

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 1592 IMPACTING THE DISTRICT ZONING MAP FOR REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCKS OR TRACTS OF LAND WITHIN THE ZONING JURISDICTION OF THE CITY OF DICKINSON, NORTH DAKOTA.

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

Section 1: That the entirety of Ordinance No. 1592, concerning the Planned Unit Development (PUD) zoning district within Block 10; Block 11; and Lots 1 & 2 of Block 4 of the Hilliard and Manning Addition, and Block 14 and Block 15 of the Hilliard 3rd Addition within the City of Dickinson, be repealed and replaced with the following Ordinance.

Section 2: That the City of Dickinson Zoning Map designating the area and boundaries of the "R-1" and "PUD" zoning districts within the zoning jurisdiction of the City of Dickinson, North Dakota, is hereby amended as follows:

1. To reclassify and rezone the following lots within the City of Dickinson, Stark County, from Single Family Residential (R-1) to Planned Unit Development (PUD):

Block 10; Block 11, Lots 1 & 2 Block 4, Hilliard and Manning Addition; and Block 14 and Block 15, in Hilliard 3rd Addition, City of Dickinson.

Section 3: That the afore-mentioned rezoning is conditioned as follows:

1. Prior to issuance of any building permits, all plans shall be in conformance with the application materials in Attachment A and project plans described therein as the Google map Attachment. An agreed upon development schedule shall be proposed and included within the Development Agreement (DA).
2. The PUD approval shall expire two (2) years from the date of the executed Ordinance if no significant development has occurred as determined by the Planning Director.
3. The following uses shall be prohibited within the PUD:
 - a. All uses outside the scope of the proposal/review
 - b. On site convenience storage for general public use/access
 - c. Non-residential uses operating outside the hours of 8 a.m. to 5 p.m. and outside of Monday through Saturday.
4. With the exceptions listed in the previous condition, the uses within the PUD shall be as follows:
 - a. Office uses;
 - b. Multi-family for adults aged 55 and older;
 - c. Special uses allowed in the High-Density Residential (R3) zoning district

subject to approval by the City Commission;

- d. Convenience storage for on-site residents and on-site offices only;
 - e. Restaurants (generally); and
 - f. Limited retail services.
5. Unless stated otherwise in these conditions, the development standards for the PUD shall be those of the zoning districts identified on the PUD zoning map included in proposed floorplan uses.
 6. Prior to installing any temporary or construction structures on-site, the applicant must receive approval from the City and have a plan to secure and obscure them from the neighborhood. Temporary construction housing shall be prohibited.
 7. Prior to Final PUD approval, all building designs, including style, materials, site location, and amenities/landscaping/fencing shall be approved to the satisfaction of the Planning Director and shall be included in the DA.
 8. The timing of building permit issuance shall be described in the Development Agreement and any restrictions with respect to issuance of building permits shall be described therein.
 9. All outdoor storage during construction shall be situated away from view of existing residences and secured.
 10. All outside screening, fencing, and landscaping shall be installed and maintained during the construction of the project with the exception of interior parking lot islands that will need to be completed prior to a certificate of occupancy being issued for any portion of the structure.
 11. All trash receptacles, HV AC, and utility services shall be screened to the satisfaction of the Planning Director during the initial phases of the project.
 12. The developer shall work in concert with law enforcement and emergency responders to facilitate public safety.
 13. Emergency vehicle access around commercial and residential portions of the building shall be maintained at all times and coordinated with EMS staff during and after construction.
 14. The PUD approval shall be conceptual in nature and not to be interpreted as building permit approval. All development shall be required to be consistent with all applicable Federal, State, and County regulations and the Dickinson Municipal Code.
 15. Adequate parking lot/site directional lighting shall be installed for the safety of the patrons, employees, and residents without interfering with the existing single family residential neighborhood.
 16. The developer shall designate resident parking adjacent to the entrances of the residential portions of the structure, and require staff and patrons to utilize parking adjacent to the commercial offices or across 7th Street West in the overflow lot. Adequate ADA parking/access shall be provided throughout the site.
 17. All site improvements, except those related to the interior parking aisles, shall be completed in the first year of construction onsite.
 18. All conditions of zoning shall be included within the DA and shall be finalized prior to the second reading by the City Commission.
 19. The developer shall coordinate with the Fire Department for proper access prior to installation of any landscaping and screening.

20. Parking spaces to the south of the property located within the 7th Street West right-of-way shall remain public parking and shall be maintained by the City of Dickinson. Maintenance includes pavement repairs and the striping of parking spaces. The property owner and the City shall continue to collaborate in order to provide adequate snow removal services to and around the property.

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: _____, 2025

Second Reading: _____, 2025

Final Passage: _____, 2025