

ORDINANCE NO. 2026

**AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 62,
RELATING TO SHORT-TERM RENTAL USES AND LICENSING
PROCEDURE**

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

SECTION 1: Section 62-133. Commercial use types. of Chapter 62 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 62-133. – Commercial use types.

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

- 1) *Agricultural sales and service.* Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.
- 2) *Automotive and equipment services.* Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:
 - a. *Automotive rental and sales.* Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
 - b. *Auto services.* Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales, and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
 - c. *Body repair.* Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
 - d. *Equipment rental and sales.* Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include

truck dealerships, construction equipment dealerships, and mobile home sales establishments.

- e. *Equipment repair services.* Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
 - f. *Vehicle storage.* Storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-always or impound yards but exclude dismantling or salvage. Long-term storage of operating or non-operating vehicles beyond 21 days constitutes an industrial use type.
- 3) *Bed and breakfast.* A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purposes of this chapter, bed and breakfasts are always owned and operated by the resident owner of the structure, include no more than ten units, and accommodate each guest or visitor for no more than seven consecutive days during any one-month period.
 - 4) *Business support services.* Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.
 - 5) *Business or trade schools.* A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
 - 6) *Campground.* Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor.
 - 7) *Cocktail lounge.* A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.
 - 8) *Commercial recreation (indoors).* Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. The preponderance of activities occur within enclosed structures. Typical uses include movie theaters, private dance halls, or private skating facilities.
 - 9) *Commercial recreation (outdoors).* Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. The preponderance of activities occur outside of enclosed structures. Typical uses include driving ranges, commercial racetracks, and drive-in theaters.

- 10) *Communications services*. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast towers, and their minor ancillary ground structures are classified as miscellaneous use types.
- 11) *Construction sales and services*. Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under automotive and equipment services. Typical uses include building materials sales, or tool and equipment rental or sales.
- 12) *Consumer services*. Establishments which provide services, primarily to individuals and households, but excluding automotive use types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.
- 13) *Convenience storage*. Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
- 14) *Crematorium*. An establishment containing a furnace for the purpose of reducing human or animal bodies or remains to ashes by burning.
- 15) *Food sales*. Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food sales establishments may include the sale of non-food items. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
 - a. *Convenience food sales*. Establishments occupying facilities of less than 10,000 square feet, and characterized by sales of specialty foods or a limited variety of general items, and by the sale of fuel for motor vehicles.
 - b. *Limited food sales*. Establishments occupying facilities of less than 10,000 square feet, and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, small grocery stores.
 - c. *General food sales*. Establishments selling a wide variety of food commodities, using facilities larger than 10,000 square feet. Typical uses include supermarkets.
- 16) *Funeral services*. Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- 17) *Gaming facilities*. Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to licensing regulations of the City or the State.

- 18) *General and limited retail services—Generally.* Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wall paper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).
- 19) *General and limited retail services—Establishment categories.* General retail services include:
- a. *Limited retail services.* Establishments providing retail services, occupying facilities of 5,000 square feet or less for any single establishment or 10,000 square feet or less for a multi-tenant facility. Typical establishments provide for specialty retailing or retailing oriented to the City and a local market.
 - b. *General retail services.* Establishments providing retail services, occupying facilities of more than 5,000 square feet for any single establishment or more than 10,000 square feet for a multi-tenant facility. Typical establishments provide for general purpose retailing oriented to the City and its immediate vicinity.
- 20) *Kennels.* Boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which three or more animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities; pet motels, or dog training centers.
- 21) *Laundry services.* Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.
- 22) *Liquor sales.* Establishments or places of business engaged in retail sale for off-premises consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.
- 23) *Lodging.* Lodging services involving the provision of room and/or board, but not meeting the classification criteria of bed and breakfasts. Typical uses include hotels, apartment hotels, and motels.
- 24) *Microbrewery pub and distillery.*
- a. A microbrewery pub shall be defined as a brewer that brews 10,000 barrels or less per year and sells beer produced or manufactured on the premises for consumption on or off the premises, or serves beer produced or manufactured on the premises for the purposes of sampling the beer.

- b. A distillery shall be defined as a use where the owner operator may produce distilled spirits in accordance with the applicable provisions of the North Dakota Century Code.
- 25) *Personal improvement services*. Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
- 26) *Personal services*. Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry cleaning stations serving individuals and households, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
- 27) *Pet services*. Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.
- 28) *Research services*. Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.
- 29) *Restaurants*. A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment's gross income.
- a. *Restaurant (drive-in or fast food)*. An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
 - b. *Restaurant (general)*. An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to drive-in or fast food restaurants. Typical uses include cafes, coffee shops, and restaurants.
- 30) *Stables and/or riding academies*. The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.
- 31) *Surplus sales*. Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.
- 32) *Trade services*. Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or

operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

33) *Vehicle storage (short-term)*. Short-term storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage. Long-term storage beyond 21 days constitutes an industrial use type.

34) *Veterinary services*. Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

35) *Short-term rental*. A residential unit where sleeping accommodations are furnished to transient guests for a charge. This definition only applies to single structures with five or fewer guest rooms, ten or fewer total occupants, and where guests stay for fewer than 28 days.

SECTION 2: Table 62-162-2. Permitted Uses by Zoning Districts., as outlined in Section 62-162. Development Regulations. of Chapter 62 of the Municipal Code of the City of Dickinson, is hereby amended and re-enacted as follows:

Sec. 62-162. – Development regulations.

Table 62-162-2 Permitted Uses by Zoning Districts

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Agricultural Uses														
Horticulture	P	P			S		P	P		P	P	P	P	62-466(b)(1)
Crop Production	P	P											P	62-466(b)(1)
Type I Animal Production	P	S												62-466(b)(3)
Type II Animal Production	S													
Type III Animal Production	S													
Livestock Sales	S										S	S		
Residential Uses														
Single-Family Detached	P	P	P	P	P	P	S							

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Single-Family Attached				P	P	P	S							62-467(2)
Duplex	P			P	P		S							
Townhouse	P			P	P		S		P					62-467(3)
Multiple Family				P	P		S		P					
Downtown Residential									P					62-467(4)
Mobile Home Park						S								62-467(5)
Mobile Home Subdivision						S								62-467(6)
Manufactured Housing Residential	P	P	P	P	P	P	S							
Retirement Residential	S		S	P	P		S		S					
Home Occupations	S	S	S	S	S	S			S					62-471(1)
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	Note 7
Accessory Dwelling Units Commercial								P	P		P			Note: Subject to approval in accordance with § 62-474(b)
Accessory Dwelling Units Residential	P	P		P	P	P								Note: Subject to approval in accordance with § 62-474(a)
Civic Uses														
Cemetery	P	S	S	S									S	
Clubs	S	S	S	S	S	S	S	P	P	P				62-468(1)
College/University													P	
Convalescent Services	S	S		S	S	S	P	P	P	P				
Cultural Services		S	S	S	P	P	P	P	P	P	P		P	
Day Care (Family)	P	P	P	P	P	P	P	P	P	P	S			62-131(7)

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Day Care (Group)	S	S	S	S	P	S	P	P	P	P	S			62- 131(8)
Detention Facilities	S								S	S	S		S	
Emergency Residential	P	P	P	P	P	P	P	P	P	S	S			
Golf Courses (Public)	S	S	S	S	S	S							P	
Government Offices							P	P	P	P	P		P	
Group Care Facility	S	S	S	S	P	S	P	P	P	P				62- 468(3)
Group Home	P	P	P	P	P	P	P	P	P	P				62- 468(3)
Group Living Facility					S	S	S	S	S	S				62- 468(4)
Guidance Services					P		P	P	P	P	P	P		
Hospitals					S		P	P	P	P	S		S	
Health Care	S	S			S		P	P	P	P	P	P	S	
Libraries (Public)							P	P	P	P			S	
Maintenance Facilities	S	S						S		P	P	P	S	
Park and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities							P	P	P	P	P	P	P	
Primary Education	S	P	P	P	P	P	P	P	P	S			P	
Public Assembly							S	S	P	P			P	
Religious Assembly	P	P	P	P	P	P	P	P	P	P	S			
Columbarium Associated with Religious Assembly (Indoor/Outdoor)	S	S	S	S	S	S	S	S	S	S	S			
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary Education													P	

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Sports Facilities, Field, and Arenas (Public)													P	
Utilities	S	S	S	S	S	S	S	P	P	P	P	P	S	
Office Uses														
General Offices	S				S		P	P	P	P	P	P		
Financial Services					S		P	P	P	P	P	P		
Medical Offices					S		P	P	P	P	P	S		
Commercial Uses														
Ag Sales/Services	S							S		P	P	P		
Auto Rental/Sales								S	S	P				62- 469(3)
Auto Services							S	P	S	P	P	P		62- 469(1) , (2)
Body Repair								S		P	P	P		62- 469(1)
Equipment Rental/Sales										P	P	P		62- 469(3)
Equipment Repair										P	P	P		62- 469(1)
Veh. Storage (Short-Term)										P	P	P		
Bed and Breakfast	P	S		S	P		P	P	P	P				62- 469(4)
Business Support Services							P	P	P	P	P	P		
Business/Trade School								P	P	P	P			
Campground	S					S				S				
Cocktail Lounge								P	P	P				
Commercial Recreation (Indoor)	S						S	P	P	P	P			
Commercial Recreation (Outdoor)	S								S	P	P	P	S	

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Communication Service							P	P	P	P	P	P		
Construction Sale/Service								S		P	P	P		
Consumer Service							P	P	P	P	P			
Convenience Storage	S				S	S	S	S		S	P	P		62-469(6)
Crematorium										S	S	P		
Microbrewery pub and distillery								P	P	P				
Food Sales (Convenience)							S	P	P	P	P	P		
Food Sales (Limited)							P	P	P	P				
Food Sales (General)							S	P	P	P				
Funeral Service					S		P	P		P				
Columbarium (Outdoor)					S		S	S		S				
Limited Retail Services							P	P	P	P				
Gaming Facility								S	S	P				
General Retail Services								P	P	P				
Kennels	P	S								S	P	P		
Laundry Services								S	S	P	P	P		
Liquor Sales		S					P	P	P	P				
Short-term Rentals		P	P	P	P	P			P					62-469(8)
Lodging								P	P	P	S			
Personal Improvement					S		P	P	P	P	P	P		
Personal Services					S		P	P	P	P	P	P		
Pet Day Care	P	S	S	S	S		P	P	P	P	P	P		62-476(b)
Pet Services	S						P	P	P	P				
Research Services							P	P	P	P	P	P		
Residential-Commercial							P	P	P	P				

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Restaurants (Drive-In)							S	P	S	P	S	S		
Restaurants (General)	P						P	P	P	P	S	S		
Stables	P	S										S		
Surplus Sales	S								S	P	P			
Trade Services	S							P	S	P	P			
Vehicle Storage										S	P			
Veterinary Services	S	S					S	S	S	P	P			
Parking Uses														
Off-Street Parking			S	S	S		S	S	P	P	P	P		
Parking Structure								S	S	S	P			
Industrial Uses														
Adult Entertainment Center											S	S		Ch. 30, Art. III
Custom Manufacturing								S	S	P	P	P		
Light Industry											P	P		
General Industry												P		
Heavy Industry												S		
Oil Wells	P											P		16-166
Resource Extraction	P											P		16- 166
Salvage Services and Yards, Junk Yards												P		62- 470(a) (1)
Vehicle Storage (Long-term)											P	P		
Warehousing (Open)											P	P		
Warehousing (Closed)									S	P	P	P		
Construction Yards										S	P	P		
Recycling Collection								S		P	P	P		

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

*Note: Provisions of Sections 62-471 and 62-472 apply to all use types.

P = Uses Permitted by Right S = Uses Permitted by Special Permit Blank = Use Not Permitted
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SECTION 3: Section 62-469. Commercial use types. of Chapter 62 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 62-469. – Commercial uses.

The following are supplemental use regulations for commercial uses:

- 1) Auto repair, equipment repair, and body repair.
 - a. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Article VIII of this chapter.
 - b. Any spray painting must take place within structures designed for that purpose and approved by the Zoning Administrator.
- 2) Auto washing facilities.
 - a. Each conveyor operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and a minimum stacking space of 40 feet on the exit side.
 - b. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.
- 3) Automobile and equipment rental and sales.
 - a. All outdoor display areas for rental and sales facilities shall be an improved surface, including paving or crushed rock.
 - b. Body repair services are permitted as an accessory use to automobile rental and sales facilities.
- 4) Bed and breakfasts. Bed and breakfasts permitted in the DC district must provide any sleeping facility only on levels above street level, except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.
- 5) Campgrounds.
 - a. Minimum size. Each campground established after the effective date of the ordinance from which this chapter is derived shall have a minimum size of one acre.
 - b. Setbacks. All campgrounds shall maintain a 50-foot front yard setback and a 25-foot buffer yard from all other property lines.
 - c. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.
 - d. Campgrounds shall not be permitted to be used for any of the purposes as provided for in Division 2 of this article. Any campground containing one or more

lodging units or skid units ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis, which are not real property, as defined in N.D.C.C. § 57-02-04, and are not mobile homes, as defined in N.D.C.C. § 57-55-01, shall be obligated to comply with Division 2 of this article and obtain a crew housing special use permit, as provided therein.

- 6) Convenience storage. When permitted in the AG, GC, and LI districts, convenience storage facilities shall be subject to the following additional requirements:
 - a. The minimum size of a convenience storage facility shall be one acre.
 - b. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
 - c. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
 - d. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
 - e. No storage buildings may open into required front yards.
 - f. Facilities must maintain landscaped buffer yards of 35 feet adjacent to any public right-of-way and 20 feet from the adjacent property lines if the adjacent properties are of a less intensive zoning district and/or unless greater setbacks are required by Article VIII of this chapter.
- 7) Pet day care. When permitted by special use permit in the RR, R1, R2, and R3 districts, or as a permitted use in other zoning jurisdictions as set forth in Table 62-162-2, pet day cares shall be subject to the following additional requirements:
 - a. Buildings shall be of adequate structure and maintained in good repair so as to ensure protection of pets from injury and to prevent departure of pet from designated structure.
 - b. Shelter shall be provided to allow access to shade from direct sunlight and regress from exposure to rain or snow. Accommodations shall provide safe harbor when the atmospheric temperature is below 50 degrees Fahrenheit or below that temperature to which the particular pets are acclimated. Indoor facilities shall be provided for all pets.
 - c. Indoor and outdoor facilities shall at all times be provided with ventilation by means of doors, windows, vents, air conditioning or direct flow of fresh air that is adequate to provide for the good health of the pets and the prevention of offensive odor, mold, or disease. Such ventilation shall be environmentally provided to minimize drafts, moisture condensation, odors or stagnant vapors of excreta.
 - d. Ample lighting shall be provided by natural or artificial means, or both, during sunrise to sunset hours to allow efficient cleaning of the facilities and routine inspection of the facilities and pets contained therein.
 - e. Ceilings, walls, floors, furniture, and play equipment shall be constructed to lend themselves to efficient cleaning and sanitizing. Such surfaces shall be kept in good repair and maintained so that they are substantially impervious to moisture. Floors and walls to a height of four feet shall have finished surfaces. Upholstered furniture or carpeting shall not be permitted in that portion of the facility to which pets have access.
 - f. Food supplies and bedding materials shall be stored to adequately protect them from contamination or infestation by vermin or other factors that would render the

food or bedding contaminated or diseased, or otherwise attract vermin or other nuisance to the site. Separate storage facilities shall be maintained for cleaning and sanitizing equipment and supplies.

- g. Washrooms, basins or sinks shall be provided within or be readily accessible to each facility for maintaining cleanliness among animal caretakers and sanitizing of food and water utensils.
- h. Equipment shall be available for removal and disposal of all waste materials from the building to minimize vermin infestation, odors and disease hazards. Drainage systems shall be functional to achieve the above purposes.
- i. Facilities shall be provided to isolate any pet that becomes sick or injured to prevent the spread of disease or illness.
- j. Outdoor pet runs and exercise areas shall be of sound construction and kept in good repair so as to safely contain the pets therein without injury or risk of escape. Floors shall be concrete, gravel or materials which can be regularly cleaned and kept free of waste accumulation. Grass runs and exercise areas are permissible provided adequate ground cover is maintained, holes are kept filled, ground cover is watered sufficiently to dilute and clean the cover to avoid disease, solid waste is removed prior to watering, and the ground cover is not allowed to become overgrown.
- k. Any portion of the premises where pets are permitted outdoors shall have a fence of the maximum height allowed by this Code. Such fence shall be maintained in good condition so as to mitigate the visual and audial effects of the operation, and to properly contain any pets permitted in that area. The permit holder may not use an existing fence if it is owned by the adjacent property owner.
- l. The proprietor shall maintain current vaccination records on each pet permitted at the facility to ensure public safety.
- m. The proprietor shall obtain and maintain insurance specific to the risks associated with operating a pet day care, which shall include, but not be limited to, coverage protecting the general public in the event of animal bites and property damage caused by loose or escaped animals.
- n. Group interaction is permitted for pets that are compatible with one another. The permit holder shall not permit play which creates a hazard to the public or a nuisance such as noise.
- o. The play area for pets shall provide for a minimum of 75 square feet per pet, provided that the maximum number of pets allowed at any one facility shall be ten, including animals owned by the permit holder. The permit issued by the City shall be displayed prominently at the site, and shall contain the calculation of the Planning Department as to the authorized number of animals.
- p. The permit holder shall appear annually before the Planning Commission for renewal of the permit. The Planning Department may require an annual site inspection prior to renewal.
- q. Any permit issued under this section shall be nontransferable as to the permit holder and/or the premises to be permitted. A permit holder may not relocate their operation using the same permit. A permit approved at a particular location may not be transferred to a new individual or business.

- r. Complaints regarding dog bites, nuisance animals, or excess noise shall be investigated by the Police Department.
- s. Complaints regarding any zoning violation or any other condition of the permit shall be investigated by the Planning Department.
- t. In the event a complaint is made, regardless of which department investigates, the Planning Department may conduct a site visit to determine whether the permit holder is in compliance with the terms of the permit. The Planning Director may require the permit holder to appear before the Planning Commission to address the complaint.
- u. In the event two complaints of any nature against the permit holder are substantiated and validated through a hearing before the Planning Commission, within a rolling 12-month period, the Planning Commission shall revoke the special use permit. Upon revocation, the permit holder shall cease operations within 30 days, or appeal the decision to the Board of City Commissioners. Failure to appeal within 30 days of the decision of the Planning Commission shall constitute forfeiture of all rights of appeal, and the decision of the Planning Commission shall become final. If the permit holder appeals to the Board of City Commissioners, the applicant may continue its operations until a decision has been rendered by the Board of City Commissioners. If the Board of City Commissioners affirms the decision of the Planning Commission, the permit holder shall have 15 days from the date of the decision of the Board of City Commissioners to cease operations.

(8) Short-term rental. When permitted in the RR, R-1, R-2, R-3, MH, and DC zoning districts, short-term rentals shall be subject to the following additional requirements:

- a. Short-term rentals must obtain a license through the Community Development Department. In order to obtain a short-term rental license, the applicant shall provide the following information:
 1. A list of house rules that all guests must abide by while staying on the property. These house rules shall include a maximum number of guests not to exceed maximum occupancy rates as determined by City building and fire codes;
 2. A copy of the property deed, in which the applicant shall be listed as the deed holder;
 3. The information for a primary contact, who shall be available 24 hours a day, 7 days a week, if any issues arise with the rental property;
 4. A list of any other short-term rental uses and licenses the applicant has any financial stake in;
 5. A list of any other residents or entities that have direct financial stake in the proposed short-term rental, as well as the names of the primary stakeholders for any businesses or corporations with financial stake in the property;
 6. An emergency plan that demonstrates to guests how to respond to emergencies such as a fire, as well as a signed statement that there are adequate smoke and carbon monoxide detectors installed in the structure; and

7. Any additional documentation deemed necessary by Community Development staff.
- b. All short-term rental licenses are subject to a calendar yearly renewal. A yearly license fee as determined by the City shall be paid at the time of application submittal.
- c. Any entity is allowed to apply for or have financial stake in a maximum of two short-term rental licenses.
- d. The short-term rental use is only permitted in residential homes owned by the license applicant. Duplexes, townhomes, and apartment complexes with four or fewer units must obtain a license for each individual unit being rented. This use is not permitted within apartment complexes with more than four units, accessory structures, or ADU's. Any residences utilized as a short-term rental shall be residential in appearance.
- e. The property must meet current zoning requirements, including proper setbacks, landscaping, and off-street parking requirements.
- f. Penalty for Ordinance Violations: Any license issued pursuant to this Chapter may be suspended or revoked by the Board of City Commissioners for violating any of the provisions of this Chapter. Any licensee or agent or employee of a licensee who has violated any provisions of this Chapter shall be subject to the following penalties, in addition to possible license revocation:
 1. First Offense: \$250 administrative fine.
 2. Second Offense: \$500 administrative fine.
 3. Third Offense: \$750 administrative fine and license revocation.
- g. The denial of a short-term rental license can be performed at the discretion of the Community Development Director or designees. If an applicant wishes to contest a denial or revocation, they shall submit a written request to the Community Development Director or designee to be brought forward for a public hearing in front of City Commission regarding overturning the denial or revocation. The City Commission may overturn a license denial or revocation with a simple majority vote and resolution.
- h. In the event that a license is revoked due to the applicant violating one of the rules outlined above, the applicant may not apply for a new license until at least six (6) months have passed. An applicant having had multiple license revocations in the past may serve as justification to deny a new license application.

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

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

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

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading: _____, 2026

Second Reading: _____, 2026

Final Passage: _____, 2026