

ORDINANCE NO. 383

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 19.0303-2, SECTION 19.0303-3, SECTION 19.0304-2, SECTION 19.0304-3, SECTION 19.0402-2, SECTION 19.0402-3, AND SECTION 19.0406 OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA RELATING TO ZONING – “RESIDENTIAL DISTRICT (R-1) PERMITTING USES “ AND “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 19.0303-2 entitled “Residential District (R-1) – Permitted uses” is hereby amended and re-enacted as follows:

19.0303-2 Permitted uses.

1. Single-family residential.
2. Parks.
3. Accessory Structures when a residential structure already exists.

Section 2: Section 19.0303-3 entitled “Residential District (R-1) – Conditionally permitted 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;
12. Accessory Structures when a residential structure does not already exist.

Section 3: Section 19.0304-2 entitled “Multiple Family Districts (R-2) – Permitted uses” is hereby amended and re-enacted as follows:

19.0304-2 Permitted uses.

1. Single-family residential.

2. Parks.
3. Accessory Structures when a residential structure already exists.

Section 4: Section 19.0304-3 entitled “Multiple Family Districts (R-2) – Conditionally permitted uses” is hereby amended and re-enacted as follows:

19.0304-3 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;
12. Accessory Structures when a residential structure does not already exist.

Section 5: Section 19.0402-2 entitled “Yard Setbacks – Front Yards” is hereby amended and re-enacted as follows:

19.0402-2 Front Yards.

- (a) A front yard depth of not less than 15 feet from the frame or face of the residential structure to the lot line shall be required in R-1, R-2 and C-2 districts. A front yard depth of not less than 25 feet from the frame or face of a garage structure to the lot line shall be required in R-1, R-2 and C-2 districts. In C-2 districts, a commercial business must be 35 feet from the lot line. A front yard depth of not less than 50 feet from the frame or face of the structure to the lot line shall be required in A and I districts.
- (b). Where 30 percent or more of the residential block street frontage of the block in which the lot in question is located is developed, the face of the new residential structure may be aligned with the face of the remaining structures. The 30 percent rule may be applied to both front and side yards on corner lots.

Section 6: Section 19.0402-3 entitled “Yard Setbacks – Side Yards” is hereby amended and re-enacted as follows:

19.0402-3 Side Yards.

- (a) A side yard setback of not less than either 10 percent of the lot width or six (6) feet from the side lot line to the face of any primary or accessory structure shall be required on interior lots in R-1, R-2, and C-2 districts.
- (b). Side yard setbacks on the street side of corner lots shall be either ~~ten (10)~~ fifteen (15) feet or in alignment with the existing structures on that specific block frontage when 30 percent or more of the frontage is developed. These side setback requirements apply in R-1, R-2, and C-2 districts. A side yard depth of not less than 25 feet from the frame or face of a garage structure to the lot line shall be required in R-1, R-2 and C-2.

Section 7: Section 19.0406 entitled “SIGNS AND OBSTRUCTIONS” is hereby amended and re-enacted as follows:

19.0406 SIGNS AND OBSTRUCTIONS:

- 1. All signs shall be constructed and maintained in compliance with Chapter 24-17 of the North Dakota Century Code. When a discrepancy occurs between his ordinance and state regulations this ordinance shall prevail.
- 2. Signs, structures, fences, hedges and other visual obstructions shall not be constructed or planted within nor shall they extend into areas described as clear sight triangles. The points of such triangles are the intersection of the center lines of two streets and the points 75 feet from the center line intersection along each street. ~~Maximum height for a fence is 6.5’ in Residential Zoning.~~ The maximum height for a fence in Residential Zoning is:
 - (a) 6.5’ from the face of the structure to the rear lot line;
 - (b) 4’ from the face of the structure to the front lot line.
- 3. Signs, structures, fences or hedges shall not obstruct the passage of vehicles or pedestrians on public ways.

4. Signs shall be maintained in good repair or their removal may be ordered.

Section 8: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 9: 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 10: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

(SEAL)

Walter Losinski, Mayor,
City of Beach, North Dakota

ATTEST:

Kimberly Nunberg, City Auditor

First Reading: February 21, 2017
Second Reading: March 6, 2017
Final Reading: March 6, 2017