. – Enforcement and Compliance Mechanisms

SECTION 11.4-1. PENALTIES FOR VIOLATIONS

- A. The penalty for violating any of the provisions of this chapter or failure to comply with any of its requirements, including violations on conditions and safeguards established in connection with grants or variances or conditional uses, shall be as prescribed in [Section 1-8 of the City of Minot Code of Ordinances](#). Each day such violation continues shall be considered a separate offense.
- B. Nothing herein contained shall prevent the City of Minot from taking such other lawful action as is necessary to prevent or remedy any violation.

Chapter 11.5. – Miscellaneous

SECTION 11.5-1. VARIANCE PROCEDURE

A. Appeal Board

1. The Planning Commission shall hear and decide requests for variances from the requirements of this chapter.
2. Any application for a variance under this chapter shall be made in writing and shall address all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance, including, but not limited to, the considerations provided in 11.5-1(A)(5) and 11.5-1(B).
3. Appeals, when it is alleged there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this chapter, shall be heard pursuant to Section 9-1.9.
4. Those aggrieved by the decision of the Planning Commission relating to requests for variances under this chapter may appeal such decision, pursuant to Section 9-1.9. Any person aggrieved by the final decision of the Minot City Council under this chapter may appeal such decision to the North Dakota district court in Ward County pursuant to law.
5. In deciding upon such variance applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance; and:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger to life and property due to flooding or erosion damage;

- c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. the importance of the services provided by the proposed facility to the community;
 - e. the necessity to the facility of a waterfront location, where applicable;
 - f. the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
 - g. the compatibility of the proposed use with existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
6. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in Section 11.5-1(A)(5) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 7. Upon consideration of the factors of Section 11.5-1(A)(5) and the purposes of this ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 8. The City Engineer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Conditions for Variances

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historical Places or the State Inventory of Historical Places, without regard to the procedures set forth in the remainder of this section.
2. Variances shall not be issued within the identified floodplain if any increase in flood levels during the base flood discharge would result.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued upon:
 - a. a showing of good and sufficient cause;
 - b. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

- c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public as identified in Section 11.5-1(A)(5), or conflict with existing local laws or ordinances.
5. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Chapter 11.6. – Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Appeal means a request for a review of the City Engineer's interpretation of any provision of this ordinance or a request for a variance.

Area of jurisdiction shall mean the area within the corporate limits of the city, and any area in which the city has statutory planning and zoning authority.

Base flood or 100-year flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means the height of the base flood or 100-year flood usually in feet above mean sea level.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Best Available Data (BAD) means water elevation information from any source used to estimate or determine a base flood elevation (i.e. high water mark).

Conveyance or hydraulic conveyance means a geometric characteristic of a river or watercourse at a given point that determines the flow-carrying capacity at that point.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the special flood hazard area.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood Insurance Rate Map (FIRM) means the official map issued by the Federal Emergency Management Agency where special flood hazard areas are designated as Zone A, AE, AO, AH, A1-A30 or A-99.

Flood Insurance Study (FIS) means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or; from the unusual and rapid accumulation or runoff of surface waters from any source.

Floodproofing (Dry) means protection provided a structure, together with attendant utilities and sanitary facilities, which is watertight two feet above the base flood elevation with walls that are substantially impermeable to the passage of water.

Floodway or regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Lowest floor means the lowest floor of a structure including the basement.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle", but does include "mobile home".

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Reasonably safe from flooding means base flood waters will not inundate the land or damage structures, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreational vehicle means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck;
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use; including, but not limited to travel trailers, trailers on wheels, park-model trailers, and other similar vehicles.

Special Flood Hazard Area (SFHA) means an area of land that would be inundated by a flood having a one percent chance of being equaled or exceeded in any given year.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building, including manufactured homes and gas or liquid above-ground storage tanks.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the building to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by the community's floodplain management ordinance is presumed to be in violation until such time as that documentation is provided.

Article 12: Storm Water Management

Chapter 12.1. – General Provisions

SECTION 12.1-1. PURPOSE AND POLICY

- A.** This chapter sets forth uniform requirements for storm water management systems within the City of Minot and its extraterritorial jurisdiction. In the event of any conflict between the provisions of this chapter and the provisions of another applicable law, the more restrictive standard shall prevail.
- B.** The objective of this chapter is to provide for adequate storm water system analysis and appropriate storm water system design as necessary to protect public and private property, water quality and existing natural resources.
- C.** The storm water management program provided for in this chapter includes all of the following elements:
 - 1. Regulation of development through the issuance of storm water plans and permits.
 - 2. Establishment of storm water management criteria for public underground storm sewers, artificial and natural open channel drainage systems, storm water detention and retention ponds, and private storm water drainage systems discharging into the public system.
 - 3. Monitoring and compliance mechanism.

SECTION 12.1-2. SCOPE OF CHAPTER

This chapter shall apply within the corporate limits of the City and its extraterritorial jurisdiction.

SECTION 12.1-3. WAIVER

The City Engineer may waive any requirement of this chapter upon making a finding that compliance with the requirement will involve an unnecessary hardship, and the waiver of such requirement is not contrary to the objectives in Section 12.1-1. The City Engineer's waiver and finding shall be in writing and a copy of the written waiver and finding shall be maintained in the City Engineer's file. The City Engineer may impose conditions upon any waiver. For example, the City Engineer may require such dedication or construction, or agreement to dedicate or construct, as may be necessary to adequately meet the said standards and requirements. Any condition imposed upon a waiver by the City Engineer shall be in writing. A copy of the conditions shall be maintained in the City Engineer's file.

SECTION 12.1-4. MITIGATION MEASURES DURING CONSTRUCTION ACTIVITIES

- A.** Construction activities must comply with all of the following requirements (without regard as to whether such activities are specifically addressed by, or within the scope of, a storm water management plan or storm water management permit):
- B.** Water may not be discharged in a manner that causes erosion, sedimentation, or flooding on the site, on downstream properties, in the receiving channels, or any wetland. Consequently, water

pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro- cyclones, soil concentrators or other appropriate controls as may be necessary to that end;

- C.** Waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, petroleum based products, paints, toxic materials, concrete wash water, or other hazardous materials) shall be properly contained on site, then properly disposed of off-site and shall not be allowed to be carried by runoff into a receiving channel, storm sewer system, or wetland;
- D.** A construction site shall have roads, access drives and parking areas of sufficient width, length and surfacing to prevent sediment from being tracked onto public or private roadways. Any material placed by vehicles or other construction equipment on a public or private road shall be removed (not by flushing) within twenty-four hours;
- E.** The construction contractor, including the general contractor and all subcontractors, shall be required to control oil and fuel spills and chemical discharges to prevent such spills or discharges from entering any watercourse, sump, sewer system, water body, or wetland;
- F.** To the extent not already addressed in the foregoing paragraphs, construction operations must include erosion and sedimentation control measures meeting accepted design criteria, standards and specifications contained in the Storm Water Design Standards Manual, or in Article IV (Excavations and Water Runoff Control) of Chapter 9 (Buildings and Housing) of the City of Minot Code of Ordinances, whichever is the more restrictive;
- G.** Any additional Federal, State, local or other regulatory requirements including but not limited to: NPDES permit requirements, etc.; and
- H.** Any additional project specific requirements deemed necessary by the City Engineer.

SECTION 12.1-5. CONTAMINATING OR DEGRADING STORM WATERS PROHIBITED

No person shall dispose of:

- A.** Fertilizer, or other substances which can degrade the quality of storm waters, such as, chemicals (fertilizers, herbicides, pesticides, etc.), or petroleum-based products (gasoline, oil, fuels, solvents, paints, etc.); or
- B.** Grass clippings, leaves, or other vegetative materials, on impervious surfaces or within storm drainage systems, natural or manmade watercourses, wetlands, or wetland buffer areas, except as may be incidental to ordinary mowing or weed control within such areas.

All properties shall have roads, access drivers and parking area of sufficient width, length and surfacing to prevent sediment from being tracked onto public or private roadways. Any material placed by vehicles or other construction equipment on a public or private road shall be removed (not by flushing) within twenty-four hours.

Chapter 12.2. – Storm Water Management Plan

SECTION 12.2-1. STORM WATER MANAGEMENT PLAN; WHEN REQUIRED; EXCEPTIONS

- A.** Submission and approval of a storm water management plan shall be required for premises prior to undertaking any storm water alteration activities thereon, or prior to final plat approval of a subdivision thereof, whichever is earlier.

Subsection A shall not apply to any of the following:

1. Storm water alteration activities on any part of a subdivision that is included in a plat that has been approved by the City Council and recorded with the County Recorder on or before the original effective date of this chapter;
 2. Storm water alteration activities on individual lots or properties located within a subdivision or plat for which a Storm Water Management Plan has already been approved or in areas included within a Watershed Master Plan area, unless additional impervious area is added, runoff rates or design assumptions have changed, or grading activities modify the location of storm water discharge points;
 3. Storm water alteration activities involving the construction of a single-family or a two- family dwelling, as long as such construction affects less than one acre of land;
 4. Storm water alteration activities on a parcel for which a building permit has been approved on or before the original effective date of this chapter;
 5. Any utility service line installations; or
 6. Emergency work to protect life, limb, or property.
 7. Activities which the City Engineer determines will only have a de minimus effect on the amount of storm water flow, the quality of storm water flow, and the capacity of any existing or planned storm water system. In making such determination the City Engineer shall examine not only the particular activities being considered for de minimus treatment, but also the cumulative effect of all other similar and related activities reasonably likely to occur in the future. The applicant may be required to provide a technical memo with backup data to demonstrate the de minimus effect. The technical memo shall contain a site plan depicting the site with pre and post development improvements, a narrative analysis of the hydrologic and hydraulic analysis of the pre and post development flow rates, flow paths and discharge rates. The memo must be stamped and signed by a ND registered professional engineer.
- B.** A Storm Water Permit may still be required for any of the activities listed in subsection as determined by the City Engineer.
- C.** No person shall engage in storm water acceleration or alteration activities if approval of a storm water management plan in respect to such activities is required under Subsection (A), unless such approval is excused under Subsection (B) or waived under Section 12.1-3.

SECTION 12-2.2. APPLICATION; APPLICATION FEE; APPLICATION REVIEW PROCESS

- A. An application for approval of a storm water management plan shall be filed with the City Engineer.
- B. One digital copy (pdf) of the drawings, report and any additional required information shall be submitted. Plans shall be prepared to a scale appropriate to the site of the project and suitable for performing the review.
- C. The application shall be accompanied by a processing and approval fee. In the case of complex applications or regional storm water facilities, which require additional staff review time, a secondary fee schedule will be used. Fees under this subsection shall be established by resolution of the City Council.
- D. The City Engineer shall approve, approve with conditions, or deny the application for approval of the storm water management plan. Any approval, approval with conditions, or denial of the storm water management plan shall be in writing.
- E. In passing judgment on a proposed storm water management plan, the City Engineer shall consider the fidelity of the plan to the principles and procedures set forth in Section 12.2-2.

SECTION 12.2-3. CONDITIONAL APPROVAL OF A STORM WATER MANAGEMENT PLAN

A conditional approval of a storm water management plan as authorized by Section 12.2-2(D) may include one or more of the following conditions:

- A. The posting of security, such as a bond, to ensure the timely and sequentially correct performance of particular activities contemplated by the plan.
- B. The acquisition, dedication, or conveyance to the City of Minot (or any combination of these) of certain lands or easements, or interests therein.
- C. The payment or provision of security for future payment of an in lieu fee.

SECTION 12.2-4. STORM WATER MANAGEMENT PLAN COMPONENTS

A storm water management plan shall contain as much of the following data, elements, and sub-elements as the City Engineer shall require:

A. *Existing conditions site plan including any immediately adjacent areas, showing:*

1. Name, address, phone number, and email of the applicant and engineer; North Arrow;
2. Scale (plan view drawn at 1" = 50' or larger scale);
3. The section, township, and range of the project site and the location of the tract by an insert or other map at a scale sufficient to clearly identify the location of the property and giving such information as the lot and block number, street address, the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns, and districts or other defining landmarks;
4. The existing topography with a contour interval appropriate to the topography of the land, but in no case having a contour interval greater than two feet. All elevations must be provided in NAVD 1988 datum and noted as such on that map;

5. A watershed boundary map illustrating the project site location as a sub-watershed within the watershed of the larger or major drainage basin;
6. A delineation of streams, rivers, public waters and the presence or absence of wetlands located on and immediately adjacent to the site, including depth of water, a general description of vegetative cover found within the site, a statement of general water quality, if applicable, and any classification given to the water body by state or federal agencies;
7. The location and dimensions of existing storm water drainage systems and the natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public ditch, or wetland, and setting forth those areas of the unaltered site where storm water collects or passes;
8. A description of the soils on the site, including a map indicating soil types of the areas to be disturbed, containing information on the suitability of the soils for the type of development proposed, potential for erosion, the type of storm water management system proposed, and any remedial steps to be taken by the developer or their contractor to render the soils suitable;
9. A depiction of the current extent of vegetative cover and a clear delineation of any vegetation proposed for removal;
10. A description or indication of the current land use of the area in which the site is located;
11. A depiction of the 100-year floodplains (base flood), flood fringes, and floodways, including water surface elevations shown in NAVD 1988 datum (noted as such on that drawing), any floodplain easements; and
12. A narrative of groundwater information and the estimated ground water table in relation to surface contours (i.e. NRCS Depth of Water Table information found on its Web Soil Survey).

Construction site plan showing:

1. Locations and dimensions of all proposed land disturbing activities and any phasing or scheduling of those activities;
2. Approximate locations of all temporary soil or dirt stockpile areas;
3. Location and description of all construction site erosion control measures necessary to meet the requirements of this ordinance;
4. A schedule of anticipated starting and completion dates for each land disturbing activity, including the installation of construction site erosion control measures needed to meet the requirements of this ordinance; and
5. Provisions for maintaining the construction site erosion control measures prior to, during, and after construction.

Final site plan on the same scale as the map of existing conditions showing:

1. The proposed final grading plan shown at contours at the same interval as the existing conditions or as required to clearly indicate the relationship of the proposed changes to existing

topography and remaining features, and showing rear yard grading in sufficient detail to determine the direction of rear and side yard drainage from each parcel;

2. A landscape plan, drawn to an appropriate scale, including dimensions, distances and the location, type, size and description of proposed landscape materials which will be added to the site as part of the development;
3. A drainage plan of the developed site delineating the direction and at what rate storm water runoff will be conveyed from the site, delineating the direction of flow from the rear and side yard of each parcel, and setting forth the areas of the site where storm water will be collected;
4. The proposed size, alignment, and intended use of any structures to be erected on the site;
5. A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used;
6. A delineation of easements provided for drainage, including areas of flow or detention inundated in the 100-year storm event, the corresponding water surface elevations, recorded easements provided for access to inspect and maintain storm water management facilities, off-site flowage easements (upstream and downstream), as well as any City or FEMA designated floodplains;
7. A depiction of the 100-year floodplains (base flood), flood fringes, and floodways, including water surface elevations shown in NAVD 1988 datum (noted as such on that drawing), any floodplain easements; and
8. Any other information pertinent to the particular project which, in the opinion of the applicant, is necessary for the review of the project.
9. Any other information pertinent to the particular project which, in the opinion of the City Engineer, is necessary for the review of the project.

A narrative analysis discussing:

1. Pre and post development hydrologic and hydraulic analysis;
2. Erosion and sedimentation control during and after construction;
3. Protective measures for proposed and existing structures, and water quality concerns;
4. Feasibility of on-site infiltration to reduce runoff volume and address water quality concerns;
5. A discussion as to how the storm water management plan applies or observes the principles and procedures set forth in Chapter 12.3;
6. Planned maintenance;
7. Maintenance agreement;
8. Certification by Professional Engineer; and
9. Compliance with City ordinances.

An operations and maintenance plan including:

1. An inspection schedule for all storm water management facilities, acknowledging the City's right to inspect all storm water management facilities;
2. Description of and schedule for regular maintenance;
3. Criteria for determining the need for non-regular maintenance;
4. Clear definition of the party responsible for inspection and maintenance;
5. A letter of acknowledgement or maintenance agreement signed by the developer or agent who will perform the planned maintenance activities;
6. Discussion of access considerations for all permanent storm water management facilities; and
7. A signed agreement acknowledging the developer's responsibility to provide final grading plans to all property owners in the development.

A completed storm water management plan checklist (included in Storm Water Design Standards Manual) including:

1. Page numbers for all required components of the storm water management plan;
2. Summary of project site impervious area; and a
3. Summary of hydrologic modeling of existing and proposed conditions.

SECTION 12.2-5. SIGN-OFF BY PROFESSIONAL ENGINEER

A storm water management plan, including all maps, drawings, specifications, narrative analyses or reports, and computations must be submitted under the seal and signature of a Professional Engineer registered in the State of North Dakota.

Chapter 12.3. – Principles and Practices

SECTION 12.3-1. STORM WATER DESIGN STANDARDS MANUAL

The storm water design standards manual, as adopted and amended by the City of Minot, is adopted herein by reference thereto. The manual contains the principal standards and design criteria for developing an effective and acceptable storm water management plan. The manual contains:

- A.** Details about the contents of a storm water management plan which are additional to those set forth in this Chapter;
- B.** Criteria for hydrologic evaluations, the design of storm water management system facility components, water quality protection standards, instructions for the development of an erosion and sedimentation control plan, and requirements for easements and right-of-way.
- C.** A discussion of operation and maintenance requirements, standard forms to be used, and standard construction details adopted by the City.

- D.** A storm water management plan checklist that must be submitted to the City as part of a storm water management plan.

SECTION 12.3-2. PLANNING PREFERENCES

The narrative analysis component of the storm water management plan shall discuss whether the plan incorporates the following preferences in storm water management and control, or why such preferences were deemed to be not appropriate.

This narrative shall include:

- A.** The natural infiltration of precipitation and runoff on-site, if suitable soil and geological conditions are available, using to that purpose as much natural or vegetated area on the site as possible, while minimizing impervious surfaces, and directing runoff to vegetated areas rather than onto adjoining streets, storm sewers and ditches.
- B.** The use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional water flow without compromising the integrity or quality of these natural features.
- C.** The use of storm water detention facilities.
- D.** The use of storm water retention facilities.

SECTION 12.3-3. CAPACITY CONSIDERATIONS

The storm water management plan shall:

- A.** Analyze the hydraulic capacities of downstream natural channels, reaches, storm sewer systems, and streets, in order to determine whether they have sufficient conveyance capacity to receive and accommodate post-development runoff discharges and volumes without causing:
 - 1. Channel erosion;
 - 2. Increased property damage; or
 - 3. Any increase in the established base flood plain elevation.
- B.** Analyze the adequacy of any outlet used as a discharge point.
- C.** Satisfy the requirement that in no circumstances shall the developed peak flow exceed the existing peak flow for the 2-, 5-, 10-, and 100-year, 24-hour storm events and the 100- year, 10-day snowmelt event, except where the City has provided sufficient downstream flood detention facilities for the development or redevelopment area's proposed land use and area of imperviousness (as determined by the City Engineer). For projects located within the contributing drainage area to a regional detention facility, this requirement of no increase in peak flow is applicable until regional detention ponds are constructed.
- D.** Satisfy the requirement that hydrologic analysis performed to calculate peak flow must utilize the Soil Conservation Service, or SCS, (now Natural Resources Conservation Service, or NRCS) methodology, the NRCS Type II storm distribution, and precipitation values published in the National Oceanographic and Atmospheric Administration (NOAA) Atlas 14, Volume 8, unless otherwise

specified by the City Engineer. Additional detail is provided in the Storm Water Design Standards Manual.

- E.** Consider the feasibility of infiltrating or otherwise retaining a volume equivalent to one inch of runoff from the project impervious area in situations where downstream volume capacity issues exist (as determined by the City Engineer). If determined to be infeasible, the rationale shall be presented in the narrative.

SECTION 12.3-4. WATER QUALITY CONSIDERATIONS

The storm water management plan shall satisfy the following requirements for water quality (additional detail is provided in the Storm Water Design Standards Manual):

- A.** Pre-treatment of all temporary off-site discharges during construction.
- B.** Implementation of all applicable erosion and sediment control devices and practices as specified in [Chapter 12 of the Storm Water Design Standards Manual](#).
- C.** Treatment of the first one inch of runoff from the project's impervious area for new development. The City encourages developers to use the following methods to achieve water quality goals, in order of decreasing preference:
 - 1. Infiltration (or other abstraction)
 - 2. Filtration
 - 3. Extended detention

SECTION 12.3-5. FLOODPLAIN CONSIDERATIONS

The storm water management plan must comply with applicable floodplain management criteria of Article 11 of the City Zoning Ordinance.

At least one foot of clearance (freeboard) shall be provided between the lowest floor of a building, including equipment, and the 100-year event storm water elevation of all adjacent storm water management facilities, including:

- A.** Ponds,
- B.** Wetlands,
- C.** Streams,
- D.** Sloughs, and
- E.** Overland conveyances.

SECTION 12.3-6. OPERATION, MAINTENANCE, AND INSPECTION CONSIDERATIONS

Insofar as a storm water management plan calls for permanent improvements on private property which are part of a storm water management system, due regard shall be paid to:

- A.** The desirability of a design which minimizes the need for maintenance (design considerations are included in the Storm Water Design Standards Manual).

- B.** The right of the City Engineer to inspect such improvements from time to time and, to that end, the need of a legal right of access to them, such as by easements or other property interests.
- C.** The City's preference for a design which minimizes the extent to which storm water management facilities are located on private lots when regional detention is available.
- D.** The City's requirement that developers provide final grading plans to all property owners following completion of the project.
- E.** The right of the City Engineer to require a developer's agreement for maintenance, based upon review of the operation and maintenance plan included in the storm water management plan submitted by the developer. The developer's agreement specifies the authority of the City should the developer fail to fulfill the agreed-upon operation, inspection, and maintenance responsibilities.

SECTION 12.3-7. CONSTRUCTION PLANS AND SPECIFICATIONS

When the construction of improvements called for in a storm water management plan are of sufficient magnitude and consequence, the City Engineer may require that such plan include a drawing or drawings delineating the erosion and sedimentation management plan, including details of silt fences, storm drain inlet protection, erosion control facilities and other BMPs. In addition, the construction specifications shall contain technical provision describing erosion, sedimentation, and water control requirements to be utilized during and after construction, as well as define the entities responsible for the installation and maintenance of the BMPs. See Section 12.3-1.

SECTION 12.3-8. OTHER STANDARDS

In the event that other standards apply to matters within the scope of this subdivision, the more restrictive, or most restrictive, as the case may be, standard shall apply.

SECTION 12.3-9. PHASING ALLOWED

On a case by case basis, and in the interest of economy and practicality, the City Engineer may allow a storm water management plan to be submitted and approved in phases, with such interim storm water alteration activities being performed in the interim between phases as allowed or required in the plan itself.

SECTION 12.3-10. PLAN-SPECIFIC ENFORCEMENT MECHANISMS

On a case by case basis, the City Engineer may require enforcement mechanisms specific to a particular storm water management plan, which may include without limitation any of the following:

- A.** The posting of security such as a performance bond, cash bond or letter of credit.
- B.** The use of the storm water management permit system provided for in Section 12.5.
- C.** The filing of a special assessment petition with the City to guarantee construction of storm water management facilities.
- D.** The withholding of building permits or certificates of occupancy until the facilities are completed or otherwise guaranteed.

SECTION 12.3-11. IN LIEU FEE

The City Engineer, subject to the approval of the City Council, may approve a storm water management plan which provides for the payment of a specified in lieu fee instead of the provision for, and performance of, certain work which otherwise would form part of such plan. Typically, the in lieu fee would be applied to the cost of a regional storm management plan or project to which a sub-watershed drains. Notwithstanding the employment of such a fee, the plan may still provide for and require the dedication or retention of easements or other interest in land as may be necessary in the future for the full implementation of the plan.

Chapter 12.4. – Performance

SECTION 12.4-1. STORM WATER MANAGEMENT PLAN COMPLIANCE

- A.** No person having the authority to do otherwise shall perform, or allow the performance, of acts which are contrary to or inconsistent with an approved storm water management plan, or fail to perform in good faith acts required by the plan.
- B.** Modifications to the storm water management design or changes to the development type or intensity made subsequent to the approval of the storm water management plan may require resubmittal to the City Engineer if those modifications prevent compliance with the principles and practices listed in Chapter 12.3 of this ordinance.
- C.** An approved storm water management plan shall be considered a covenant running with the land, enforceable by injunctive action or otherwise by the City of Minot, or by persons directly affected by its performance or non-performance, or the public generally. The presence of this civil remedy shall not be construed as precluding a criminal remedy under Subsection (A) or otherwise.

SECTION 12.4-2. COMPLIANCE WITH OTHER REQUIREMENTS

The contents of an approved storm water management plan shall not be construed as purporting to excuse:

- A.** Requirements imposed elsewhere in this Zoning Ordinance or in the City of Minot Code of Ordinances; and
- B.** The obtaining of required permits from other governmental agencies having any jurisdictional authority over the work to be performed. (Typically, such agencies would include, but not limited to the Ward County Water Resource District, the Ward County Engineer's Office, the State Water Commission and State Engineer's Office, the North Dakota State Department of Transportation, the State Health Department, the State Department of Environmental Quality, the State Historical Preservation Office, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, Federal Emergency Management Agency, and possibly others not listed here.)

SECTION 12.4-3. AS-BUILT PLAN

Upon completion of all work under an approved storm water management plan, or more frequently as prescribed in the plan itself, the person or persons acting under the authority of such plan shall file with the City Engineer record drawings to document the final condition of the site. The record drawings must

include the 100-year floodplain (including the 100-year storm water surface elevation), floodplain easements, and easements provided for maintenance of storm water management facilities. The developer must provide the City with evidence that the maintenance easements have been recorded at the County. The record drawings must be certified by a professional engineer, and the developer must submit the drawings to the City Engineer. The record drawings must be accompanied by an updated storm water management plan and include a certified statement from the professional engineer confirming that:

- A. All storm water management facilities were constructed as identified in the approved storm water management plan; and
- B. All field modifications have been reviewed and approved by the professional engineer such that the modified facilities will meet the requirements of the approved storm water management plan. Calculations or backup data shall be provided for any modifications to the original plan.

SECTION 12.4-4. RIGHT OF INSPECTION AND ACCESS

The City Engineer or their designee shall have the right of access, including the right of entry, and the right of inspection of all work being performed pursuant to a storm water management plan, and thereafter shall continue to exercise such rights to the extent so provided in the plan itself.

SECTION 12.4-5. AMENDMENT OF STORM WATER MANAGEMENT PLAN

- A. The City of Minot and any person subject to the obligations imposed by an approved storm water management plan may amend the plan at any time by written agreement.
- B. The City of Minot, pursuant to its reserved police powers, may unilaterally, after it has provided reasonable notice and an opportunity to be heard, amend an approved storm water management plan if it initially attempts in good faith to achieve such amendment pursuant to subsection (a) and is unable to do so, and provided that the amendment is designed and intended to protect the public interest and does not impose undue burdens upon any private party who may have relied to its detriment upon the approved plan.

Chapter 12.5. – Storm Water Management Permit

SECTION 12.5-1. STORM WATER MANAGEMENT PERMIT; WHEN REQUIRED AND NATURE THEREOF

- A. As contemplated by Section 12.3-10, a storm water management permit may be required as part of an approved storm water management plan.
- B. The permit is designed to be used as an enforcement mechanism in those cases where ongoing, detailed, precise, and intensive control over activities affecting the discharge of storm water is desired. For example, such a permit may require monitoring of certain storm water retention facilities at stated intervals using protocols and procedures set forth in the permit.

- C. The storm water permit shall specify the restrictions sought to be imposed thereby. A permit runs with the property it covers and is transferable to new successors in title in its entirety or by parcel, with each parcel being subject to the permit and any conditions which apply to that parcel.
- D. The storm water permit shall state as part thereof its duration, and whether it is subject to renewal, and, if so, upon what terms and conditions.

SECTION 12.5-2. AMENDMENT OF STORM WATER MANAGEMENT PERMIT

- A. The City of Minot and the permittee under a storm water management permit may amend the permit at any time by written agreement.
- B. The City of Minot, pursuant to its reserved police powers, may unilaterally, after it has provided reasonable notice and an opportunity to be heard, amend a storm water management permit if it initially attempts in good faith to achieve such amendment pursuant to Subsection (A) and is unable to do so, and provided that the amendment is designed and intended to protect the public interest and does not impose undue burdens upon the permittee.

SECTION 12.5-3. ENFORCEMENT OF STORM WATER MANAGEMENT PERMIT

- A. No permittee under a storm water management permit shall perform, or allow the performance, of acts which are contrary to or inconsistent with the storm water management permit, or fail to perform in good faith acts required by such permit.
- B. An approved storm water management permit shall be considered a covenant running with the land, enforceable by injunctive action or otherwise by the City of Minot, or by persons directly affected by its performance or non-performance, or the public generally. The presence of this civil remedy shall not be construed as precluding a criminal remedy under Subsection (A) or otherwise.

Chapter 12.6. – Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Base Flood: The flood having a one percent chance or probability of being equaled or exceeded in any given year (i.e. 100-year flood).

Best Management Practices: Measures designed to:

1. Prevent pollutants from leaving a specific area; and
2. Reduce or eliminate the introduction of pollutants; and
3. Protect sensitive areas; and
4. Prevent the interaction between precipitation and pollutants.

BMPs: Best management practices.

Control Measure: A practice or combination of practices to control soil erosion and attendant pollution, see also best management practices.

Detention Facility: A natural or manmade structure, including wetlands used for temporary storage of runoff and which may contain a permanent pool of water, or may be dry during times of no runoff.

Erosion: Any process that wears away at the surface of the land by the action of water, wind, ice, or gravity.

Extraterritorial Jurisdiction: The area outside of the City limits over which the zoning authority of the City may be extended under state law, and over which it has in fact been extended by ordinance.

Flood Fringe: That portion of the flood plain outside of the floodway.

Floodplain: The areas adjoining a water course or water basin that have been or may be covered by a base flood.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Hydric Soils: Soils that are saturated, flooded, or covered by water long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. These soils, under natural conditions, are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

Hydrophytic Vegetation: Macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

In lieu fee: A fee which the City of Minot may accept in lieu of requiring that a storm water management plan incorporate certain features, improvements, or facilities.

Land Disturbing Activity: Any manmade change of the land surface including removing vegetative cover, excavating, filling, grading, mining, dredging, and drilling, but not including agricultural activities such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens, and harvesting trees.

Local Detention: Detention provided to serve only the developing area in question and no areas outside of the development boundaries.

Lowest Floor: The lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodplain regulations..

Outlet: Any discharge point from a watershed including storm sewers and combined sewer overflows into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Person: Any individual, corporation, partnership or any other entity, public or private, capable of owning, occupying or developing land.

Retention Facility: A natural or manmade structure that provides storage designed to eliminate or reduce the magnitude of subsequent surface discharge of all or a portion of storm water runoff by means of creating a permanent pool of water (e.g., wet pond).

Runoff: The water from precipitation flowing over the ground surface and into open channels, underground storm sewers, and detention or retention ponds.

Sediment: Solid material or organic material that, in suspension, is being transported or has been moved by air, water, gravity, or ice, and deposited at another location.

Site: The area included in the legal description of the parcel of land on which storm water alteration activities, either projected or ongoing, require the submission and approval of a storm water management plan pursuant to 21.2-1.

Storm Sewer: A pipe or conduit for carrying storm waters, surface runoff, street and wash waters, and drainage, excluding sewage and industrial wastes.

Storm Water Alteration Activities: Activities which, either while being conducted, or upon completion, or both, will result in one or more of the following:

1. An increase in the flow or discharge, per unit of time, of storm water from a given property.
2. Degradation of storm runoff water quality.
3. Restriction of flow in any storm sewer system, open ditch or natural channel, storm water easement, water body, or wetland outlet.

Some examples of storm water alteration activities include the stripping of vegetation from land preparatory to performing cut or fill operations thereon; building roads and parking lots; and altering the grade of land to increase the pitch thereof.

Storm Water Detention: The temporary storage of storm water runoff in ponds, parking lots, depressed grassy areas, roof tops, buried underground tanks, etc., used to delay and attenuate flow and for future or controlled release.

Storm Water Management Permit: A permit issued by the City Engineer pursuant to Chapter 12.5.

Storm Water Management Plan: A document provided for in Chapter 12.2.

Storm Water Management System: Physical facilities that collect, store, attenuate, convey, and treat storm water runoff. These facilities normally include detention and retention facilities, streets, storm sewers, inlets, open channels, and special structures, such as inlets, manholes, and energy dissipaters.

Structure: Anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable and permanent structures, earthen structures, roads, parking lots, and paved storage areas.

Watercourse: The natural path for the flow of water where there is sufficient natural and accustomed runoff to form and maintain a distinct and defined channel, or an open channel facility that has been constructed for such purpose. This shall include any easements which have been obtained for the purposes of runoff conveyance.

Watershed Master Plan: A plan that a professional engineer formulates to manage storm water runoff for a large watershed or drainage basin. It typically addresses such subjects as characterization of the existing and future site development, land uses and grading plan, peak flow rates of runoff, flow duration, runoff volumes for various return frequencies, locations, criteria and sizes of detention or retention ponds and conveyances, runoff control features, land parcels, easement locations, opinions of

probable costs, measures to enhance runoff quality, salient regulations and how the plan addresses them, and consistency with secondary objectives such as public recreation, aesthetics, public safety, and groundwater recharge. This plan is either included as an integral part of a Storm Water Management Plan or it may be developed by the City Engineer to establish compliance criteria to regulate land development activities within a given watershed, provided the plan is reviewed and approved by the City Council after allowing public comment.

Wet Pond: A retention facility which includes a permanent pool of water used for the purposes of providing for the treatment of storm water runoff.

Wetlands: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or when the land is covered by shallow water. Lands which meet all the following criteria are deemed to be wetlands:

1. They are comprised predominantly of hydric soils.
2. They are inundated and saturated by the surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.
3. They exhibit a prevalence of hydrophytic vegetation under normal circumstances.

Article 13: Administration

Chapter 13.1. – Nonconforming Development

SECTION 13.1-1. OVERVIEW

This Chapter will establish regulations that govern uses, structures, lots and other current circumstances that came into being lawfully but that do not conform to one or more requirements of this Ordinance.

A. *Nonconformities*

The regulations in this Chapter address the following types of nonconformities:

1. Nonconforming Uses.

Nonconforming uses are uses that were established in accordance with zoning regulations in effect at the time of their establishment, but which, because of amendments to the zoning regulations, no longer comply with the use regulations of the underlying zoning district.

2. Nonconforming Structures.

Nonconforming structures are buildings or structures that were established in accordance with all zoning regulations in effect at the time of their establishment, but which, because of amendments to the zoning regulations, no longer comply with the dimensional standards of the underlying zoning district.

3. Nonconforming Lots.

Nonconforming lots are lots that were legally created in accordance with zoning district minimum lot size and dimensional standards in effect at the time of their creation, but which, because of amendments to the zoning regulations, no longer comply with the minimum lot size or other dimensional standards of the zoning district.

B. *Intent*

Within the districts established by this Ordinance, or amendments to it, there exists lots, structures, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

C. *Determination of Nonconformity Status*

The burden of establishing whether a nonconformity lawfully exists is the property owner's burden and not the City's burden.

Authority to Continue

Nonconformities shall be allowed to continue in accordance with the regulations of this Ordinance. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on without delay of one (1) year. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction, provided that work shall be carried on without delay of one (1) year.

SECTION 13.1-2. NONCONFORMING LOTS OF RECORD

A. General

1. All lots legally recorded in the office of the Ward County Recorder prior to the passage of this ordinance on April 6, 2021 shall be considered lots of record and may be used for any purpose currently permitted in that zoning district. Any proposed changes in subdivision plats that result in a request for a change in zoning, lot size, or lot shape shall be subject to height, area, and yard setback requirements for the zoning district they are located in.
2. Where a lot of record, created on or before November 3, 1958, is fifty (50) feet or less in width, the required side yard setback may be reduced to ten percent (10%) of the width of the lot, provided, however, that no side yard setback shall be less than three (3) feet.

C1, C2, M1, and M2 Properties

Properties in the C1, C2, M1, and M2 zoning districts that are non-conforming because of parking (amount of spaces or landscaping), paving, site landscaping or screening requirements, and either the site or a building is expanding, said properties shall make site related improvements to bring the site into conformance or closer to conformance with this Ordinance. Improvements shall be based on the following criteria and priorities:

1. Criteria:
 - a. A one-time building addition (or site area expansion) of twenty-five percent (25%) or less of the existing floor area (or site area) does not have to make improvements.
 - b. Buildings or sites expanding twenty-five (25) to fifty (50) percent shall choose one (1) of the priorities below.
 - c. Buildings or sites expanding fifty (50) to seventy-five (75) percent shall choose two (2) of the priorities below.
 - d. Sites with a building completely redeveloped or expanded over seventy-five (75) percent shall meet all landscaping, parking, screening requirements.
 - e. New secondary and accessory structures shall count toward the addition or expansion thresholds as provided in 13.1-2 B. 1. a.-d.

2. Priorities:

- a. Overall increase to the existing amount of green area and number of trees and shrubs planted on site.
- b. If located on a major corridor or arterial, roadway tree requirements and installation of street trees shall be increased to meet requirements of Article 7.
- c. If gravel exists on driveway entries, internal drive aisles, employee or customer parking areas, then those areas shall be resurfaced with approved hard surface material.
- d. If parking areas do not meet parking lot buffer requirements then new trees, shrubs, fencing, berm or a combination thereof, shall be installed to meet requirements of Article 7.
- e. If existing outdoor storage exists, including refuse collection, loading and service areas without required screening then installation of new screening, which meets requirements of the applicable zoning districts, shall be installed.

3. Reporting:

- a. A site plan and narrative describing how the site improvements bring the site closer to compliance shall be submitted for review and approval by the Planning Division.

Lots Zoned R2B and R3B

The R2B and R3B districts are available only for those lots platted prior to July 1, 1980. No new plats for residential construction shall be allowed on or after July 1, 1980, with areas less than the requirements for the R2 District (with the exception of an R3C Townhouse District).

Nonconforming Lots of Record

Lots deemed nonconforming that do not meet minimum lot width or size requirements of the zoning district may be developed, as long as said development is in conformance with all requirements of the subject property's zoning district and other applicable requirements as provided in the Ordinance.

SECTION 13.1-3. NONCONFORMING USES

A. General

Any lawful use of a property which became nonconforming because of the adoption of this ordinance, a change in the zoning, or due to district boundary changes, such use may be continued, even though such use does not conform to the provisions of this Ordinance. If no structural alterations are made, a nonconforming use may be changed to a new use, provided that the new use must be of the same general character or of a less intensive character (and thus more closely conforming) than the existing, nonconforming use. The determination of whether a proposed use is a conforming use or less intensive shall be made by the Planning Division. A nonconforming use, if changed to a conforming use or less intensive nonconforming use, may not thereafter be changed back to a less conforming use. Any appeal to a determination by the Planning Division shall follow the appeals processes as provided in Section 9.1-

9. Appeal of Administrative Decisions or related procedure available at the time of appeal should the Land Development Ordinance of the City of Minot be changed in the future.

Time Limit

Whenever a nonconforming use of a building or portion thereof is discontinued for a continuous period of one (1) year, any future use of said building or portion thereof shall be in conformance with the regulations of the district in which such building is located.

Use of Land

A lawful nonconforming use of land existing as of the date of this ordinance may be continued; provided that no such nonconforming use of land shall be expanded or extended, in any way, either on the same property or adjoining property. If the nonconforming use of land or any portion thereof is discontinued for a continuous period of one (1) year or if it is changed, any future use of the land shall be in conformance with the provisions of this ordinance.

SECTION 13.1-4. NONCONFORMING STRUCTURES

A. Repairs/Maintenance

On any nonconforming structure, or portion of a structure containing a nonconforming use, repair and maintenance may be done. Work may include, but not be limited to, repair or replacement of nonbearing wall, fixture(s), wiring, plumbing, roofing, windows and siding. In addition, the cubic foot content that existed when the building became nonconforming shall not be increased.

Manufactured Home

Notwithstanding any other regulations to the contrary in this Ordinance, a nonconforming manufactured home may be removed from its site and replaced with another manufactured home on the same site provided the replacement unit is placed on the site within thirty (30) days after the removal of the first unit. If not replaced within thirty (30) days, the use of the site shall be required to conform to the zoning district in which the site is located.

Unsafe Structures

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Replacement Criteria

1. Dwellings in AG, RR, R1, R1S, R2, RM, R3C, and RH Districts (Including all associated districts per Table 1.2: Zoning Equivalency Table)

Legal nonconforming dwellings that are nonconforming only because they do not meet setbacks, density, lot size, or lot coverage requirements can be replaced provided any replacement structure

is within the same footprint as the original structure or within current setback requirements. The replacement structure shall be of the same design character, height, and roof design as the original structure. Flat roofs may be altered subject to approval of the Planning Division. The replacement structure must meet all of the requirements of Article 11: Flood Protection.

2. Dwellings in All Other Districts

Legal nonconforming dwellings located in districts other than those provided for in Section 13.1-4. D.1. which experience either of the following qualifying events:

- a. sustained damage by wind, fire, explosion, act of God or the public enemy to the extent of fifty percent (50%) or more of the building's value as determined by the City prior to the damage;
OR
- b. classified as uninhabitable by the Building Official as defined within the Building Code of the Code of Ordinances.

may be replaced provided any replacement structure is within the same footprint as the the original structure or within current setback requirements. The replacement structure shall be of the same design character, height, and roof design as the original structure. Flat roofs may be altered subject to approval of the Planning Division. The replacement structure must meet all of the requirements of Article 11: Flood Protection.

The owner of the property must obtain a building permit for the replacement structure within one (1) year of the qualifying event. The home shall be completed within one (1) year from the time a building permit is issued and may be extended by up to one (1) year, subject to approval by the Building Official.

3. Replacement of All Other Buildings

The criteria noted below apply to all buildings other than those specified in subsection D.1.

a. Damage Greater than or Equal to 50% of the Building Value

A nonconforming building which has been damaged by wind, fire, explosion, act of God or the public enemy to the extent of fifty percent (50%) or more of the building's value as determined by the City prior to the damage shall not be restored except in conformity with the regulations of the district in which it is located.

b. Damage Less than 50% of the Building Value

A nonconforming building which has been damaged by wind, fire, explosion, act of God or the public enemy to the extent of less than fifty percent (50%) of the building's value as determined by the City prior to the damage may be repaired or reconstructed and used as before the time of damage. The building permit for the repair or restoration must be obtained within six (6) months of the date of the damage and restoration must begin within one (1) year of the date of the damage. The City Council may grant a one (1) year extension provided efforts to complete the work are underway.

SECTION 13.1-5. EFFECT OF PRIOR ORDINANCE VERSIONS

A nonconforming use that is in violation of the provisions of any prior version of this ordinance shall not be considered conforming due to the adoption of this ordinance, except as otherwise specifically provided for by a change of district or by a change of regulations within a district.

SECTION 13.1-6. MULTI-FAMILY DWELLINGS IN R1 DISTRICTS

A. Qualified Dwellings

A qualified multi-family dwelling located in an R1 district shall be deemed conclusively to be a prior valid non-conforming use, without regard to whether in point of fact it is entitled to such status. In order to qualify, a multi-family dwelling for the protection afforded by the prior sentence, the owner thereof shall submit proof to the Office of the City Engineer that such property was used as a multi-family dwelling on or before January 1, 1999, and continuously thereafter. Such proof must be submitted on or before July 1, 2002. The standard of proof to be met is a preponderance of the evidence. In the event that the City Engineer determines that the proof offered is insufficient in a given instance, he shall allow it to be supplemented or amended, or both, but the July 1, 2002, deadline for the submission of proof shall not be extended for that purpose. An adverse decision of the City Engineer may be appealed to the City Council, the decision of which concerning such appeal shall be considered to be final for the purpose of the judicial doctrine requiring a litigant to exhaust administrative remedies.

Dwellings Not Qualified

After July 1, 2002, a multi-family dwelling located in an R1 district which is not a qualified multi-family dwelling under subsection A for the protection afforded thereby shall be deemed not to be protected by the doctrine of prior valid non-conforming use, without regard to whether otherwise it would be so protected. However, in the event that the owner of such property makes the factual showing contemplated by subsection A, which is defective only in that it is proffered after July 1, 2002, the property which is the subject of such late proof shall be deemed to be a prior, valid non-conforming use, but such status shall expire on December 31, 2020, and thereafter such property shall be considered non-conforming.

Notice of Requirements

To insure that the abolishment or partial abolishment of rights effected by subsections A and B above may be accomplished consistently with the requirements of "due process" mandated by the Fourteenth Amendment to the United States Constitution, the City Engineer shall provide general notice to the public by way of publication, and specific notice to landowners in the R1 district, by way of written notice enclosed with their real estate tax statements, of the requirements and operation of subsections A and B.

Rights of the City

Nothing herein shall be construed as waiving the right of the City of Minot to proceed against an existing or future invalid non-conforming use, except as provided in paragraphs A and B above. In addition, pursuant to the flood disaster sustained by the city of Minot in 2011, and contrary to the provisions of Section 13.1-3(A) specified above, those homes located in the flooded zones of 2011 and

previously meeting the criteria of Section 13.1-6(A), may be reconstructed and granted non-conforming use status as granted therein, and those homes located in the flood zones of 2011 and previously meeting the criteria of Section 13.1-6(B), may be reconstructed and granted non-conforming use status as granted therein until December 31, 2031.

Chapter 13.2. – Enforcement and Penalty

SECTION 13.2-1. ENFORCEMENT PROCEDURE

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

SECTION 13.2-2. PENALTY

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

Chapter 13.3. – Interpretation

SECTION 13.3-1. INTERPRETATION, PURPOSE, AND CONFLICT

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

Article 14: Definitions

Chapter 14.1. – General Definitions

Article 14 contains definitions for technical terms, phrases, and land use types which are used throughout the Zoning Ordinance. If any of the definitions in this Chapter conflict with definitions in other provisions of the Ordinance, these definitions shall control. If a word is not defined in this Chapter or in other provisions of the Zoning Ordinance, the Planning Division shall determine the correct definition.

SECTION 14.1-2. TENSES

All words used in the present tense include the future tense. All words in the plural number include the singular number and vice versa, unless the natural construction of the wording indicates otherwise.

SECTION 14.1-3. MANDATORY AND DISCRETIONARY TERMS

The words “shall,” “will”, and “must” are mandatory (i.e. required). The words “may” and “should” are discretionary terms (i.e. not required, but encouraged).

SECTION 14.1-4. CONJUNCTIONS

In the Definitions Article and throughout the ordinance, the word “and” indicates that all connected items, conditions, provisions, or events apply. The word “or” indicates that one or more of the connected items, conditions, provisions, or events may apply.

SECTION 14.1-5. LAND USE

The words “use” and “used”, as they pertain to land use and zoning, shall be deemed also to include future uses or development which are designed, intended, or arranged for a site or building in accordance with the City of Minot Comprehensive Plan, in addition to existing uses which may occupy a site.

SECTION 14.1-6. PUBLIC ENTITIES, OFFICIALS, AND AGENCIES

The word “City” means the City of Minot, North Dakota; the term “City Council” means the city council of said city; the term “City Planning Commission” means the planning commission of said city. All officials referred to herein refer to the current and future appointed officials of said city or their authorized representatives.

Chapter 14.2. – Reference to Article Definitions

In addition to the terms defined herein, some sections of this Ordinance contain their own content-specific definitions:

- A. Design Standards:** Additional terms pertaining to district-specific design standards are defined in Chapter 3.3.

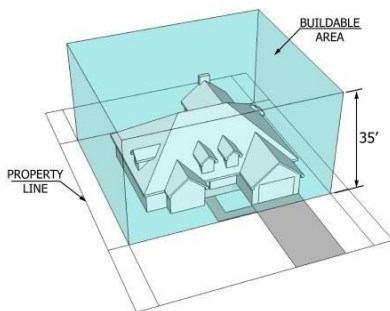
- B. Flood Protection:** Additional terms pertaining to flood protection are defined in Chapter 10.6.
- C. Landscaping:** Additional terms pertaining to landscaping are defined in Chapter 6.2
- D. Parking and Loading:** Additional terms pertaining to parking and loading are defined in Chapter 5.2.
- E. Signs:** Additional terms pertaining to signage are defined in Chapter 4.2.
- F. Subdivisions:** Additional terms pertaining to subdivisions are defined in Chapter 9.5.
- G. Use Table Definitions:** Additional terms pertaining to uses are defined in Chapter 1.3.
- H. Wireless Communication Facilities:** Additional terms pertaining to wireless communications are defined in Chapter 7.2.

Chapter 14.3. – Definition of Specialized Terms and Phrases

Actual Construction: the active building of a structure or other improvement, including the placing of construction materials in permanent position and fastened in a permanent manner.

Building: Any structure with a roof supported by walls. The word “building” also includes the word “structure”.

Building Area: That portion of the lot that can be occupied by the principal use, excluding required yard areas.



Building Code: The current, adopted building code in effect in the City of Minot.

Building Height: The vertical distance from the grade to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Building Setback: The required minimum distance measured between the building foundation line and the property lines. Also known as “yard”.

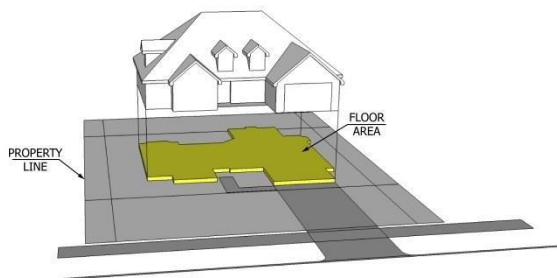
Building Value: The value of a building as determined by the City Assessor or the fair market value as determined by an independent appraiser. In the case of nonconforming buildings, the Planning division shall determine the source of the building value (City Assessor or independent appraiser).

Comprehensive Plan/Land Use Plan: The current adopted long-range plan(s) which provides a guide for future land use and zoning in the City of Minot and its extraterritorial areas.

Density: The quotient of the total number of dwelling units divided by the total acreage of a site. (Density may also be expressed as the amount of land area per dwelling unit.)

Extraterritorial Jurisdiction: The territorial zoning and subdivision authority of the City which extends to all unincorporated land located within two (2) miles of the corporate limits of the City as authorized by the North Dakota Century Code.

Floor Area: The total number of square feet of floor space within the exterior walls of a building, not including space in basements, carports, or garages.



Grade: The elevation of the ground. For the purpose of measuring the height of structures:

1. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
2. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building, if approved by the City Engineer.
4. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists the grade shall be established by the City Engineer.

Licensed Motor Vehicle: Any personal motorized vehicle or equipment which is licensed and operable for the current year in which it is inspected by the City. This includes personal passenger vehicles with a cargo capacity rating of one ton or less and recreational equipment.

Lot Area: The computed area contained within the property boundaries.

Lot Coverage: The area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.

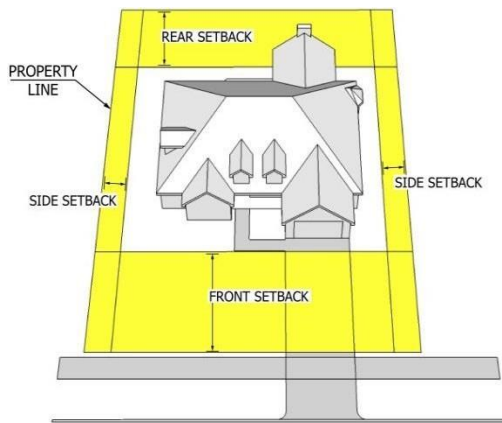
Lot Depth: The distance, as measured by a straight line, between the front and rear lot lines.

Lot Width: The distance, as measured by a straight line, between side lot lines, measured at the front yard setback.

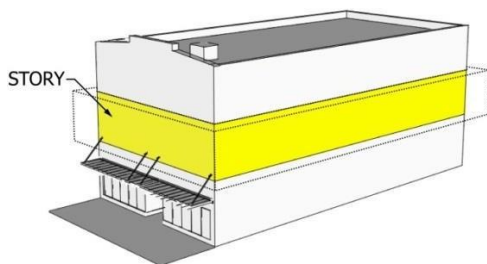
Nonconforming Lots: Nonconforming lots are lots that were legally created in accordance with zoning district minimum lot size and dimensional standards in effect at the time of their creation, but which, because of amendments to the zoning regulations, no longer comply with the minimum lot size or other dimensional standards of the zoning district.

Nonconforming Structures: Nonconforming structures are buildings or structures that were established in accordance with all zoning regulations in effect at the time of their establishment, but which, because of amendments to the zoning regulations, no longer comply with the dimensional standards of the underlying zoning district.

Nonconforming Uses: Nonconforming uses are uses that were established in accordance with zoning regulations in effect at the time of their establishment, but which, because of amendments to the zoning regulations, no longer comply with the use regulations of the underlying zoning district.



Story: The portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story: A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least fifty percent (50%) of the perimeter and does not exceed twelve (12) feet above grade at any point.



Story, First: The lowest story in any building which qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade for more than fifty percent (50%) of the total perimeter, or not more than eight (8) feet below grade at any point.

Street Classification: Includes principal arterials, minor arterials, and collector streets that are part of the functional classification system of the City, which defines the function a roadway within the hierarchy of the overall roadway system. These are the major streets of the City's transportation system and are further defined in the City's current Transportation Plan.



Taxable Assessed Value: The value of a building and/or land as determined by the City Assessor.