

ORDINANCE NO. 1798

AN ORDINANCE AMENDING AND RE-ENACTING SECTIONS 39.02.006, 39.02.009, 39.02.010, 39.02.022, 39.02.023, 39.02.024 OF ARTICLE 39.02, SECTION 39.03.005 OF ARTICLE 39.03, SECTION 39.04.005 OF ARTICLE 39.04, SECTION 39.06.004 OF ARTICLE 39.06, OF THE MUNICIPAL CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO ZONING REGULATIONS FOR GROUP LIVING FACILITIES

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

SECTION 1: Section 39.02.006 of Article 39.02 – Definitions of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 39.02.006 C

1. **Certificate of Occupancy:** An official certificate issued by the Building Official, Planning Director, or his/her designee, upon finding of conformance with the Unified Building Code, and upon receipt of a Certificate of Zoning Compliance.

2. **Certificate of Zoning Compliance:** An official certificate issued by the Building Official or his/her designee, which indicates that the proposed use of building or land complies with the provisions of the Zoning Ordinance.

3. **Change of Use:** The replacement of an existing use by a new use.

4. **Cluster:** A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

5. **City:** The City of Dickinson, North Dakota.

6. **City Commission:** The City Commission of Dickinson, North Dakota.

7. **Collector Street:** A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.

8. **Columbarium:** Any building or structure used or intended to be used for the interment of cremated human remains.

9. **Commercial Vehicles:** Shall mean trucks, tractor cab units, trailers, used in any way as part of any commercial application, endeavor or business.

10. **Common Area:** An area held, designed, and designated for common or cooperative use within a development.

11. **Common Development:** A development proposed and planned as one unified project not separated by a public street or alley.

12. **Common Open Space:** Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.

13. **Communications Tower:** A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

14. **Compatibility:** The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

15. Compliance Audit. A systematic and independent examination of an organization's operations, processes, and procedures to determine whether they align with applicable laws, regulations, internal policies, and industry standards. This process helps identify areas of non-compliance, enabling corrective actions to be taken promptly.

1516. Comprehensive Plan: The duly adopted Comprehensive Development Plan of the City of Dickinson.

1617. Condominium: A real estate ownership arrangement that combines fee simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.

1718. Conservation Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

1819. Conservation Subdivision: Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.

1920. Conventional Subdivision: A subdivision which literally meets all nominal standards of the City's zoning and subdivision ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.

2021. County: Stark County, North Dakota.

2122. Court: An approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:

- (a) Serves twelve or fewer housing units or platted lots.
- (b) Does not function as a local street because of its alignment, design, or location.
- (c) Is completely internal to a development.
- (d) Does not exceed 600 feet in length.

2223. Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building. (Ord. No. 1171 § 1, Ord. No. 1610 § 1, Ord. No. 1728 § 2, Ord. No. 1742 § 1, Ord. No. 1754 § 1)

SECTION 2: Section 39.02.009 of Article 39.02 – Definitions of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 39.02.009 F

1. Family: One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than four of whom may be unrelated. The following persons shall be considered related for the purpose of this title:

- (a) Persons related by blood, marriage, or adoption;
- (b) Persons residing with a family for the purpose of adoption;
- (c) Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of North Dakota.
- (d) Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of North Dakota.
- (e) Person(s) living with a family at the direction of a court.

2. Family shelter: A single-family dwelling that shelters a family who are persons related by blood, marriage or adoption, or no more than four individuals occupying a dwelling unit who are committed to living together as a single housekeeping unit, in harmony with the surrounding neighborhood, responsible for maintaining a common household.

3. Federal: Pertaining to the Government of the United States of America.

34. Floor Area Ratio: The quotient of gross floor area divided by gross site area.

45. Frontage: The length of a property line of any one premises abutting and parallel to a public street, private way, or court. (Ord. No. 1171 § 1.)

SECTION 3: Section 39.02.010 of Article 39.02 – Definitions of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 39.02.010 G

1. Grade: The surface of the ground, court, lawn, yard, or sidewalks adjoining a building, with the established grade being one fixed by the city and which established grade shall also constitute the natural grade and the finished grade.

2. Gross Floor Area: The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

3. Ground Mounted Equipment: Any equipment that is affixed to the ground and extends above the natural grade.

4. Group facility. A type of facility that shelters multiple people who are currently unhoused or at imminent risk of becoming unhoused. Group facilities are supervised at all hours that the residents are present.

45. Guidelines or Wireless Facility Guidelines: Any procedure or description from the city engineer and the city planning director, which may be modified and amended from time to time, concerning wireless facility application process and siting requirements. Any such Wireless Facilities Guidelines shall be consistent with this article. (Ord. No. 1171 § 1; Ord. No. 1728 § 4)

SECTION 4: Section 39.02.022 of Article 39.02 – Definitions of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 39.02.022 S

1. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this ordinance.

2. Setback: The distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.

3. Sign: A symbolic, visual device fixed upon a building, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

4. Site: The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this ordinance.

5. Site or Premises: In the context of 39.06.012, means the area occupied by the wireless support structure, the wireless communications facility, accessory equipment, ground-mounted equipment, and the path of the wire or conduit connecting to an off-site network.

6. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may reasonably be requested by the City in order that an informed decision can be made on the associated request.

7. Special Permit Use: A use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the City Commission, upon the recommendation of the Planning Commission.

8. State: The State of North Dakota.

9. Story: The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.

10. Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property. This definition is intended to be inclusive of the term as defined in North Dakota statute.

11. Street, Intersecting and Principal: In regard to a site, the principal street shall be the street to which the majority of lots on a [block face](#) are oriented; the intersecting street shall be a street other than a principal street.

12. Street, Local: A street which is used primarily for access to the abutting properties.

13. Street, Major: A street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or expressways by the Comprehensive Development Plan.

14. Street Yard: The area of a lot or parcel which lies between any street property line and the fronting walls of any building or buildings on the parcel. The street yard follows all irregularities or indentations in the building, excluding minor irregularities such as porches or steps.

15. Structure: Any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground. (Ord. No. 1171 § 1. Ord. No. 1728 § 10)

16. Supportive Housing:- These include, but are not limited to, a combination of subsidized permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.

SECTION 5: Section 39.02.023 of Article 39.02 – Definitions of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 39.02.023 **T**

1. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.

2. Townhouse Structure: A building formed by at least three contiguous townhouses with common or abutting walls. (Ord. No. 1171 § 1.)

3. Transient Resident:- Someone who temporarily resides for generally less than 30 days or seasonally for less than three months during any 12-month period.

4. Transitional Housing: A type of supportive housing used to facilitate the movement of people experiencing homelessness into permanent housing and independent living.

SECTION 6: Section 39.02.024 of Article 39.02 – Definitions of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 39.02.024 U

1. Unhoused Person. An individual who, or family which, lacks a fixed, regular and/or adequate nighttime residence.

2. Unhoused Facility: Emergency housing with minimal supportive services for unhoused persons that is intended for occupancy of three months or less in a given year by an unhoused person.

3. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

24. Utilities: Installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, storm water, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land. (Ord. No. 1171 § 1.)

SECTION 7: Section 39.03.005 of Article 39.03 – Definitions of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 39.03.005 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with social importance.

a. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.

b. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

c. Clubs

Uses providing meeting, recreational, or social facilities for a private, non-profit or non-commercial association, primarily for use by members and guests.

d. College and University Facilities

An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.

e. Convalescent Services

A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

f. Cultural Services

A library, museum, or similar registered non-profit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

g. Day Care Services (Family)

This Use Type includes all classifications of day care facilities, including but not limited to facilities licensed by the State of North Dakota, providing care for not more than nine (9) individuals. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

h. Day Care Services (Group)

This Use Type includes all classifications of day care facilities, including facilities licensed by the State of North Dakota, providing care for ten (10) or more individuals. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

i. Detention Facilities

A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

j. Emergency Residential Services

A facility or use of a building 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.

k. Group Care Facility

A facility licensed or approved by the State of North Dakota or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than three unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the:

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of mental retardation if such facility has an overnight occupancy of more than eight persons.
3. Rehabilitation from the effects of drug or alcohol abuse.
4. Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.

l. Group Home

A facility licensed by the State of North Dakota in which at least four but no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or mental retardation.

m. Group Living

The residential occupancy by a group of people who do not meet the definition of a family are found in Section 39.02.009. The group living use does not apply to the Group Care Facility and Group Home uses found in Section 39.03.005. Group Living uses include, but are not necessarily limited to, the following:

1. Family shelters;
2. Group shelters;
3. Unhoused persons shelters;
4. Supportive housing; and
- 4.5. Transitional housing.

mn. Guidance Services

A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.

no. Health Care

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to out-patients, employees, or visitors.

op. Hospital

A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.

pq. Maintenance Facilities

A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

qr. Park and Recreation Services

Publicly-owned and operated parks, playgrounds, recreation facilities, and open spaces.

rs. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.

st. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of North Dakota.

tu. Public Assembly

Facilities owned and operated by a public agency or a charitable non-profit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

uv. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day-care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of North Dakota shall constitute prima facie evidence of religious assembly use.

w. Safety Services

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

wx. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of North Dakota.

xy. Utilities

Any above ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land. Communication towers as defined in this code are considered a Miscellaneous Use Type and not a Utility Use Type. Ord. No. 1171 § 1. Ord. No. 1610 § 2)

SECTION 8: Section 39.04.005 of Article 39.05 – Definitions of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 39.04.005 Development Regulations

For each Zoning District: Purposes are set forth in Table 4-1, Permitted Uses are set forth in Table 4-2, and Site Development Regulations are presented in Table 4-3. Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Table 4-2. (Ord. No. 1171 § 1.)

Table 4-1 Purposes of Zoning District

Symbol	Title	Purpose
AG	Agricultural District	The AG District provides for and preserves the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. This district is designed to maintain complete agricultural uses within the Dickinson extra-territorial jurisdiction.
RR	Rural Residential	This district provides for the rural residential use of land, accommodating very low and low density residential environments. The district's regulations assure that density is developed consistent with: land use policies of the Dickinson Comprehensive Plan regarding rural subdivision; levels of infrastructure; and environmentally sensitive development practices. The district also accommodates developments that merge urban living with rural life.

R-1	Low-Density Residential	This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on relatively large lots with supporting community facilities and urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-2	Medium-Density Residential	This district is intended to provide for medium-density residential neighborhoods, characterized by single-family dwellings on small to moderately sized lots and low-density, multiple-family development. It adapts to both established and developing neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-3	High-Density Residential	This district is intended to provide locations primarily for multiple-family housing, with supporting and appropriate community facilities. It also permits some non-residential uses such as offices through a special permit procedure, to permit the development of mixed use neighborhoods.
MH	Mobile Home Residential	This district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivision, along with the supporting services necessary to create quality residential neighborhoods.
LC	Limited Commercial	This district reserves appropriately located area for office development and a limited variety of low-impact commercial facilities which serve the needs of residents of surrounding residential communities. The commercial and office uses permitted are compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences.
CC	Community Commercial	This district is intended for commercial facilities which serve the needs of markets ranging from several neighborhoods to the overall region.

		While allowed commercial and office uses are generally compatible with nearby residential areas, traffic and operating characteristics may have more negative effects on residential neighborhoods than those permitted in the LC District. CC Districts are appropriate at major intersections, at the junction of several neighborhoods, or at substantial commercial sub-centers. Outdoor storage shall be limited and screened.
DC	Downtown Commercial District	This district is intended to provide appropriate development regulations for Downtown Dickinson. Mixed uses are permitted within the DC District and are encouraged in multi-story structures. The grouping of uses is designed to strengthen the town center's role as a center for trade, service, and civic life.
GC	General Commercial	This district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.
LI	Limited Industrial	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
GI	General Industrial	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

P	Public	This district accommodates substantial public institutions or uses. It sets aside areas for conservation, public recreation, and full access public facilities.
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ZONING DISTRICT REGULATIONS

Table 4-2 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	39.06.002a
Crop Production	P	P											P	39.06.002a
Type I Animal Production	P	S												39.06.002c
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							
Single-Family Attached				P	P	P	S							39.06.003b
Duplex	P			P	P		S							
Townhouse	P			P	P		S		P					39.06.003c
Multiple Family				P	P		S		P					
Downtown Residential									P					39.06.003d
Mobile Home Park						S								39.06.003e
Mobile Home Subdivision						S								39.06.003f
Manufactured Housing Residential	P	P	P	P	P	P	S							
Retirement Residential	S		S	P	P		S		S					

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Home Occupations	S	S	S	S	S	S			S					39.06.008a
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	Note 8
Accessory Dwelling Units Commercial							P	P		P				Note: Subject to approval in accordance with Section 39.06.010 B
Accessory Dwelling Units Residential	P	P		P	P	P								Note: Subject to approval in accordance with Section 39.06.010 A
Civic Uses														
Cemetery	P	S	S	S									S	
Clubs	S	S	S	S	S	S	S	P	P	P				39.06.004a
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			39.03.005g
Day Care (Group)	S	S	S	S	P	S	P	P	P	P	S			39.03.005h
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				36.06.004c
Group Home	P	P	P	P	P	P	P	P	P	P				36.06.004c

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
<u>Group Living Facility</u>					<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>				<u>36.06.004</u>
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	
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		

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Auto Rental/Sales								S	S	P				39.06.005c
Auto Services							S	P	S	P	P	P		39.06.005a,b
Body Repair								S		P	P	P		39.06.005a
Equipment Rental/Sales										P	P	P		39.06.005c
Equipment Repair										P	P	P		39.06.005a
Veh. Storage (Short-Term)										P	P	P		
Bed and Breakfast	P	S		S	P		P	P	P	P				39.06.005d
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	
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		39.06.005f
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				

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
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 39.06.008 through 39.06.009 apply to all use types

<p>P = Uses Permitted by Right S = Uses Permitted by Special Permit Blank = Use Not Permitted</p>

ZONING DISTRICT REGULATIONS

Table 4-3a Summary of Site Development Regulations

Regulator	AG	RR	R-1	R-2	R-3*
Minimum Lot Area (square feet)	5 acres	1 Acre (Note 1)*	7,500	7,000	7,000
Minimum Lot Width (feet)	300	100			
Single-Family Detached			60	50	50
Single-Family Attached			45	45	45
Other Residential			60	75 (Note 3)	75 (Note 3)
Site Area per Housing Unit (square feet)					
Single-Family Detached	5 Acres	1 Acre	7,500	7,000	7,000
Single-Family Attached				4,000	4,000

Duplex				10,000	10,000
Townhouse or multi-family up to 4 units				7,000 for the first unit and 3,000 thereafter (Note 6)	7,000 for the first unit and 3,000 thereafter
Each additional multi-family unit over 4 units					7,000 for the first unit, 3,000 for the next three units and 1,000 thereafter
Retirement Residential	(Note 10)		(Note 10)	(Note 10)	(Note 10)
Front Yard Arterial Streets	50	40	25	25	25
Other Streets	50	40	25	25	25
Street Side Yard	15	15	15	15	15
Interior Side Yard	15	15	6	6 (Note 2)	6 (Note 2)
Rear Yard	50	25	20	20 (Note 5)	20 (Note 5)
Maximum Height (feet)		40	40	SUP in excess of 65 feet	60
Maximum Building Coverage	NA	25%	40%	60%	70%
Maximum Impervious Coverage	NA	35%	50%	65%	75%
Floor Area Ratio	NA	NA	NA	NA	

- Notes Accompanying This Table Appear after Table 4-3c

ZONING DISTRICT REGULATIONS

Table 4-3b Summary of Site Development Regulations

Regulator	MH	LC*	CC*	DC	GC*
Minimum Lot Area (square feet)		5,000	12,000	None	12,000
Minimum Lot Width (feet)		50	100	NA	100
Site Area per Housing Unit (square feet)		Same as R-3	NA	500	NA
Minimum Yards (feet)					
Front Yard		20	20	0	20
Street Side Yard		20	10	0	10

Interior Side Yard		10	0	0	0
Rear Yard		20	0	0	0
Maximum Height (feet)		40	40	SUP in excess of 65 feet	60
Maximum Building Coverage		50%	60%	100%	70%
Maximum Impervious Coverage		70% (Note 10)	80%	100% (Note 10)	90%

*Uses in the R-3, LC, CC, GC, LI, and GI Districts are subject to landscape and screening provisions contained in Article 39.08

ZONING DISTRICT REGULATIONS

Table 4-3c Summary of Site Development Regulations

Regulator	LI*	GI*	P* (Note 15, Note 16)
Minimum Lot Area (square feet)	10,000	10,000	N/A
Minimum Lot Width (feet)	100	100	N/A
Site Area per Housing Unit (square feet)	N/A	N/A	N/A
Minimum Yards (feet)			
Front Yard	20	20	None except when abutting a residential zoning district; in which case the front yard setback to a building or parking area shall be the required setback of the abutting residential district
Street Side Yard	20	20	None except when abutting a residential zoning district; in which case the side yard setback to a building or parking area is 10 feet. The required side yard setback shall be increased by one-half foot for each foot that the structure exceeds 20 feet in height.
Interior Side Yard	10	10	None except when abutting a residential zoning district; in which case the side yard setback to a building or parking area is

			10 feet. The required side yard setback shall be increased by one-half foot for each foot that the structure exceeds 20 feet in height.
Rear Yard	20	20	None except when abutting a residential zoning district; in which case the rear yard setback to a building or parking area is 10 feet. The required rear yard setback shall be increased by one-half foot for each foot that the structure exceeds 20 feet in height.
Maximum Height (feet)	SUP in excess of 60 feet	SUP in excess of 60 feet	45 feet if abutting a zoning district with a maximum height of 45 feet or less. If the abutting zoning district allows buildings taller than 45 feet, the height of the abutting zone may be applied in the Public zoning district. If a setback of 100 feet can be provided the building height may be a maximum of 65 feet. Building heights greater than 65 feet require approval of a Special Use Permit.
Maximum Building Coverage	70%	85%	70%
Maximum Impervious Coverage	90%	100%	90%
Floor Area Ratio	1.0	2.0	

*Uses in the R-3, LC, CC, GC, LI, GI and P Districts are subject to landscape and screening provisions contained in Article 39.08

ZONING DISTRICT REGULATIONS
Notes to Preceding Pages: Tables 4-2 and 4-3

Note 1:

Rural Residential development situated within one of the designated rural development areas of the Comprehensive Plan may occur on minimum lot sizes below 1.0 acres, if such development is approved by the City as a Conservation Subdivision, designed in conformance with the Comprehensive Plan, to ensure compatible installation of infrastructure and sanitary waste collection systems in the future.

Note 2:

Six feet for single-story construction, one foot for each 4 feet for any building over 24 feet in height. See Section 39.06.003 for supplemental regulations governing single-family attached and townhouse residential use types.

Note 3:

See Section 39.06.003 for supplemental regulations regarding modifications of lot width for townhouse residential use type.

Note 4:

Height limit for residential structures. 65 feet for other permitted uses.

Note 5:

Setback ten feet for single-story construction, five feet for each additional story.

Note 6:

The 3,000 square feet per townhouse unit applies for up to 10 units in townhouse developments in the R-2 district.

Note 7:

All allowable accessory buildings to a residence shall be limited to a maximum of one thousand two hundred feet (1,200) and for a maximum of three (3) detached structures for the first one acre or less. The total area of all accessory buildings may be increased by 250 square feet for each additional half (.5) acre of land area above one acre, but in no case shall the total exceed 30 percent lot coverage. Accessory buildings shall include the following: barns, stable, storage buildings, and detached personal vehicle garages.

Note 8:

Toxic Gaseous Storage: Storage facilities of toxic gaseous, materials, tanks/or bulk facilities shall not be built within (2) two miles of any residential subdivision or within (1) mile of any building for human occupancy generally, unless approved by a special use permit after a finding that storage will not pose a potential public health hazard.

Note 9:

- (1) Adequate direct road access to the site is provided with such access designed to minimize traffic congestion; and
- (2) Sufficient off-street parking areas are provided in conformance with Article 39.09, Table 9-1; and
- (3) The site is located at least one (1) mile from any residentially zoned area.

Note 10:

Density for Retirement Residential is 7,000 square feet for 4 units and 1,000 square feet for each additional unit.

Note 11:

Attached garages shall not exceed the total square footage and height of the residence.

Note 12:

Detached structures shall not exceed the height of fifteen (15) feet or the height of the primary residence, whichever is less, unless the detached structure is setback from the side and rear property line a minimum of two (2) horizontal feet for every one (1) foot in height exceeding the maximum height of the structure in residential districts.

Note 13:

Accessory structures larger than two hundred and fifty (250) square feet shall be constructed with similar materials of the primary residence or building in residential and commercial zoning districts.

Note 14:

Residential Use in multi-story structures in the DC zoning district, as well as family and group cares, emergency residential, group care, group home, religious assembly, and bed and breakfast uses will be located in the floor or floors above commercial uses.

Note 15:

In addition to the off street parking requirements in Article 39.09, parking and loading areas in the P zoning district abutting or directly across the street from a residential zoning district shall be set back the minimum front yard setback of the adjacent residential district.

Note 16:

All service, repair, processing or storage on property abutting or across the street from a residential zoning district shall be contained wholly within an enclosed building unless screened from residential zoning by a site-obstructing fence or wall. (Ord. No. 1171 § 1; Ord. No. 1205, § 1; Ord. 1225 § 2; Ord. 1235 § 1 & 2; Ord. 1244 § 3, Ord. 1423 § 4; Ord. 1437 § 4; Ord. 1475 § 1. Ord. 1604 § 3. Ord. No. 1610 § 3, Ord. No. 1643 § 1, Ord. No. 1650 § 3; Ord. No. 1706 § 3; Ord. No. 1707 § 3; Ord. 1727 § 3; Ord. 1742 § 4)

Section 9: Section 39.06.004 of Article 39.06 – Definitions of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 39.06.004 Supplemental Use Regulations: Civic Uses

Clubs

Clubs located adjacent to residential uses shall maintain a bufferyard of not less than twenty feet along the common boundary with such residential use.

Day Care

Day care facilities are permitted by Special Use permit in the GI General Industrial Zoning District only if incidental to a permitted primary use.

Group Care Facilities and Group Homes

1. Each group care facility or group home must be validly licensed by either the State of North Dakota or the appropriate governmental subdivision.
2. Group homes are permitted in the DC District only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Commission with the recommendation of the Planning Commission.

Group Living Uses

These uses shall be allowed by Special Use Permit. As part of the special use permit request, the applicant shall submit the following additional information:

1. Information regarding the proposed group living facility operation, which includes, but is not necessarily limited to, the following:
 - a. A complete statement of the types of services to be provided, including a client case management plan as well as the provision of “wrap around” services;
 - b. Consent to a background investigation of the owner/operator of the facility;
 - c. A list of required licenses and/or certificates, if any;
 - d. A list of agencies expected to provide services at the facility;
 - e. The applicant’s history of residency, employment, and business ownership for five years prior to the date of the application;
 - f. A copy of the facility’s house rules and regulations;
 - g. A copy of the facility’s on-site security plan;
 - h. A copy of the facility’s on-site emergency management plan, to include contingencies for fire, tornado, and other natural disaster;
 - i. Any additional information deemed necessary by Development Services, the Planning and Zoning Commission, and/or the City Commissioner.
2. No Group Living use may be located within 300 feet of another Group Living use, measured by lot line to lot line, unless such location is otherwise reviewed and approved as a Special Use.
3. If located within 150 feet of a single-family residential zoning district, including overlay districts and/or planned unit developments, all outdoor activity shall be screened from public view and from the view of adjacent properties.
4. Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
5. Any permit issued under this Section shall be non-transferrable 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.
6. The permit holder shall conduct an annual compliance audit. The results of that annual compliance audit shall be made available to the Community Development Department.
7. The permit holder shall appear annually before the Planning and Zoning Commission for renewal of the permit. In addition to the annual compliance audit, the Community Development Department may require additional information or an annual site inspection prior to renewal.
8. Group living facilities shall comply with all applicable local, state and federal requirements.
9. Group living facilities shall comply with all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions.

Primary and Secondary Educational and Religious Assembly Facilities

1. Each facility shall have a minimum lot area of one acre.
2. Buildings and parking shall have a minimum set back of 20 feet from property lines.
3. Proposed facilities shall conform to all State and federal requirements.

(Ord. No. 1171 § 1.)

Section 10: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 11: 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 12: 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: May 21, 2024
Second Reading: June 4, 2024
Final Passage: June 4, 2024