

## **ORDINANCE NO. 374**

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 19.0110-2(25) AND SECTION 19.0110-2(45) OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA RELATING TO ZONING – DEFINITIONS; AND SECTION 19.0303-3 OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA RELATING TO ZONING “RESIDENTIAL DISTRICT (R-1) – CONDITIONALLY PERMITTING USES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH, NORTH DAKOTA, AS FOLLOWS:

Section 1: Section 19.0110-2(25) entitled “Definitions – Specific Terms – Double Wide Mobile Homes” is hereby amended and re-enacted as follows:

19.0110-2(25) Double-wide Mobile Home – A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Constructing and Safety Standards promulgated by the US Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:

- (a) The home shall have at least 960 square feet of gross living area above ground;
- (b) The home shall have an exterior width of at least 24 feet and length of 40 feet;
- (c) The roof shall be pitched with a minimum pitch of 3:1;
- (d) The exterior material shall be or have the appearance of being wood siding or masonry, but shall not be sheet siding with a vertical orientation;
- (e) The home shall have a non-reflective roof material, which is or simulates asphalt or wood shingles, tile, or rock;

- (f) Permanent utility connections shall be installed in accordance with local regulations;
- (g) The home shall have all wheels, axles, transporting lights, and towing apparatus removed;
- (h) The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations;
- (i) The home shall be manufactured within five (5) years of the current year
- (j) The home shall blend with existing structures in the neighborhood so as to maintain the integrity of the area.

Section 2: Section 19.0110-2(45) entitled “Definitions – Specific Terms – Modular Homes” is hereby amended and re-enacted as follows:

19.0110-2(45) Mobile Home Skirting – Skirting is required and shall be constructed of brick, stone, finished metal, or other acceptable materials approved by the zoning administrator. White pole barn metal is not acceptable for skirting. The skirting shall be in place within thirty days of placement of the mobile home on the lot. The tongue and axle of the mobile home shall be removed if not covered by the skirting. Mobile homes having perimeter foundations shall not be required to have the above types of skirting. These requirements shall be fulfilled before a certificate of occupancy is issued.

Section 3: Section 19.0303-3 entitled “Residential District (R-1) – Conditionally Permitting Uses” is hereby amended and re-enacted as follows:

19.0303-3 Conditionally permitted uses:

1. An in-house apartment unit;
2. Duplex;
3. Communal housing;

4. In-house occupations which do not affect the integrity of the neighborhood;
5. Churches;
6. Libraries;
7. Day care center or private kindergarten;
8. Hospital or nursing home;
9. City or county building or facility;
10. Golf courses and contained sports facilities;
11. Double-wide Manufactured Home.

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.

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Walter Losinski, Mayor, City of Beach, North Dakota

ATTEST:

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Kimberly Nunberg, City Auditor

First Reading: November 5, 2012

Second Reading: November 19, 2012

Final Passage: December 3, 2012