

## **CHAPTER SIX**

### **ZONING – PLANNING**

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## **CHAPTER SIX ZONING – PLANNING**

### **ARTICLE 1**      **BOWMAN CITY COMMISSION, PLANNING & ZONING COMMISSION, AUTHORIZATION AND JURISTICTION, RULES OF CONSTRUCTION, CITY OFFICIALS, AND PERMIT PROCESS**

**6.0101 Purpose and Intent.** These zoning regulations and zoning districts are herein set forth to direct and guide the development of the City of Bowman; to promote the health, safety and well-being of the citizens of the City of Bowman; and to promote the sound and desirable use of the lands in the City of Bowman. As specified herein, the words “purpose” and “intent” are used interchangeably.

**6.0102 City Commission Duties and Compensation.** As authorized by the North Dakota Century Code (NDCC), the City Commission is hereby empowered with the roles as shown in Section 6.0115 - Table 1, “Summary Table of Administrative and Review Roles”. These roles include the following responsibilities in administering this Chapter Six (6):

1. **Land Use Plans.** Review and approve, or deny new Comprehensive Plan elements, including the Land Development Code, any other citywide plans or neighborhood plans, and any updates or amendment to such plans.
2. **Appoint Boards and Commissions.** Appoint members and alternates to boards and commissions intended to administer and enforce this chapter, including without limitation the Planning and Zoning Commission, Zoning Administrator and other City Officials.
3. **Accept Public Improvements.** Accept the dedication of streets, property, or easements as necessary for the orderly operation of the City of Bowman.
4. **Schedule of Fees.** Approve a schedule of fees necessary to effectively administer and enforce the provisions of this chapter. The schedule shall include charges, expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, and other matters pertaining to this chapter. The schedule shall be posted at city hall, and may be altered or amended only by the City Commission. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.
5. **Compensation.** Members of the City Commission may be compensated for expenses incurred while serving on the commission. Compensation includes approved conferences, meetings and seminars.

**6.0103 City Commission Purpose and Intent.** It is the purpose and intent of the City Commission that this chapter serves to:

1. Promote the public health, safety, convenience, and general welfare of its residents;
2. Promote, preserve and protect environmental quality and encourage the wise use of natural resources;
3. Conserve and enhance the character of the City of Bowman's established residential neighborhoods through the promotion of a balanced mix of housing types, appropriately scaled new development, and the mitigation of adverse factors;
4. Encourage quality and innovative new residential development so that growing demand for housing may be met by greater variety in type, design, and layout of dwellings;
5. Provide for sound, attractive development within the city and encourage compatibility between adjacent uses;
6. Provide adequate transportation, water, sewage, electricity, gas, communications, schools, parks and other public services; and
7. Further the objectives of the Comprehensive Plan of the City of Bowman.

**6.0104 Planning and Zoning Commission Created.** There is hereby created a Planning and Zoning Commission consisting of up to six (6) members, of which four (4) members are to be appointed by the President of the City Commission, with the approval of the governing body. At least three (3) of the members appointed by the President of the City Commission must reside inside the city limits. Another shall be a City Commissioner. The fourth (4<sup>th</sup>) member appointed by the President of the City Commission may reside either inside the city limits or in the one-half (1/2) mile extraterritorial limits of the subdivision authority exercised by the city. In addition to the members appointed by the city, the Planning and Zoning Commission shall include one (1) person residing outside the corporate limits of the city. Such persons shall be appointed by the County Board of Commissioners, and shall reside within the one-half (1/2) mile extraterritorial limits, if such persons is available and willing to serve on the Planning and Zoning Commission. The City Engineer and City Attorney shall be ex-officio members thereof.

**6.0105 Terms, Powers, Duties, Compensation and Meetings.** Members shall be appointed for terms of five (5) years. The terms of the ex-officio members of the Planning and Zoning Commission shall correspond to their respective official tenures. If a vacancy occurs otherwise than by expiration of a term, it shall be filled by appointment for the unexpired portion of the term.

The Planning and Zoning Commission shall elect its president from among the appointed members for a term of one (1) year. It shall adopt rules for the transaction of business and shall keep a record of its business open to the public.

The commission may appoint such officers and employees as it may deem necessary for its work. The commission may contract with consultants for such services as it may require.

The Planning and Zoning Commission shall make, adopt and maintain a Comprehensive Plan for the physical development of the municipality and of any land within its jurisdiction. Such plan with the accompanying maps, plats, charts and description matter shall show the commission's recommendations for the development of the area.

For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing body of the City of Bowman (through its Planning and Zoning Commission) may regulate and restrict the height, number of stories, and the size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open structures, and land for trade, industry, residence or other purposes. The governing body may divide the City of Bowman into districts as may be deemed and best suited to carry out the purposes of municipal zoning; and may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within such districts. All regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one (1) district may differ from those in other districts. The Planning and Zoning Commission shall:

1. Recommend to the appropriate public officials, from time to time, programs for specific improvements and for the financing thereof; and
2. Consult and advise public officials and agencies, public utility companies, civic, educational, or other professional organizations, and with citizens relative to the implementation of the plan. (Revised 04-03-2001)

**6.0106 Authorization.** This zoning ordinance is developed and enacted under authority granted in (but limited to) Chapters 40-47 and 40-48 of the North Dakota Century Code (NDCC).

**6.0107 Jurisdiction.** This ordinance and the zoning district map shall apply to the area within the corporate limits of the City of Bowman and to the extra-territorial area around the city relinquished by Bowman County through the provisions of Section 40-47-01.1 of the NDCC. Said extra-territorial area has been established in accordance with the NDCC. The regulations in this chapter are provided in accordance with the NDCC (Section 40-47-03) which requires they be designed to accomplish the following:

1. Lessen congestion in the streets;



2. Provide for emergency management by means of a comprehensive integrated system at all levels of government and in the private sector which provides for the development and maintenance of an effective capability to mitigate, prepare for, respond to, and recover from known and unforeseen hazards or situations, caused by an act of nature or man, which may threaten, injure, damage, or destroy lives, property, or our environment;
3. Promote health and general welfare;
4. Provide adequate light and ventilation;
5. Prevent overcrowding of land;
6. Avoid undue concentration of population; and
7. Facilitate adequate provisions for transportation, water, sewage, electricity, communication, schools, parks, and other public requirements.

**6.0108 Severability.** Should any article, section, sub-section, clause, provision, sentence or word of this “Chapter Six (6)” (referred to as chapter from this point forward) be declared by a court of competent jurisdiction to be unconstitutional or invalid, the decision shall not affect the validity of the code as a whole or any part thereof other than the part declared to be unconstitutional or invalid. The City Commission of the City of Bowman, North Dakota, hereby declares that it would have passed this ordinance and each article, section, subsection, clause, provision, phrase, sentence or word thereof irrespective of the fact that any one (1) or more articles, sections, subsections, clauses, provisions, phrases, sentences or words may be declared invalid or unconstitutional.

**6.0109 Repeal.** All previous zoning regulations or parts of city regulations, existing ordinance, maps and provisions which address zoning are hereby repealed and are replaced with this document and all of its regulations, standards, associated maps, plans, and provisions upon this document’s adoption.

**6.0110 Minimum Standards.** In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements necessary for the promotion of the public health, safety, and general welfare.

**6.0111 Conflicting Provisions.** If any provision of this chapter conflicts with any other provision of this chapter, or other chapters of the Bowman Municipal Code, or any applicable state or federal law, the more restrictive provision shall apply.

**6.0112 Relationship to Comprehensive Plan.** The adoption of this chapter is consistent with, compatible with, and furthers the goals, policies, objectives and programs of the Bowman Comprehensive Plan. No regulatory decision by an appointed or elected official or any city employee shall be made with respect to any zoning action or use of property under this chapter that is not in substantial compliance with the Comprehensive Plan as officially adopted or amended. It is

the city's intent to amend this chapter when it is deemed necessary to keep its regulatory provisions in conformance with the Comprehensive Plan.

#### **6.0113 Rules of Construction and Interpretation.**

1. **Text Controls.** In case of any difference of meaning or implication between the text of this chapter and any figures, tables or maps, the text shall control.
2. **Computation of Time.** The time within which an act is to be performed shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. The following time related words shall have the meanings ascribed below:
  - a. "Day" means a calendar day unless otherwise stated;
  - b. "Week" means seven (7) calendar days;
  - c. "Month" means one (1) calendar month; and
  - d. "Year" means one (1) calendar year, unless a fiscal year is indicated.
3. **Use of Certain Words.** The words "shall", "must" and "will" are always mandatory. The term "may" is discretionary. Words and phrases shall be construed according to the common and approved usage in the language, but technical words and phrases that have acquired a peculiar and appropriate meaning in law, city planning, or land development shall be understood according to that meaning.
4. **Conjunctions.** Unless the text clearly indicates to the contrary, conjunctions shall be interpreted as follows:
  - a. "And" indicates that all connected items or provisions apply;
  - b. "Or" indicates that the connected items may apply singularly; and
  - c. "Either" and "or" indicates that the connected items or provision shall apply singularly, but not in combination.
5. **Tenses and Numbers.** Refer to Article 2 "Definitions", Subsection 6.0201 "General".
6. **Headings.** Section and Subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of this chapter.

7. **Referenced Agencies.** Unless otherwise specified, all public officials, bodies, and agencies referred to in this chapter are those of the City of Bowman.
8. **Publication.** This ordinance shall be published in book or pamphlet form and shall, together with the maps being a part thereof, shall be filed with the City Auditor in the City of Bowman, North Dakota.

#### **6.0114 Rules of Measurement Definitions.**

1. **Net Land Area:** Net land area is measured as the total square footage or amount of land area contained within the property lines of a lot or parcel, but not including private drives, primary access easements, public utility easements, rights-of-way, wetlands and or riparian areas.
2. **Lot Width:** Lot width is measured as the distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear line.
3. **Lot Depth:** The mean horizontal distance between the front and rear lot lines.
4. **Gross Land Area:** Gross land area is measured as the total gross area contained within the property lines of a lot or parcel, including areas devoted to private drives, primary access easements, public utility easements, other rights-of-way, wetlands and or riparian areas.
5. **Yards/Property Line Setbacks:** Required yards and property line setbacks for buildings shall be measured as the horizontal distance between the property line and the nearest portion of a building or structure on the property. Where the parcel or lot includes a private roadway that is not separately mapped, yards or setbacks shall be measured from the edge of that roadway.
6. **Building Coverage:** Building coverage is measured as the amount of the total property area covered by the floor plates of all principal and accessory structures, expressed as a percentage of gross property area.
7. **Residential Density:** Residential density is calculated by dividing the net area designated as residential by the number of dwelling units proposed.
8. **Building Height:** See “Article 2 – Definitions” section.
9. **Sidewall Height:** Sidewall height for attached or detached garages is measured from the grade of property adjacent to the wall to the highest point of the wall. When the grade is sloped, an average shall be taken.

10. **Plant Material Height:** Material height is measured from the top of the root ball or, if the plant is in a container, from the soil level in the container.
11. **Distance or Spacing Requirements:** Whenever a regulation requires a proposed use or activity to be located a specified distance from an existing use, zoning district boundary, or activity, such distance or spacing requirements shall be measured as herein listed below.
  - a. For a proposed use that will be located in an individual structure or building, the required minimum distance shall be measured from the closest point of the structure or building housing the proposed use to the closest edge of the principal structure or lot line housing the existing uses/activities;
  - b. For a proposed use that will be located within a building also occupied by other uses, such as within an office building or a commercial center, the required minimum distance shall be measured from the closest point of that portion of the building housing the proposed use to the closest edge of the principal structure housing the existing use or to the closest lot line; and
  - c. Drive-through lanes, drives for service stations, and other similar areas accessory to a principal use subject to a distance or spacing requirement shall also be located outside the minimum distance required.

#### **6.0115 City Officials Authorized to Enforce Zoning Ordinances.**

1. **City Engineer.** The City Engineer shall have those administration and review roles as shown in Table 1, "Summary Table of Administrative and Review Roles" below, and as may be specified in other provisions of this Chapter. Additionally, the City Engineer is an ex-officio member of the Planning and Zoning Commission.
2. **Street Superintendent.** The Street Superintendent shall have those administration and review roles as shown in Table 1, "Summary Table of Administrative and Review Roles" below, and as may be specified in other provisions of this chapter.
3. **Water and Sewer Director.** The Water and Sewer Director shall have those administration and review roles as shown in Table 1, "Summary Table of Administrative and Review Roles" below, and as may be specified in other provisions of this chapter.
4. **Police Chief.** The Police Chief shall have those administration and review roles as shown in Table 1, "Summary Table of Administrative and Review Roles", and as directed by the City Commission.

5. **Planning and Zoning Director as Zoning Administrator or Appointed Designee.** The Planning and Zoning Director or his/her designee shall have those administration and review roles as shown in Table 1, Summary Table of Administrative and Review Roles” below, and as may be specified in other provisions of this chapter. The terms “Planning and Zoning Director” and “Zoning Administrator” are interchangeable from this point forward.

**SEE NEXT PAGE FOR TABLE 1**

**TABLE 1 - Summary of Administrative and Review Roles.** The following Table summarizes the review and decision-making responsibilities of the bodies that have specific roles in the administration of the procedures set forth in this Chapter Six (6).

PROCEDURE		ARTICLE/ SECTION						
		ROLES: Review Body (R); Decision Body (D); Appeal Body (A); See below for number notations						
		Street Super- intendent	Water & Sewer Director	Police Chief	City Engineer	Planning & Zoning Director/Zoning Administrator	Planning Commission	City Commission
Grading Permits		R	R		D (3)	D (3)	A	A
Annexation				R	R	R	(4)	D (4)
Master Plan Amendments				R		R	R (2)	D
Amendments to Text					R	R	R (2)	D
Administrative Interpretations – Chapter 6 Text					D (3)	D (3)	A	A
PUD		R	R	R	R	R	R (2)	D
Zone Change & Text Amend.						R	R (2)	D
Conditional Use Permit		R	R	R	R	R	D (1)	A
Variance		R	R	R	R	R	D (1)	A
Minor Deviation			R			D (3)	A	A
Major Subdivision Prelim. Plat		R	R	R	R	R	D (1)	A
Major Subdivision Final Plat		R	R		D (3)	D (3)	A	A
Plat Modification		R	R		D (3)	D (3)	A	A
Lot Modification		R	R		D (3)	D (3)	A	A
Abandonments		R	R	R	R	R	(4)	D (4)
Foundation Permits					R	R	A	A
Site Improvement Permits		R	R		R	R	A	A
Zoning and/or Construction Permits		R	R		R	D	A	A
Fence or Wall Permit						D	A	A
Sign Permit						D	A	A

**NOTES TO TABLE 1:**

- (1) In some instances, the Planning and Zoning Commission acts as the deciding body, in which case the City Commission is the appeal body.
- (2) In other instances, the Planning and Zoning Commission acts as a recommending body only, and the City Commission is the deciding body.
- (3) In some instances, the City Engineer and/or Planning and Zoning Director act as the deciding body, in which case the Planning and Zoning Commission and City Commission are the appeal bodies.
- (4) In some instances, the City Commission is the only review and deciding body unless the application is bundled with other requests (i.e. zone change or conditional use permit) that the Planning and Zoning Commission is a recommending body on.

## **ARTICLE 2**      **DEFINITIONS**

**6.0201 General.** For the purpose of these regulations, certain words and terms are defined herein below.

1. **Tense and Meaning.** Words used in the present tense include the future, words used in the singular number include the plural, and words used in the plural include the singular; the word “building” includes the word “structure” and “structure” includes “building”; the word “shall” is mandatory and not directory; the words “used” or “occupied” shall include within their meaning, “intended, arranged or designed to be used or occupied”: the word “person” shall include a corporation, partnership or other legal entity. Any terms not defined herein shall be construed as defined in their ordinary or dictionary meaning.

**6.0202 Definitions – Words and Phrases.** For the purpose of this chapter, the following words and phrases shall have the meanings listed herein below.

1. **Accessory Buildings and Uses:** A building, use or structure on the same or on an adjacent lot, with and of a nature customarily incidental and subordinate to the principle permitted or conditionally permitted use, building or structure. Accessory buildings and uses in residential districts include storage sheds and garages not used for commercial purposes, but do not include fences.
2. **Adult Bookstore:** A business or organization where a substantial portion of its product in trade, books, magazines, or other periodicals that are distinguished or characterized by their emphasis on materials depicting or describing specified sexual activities or specified anatomical areas.
3. **Adult Cinema:** An enclosed building used for the purpose of presenting pictorial materials or other visual images by way of direct or indirect projection, which materials are distinguished or characterized by an emphasis on the depiction of specified sexual activities or specified anatomical areas, for observation by a patron who may be able to view the presentation at one (1) time.
4. **Adult Entertainment Facility:** An enclosed building where in an admission is charged for entrance, or food or nonalcoholic beverages are sold or intended for consumption, and wherein may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas.

5. **Adult Entertainment Materials:** Any object disseminated to a consumer used specifically for sexual activities or depicts, describes or relates to a specified sexual activity or specified anatomical area.
6. **Adult Entertainment Center:** An Adult Bookstore, Adult Cinema, Adult Entertainment Facility or any combination thereof.
7. **Alley:** A recorded public easement which provides access to the rear or the side of two (2) or more properties.
8. **Alteration:** A change or rearrangement of an existing building or structure which involves a change in said building's or structure's outside dimensions of height, width or depth.
9. **Amendment:** Any change, revision or modification of either the text or the map of this ordinance adopted through the procedures established in Article 11, entitled "Administration".
10. **Animal Feeding Operation:** A lot or facility, other than an aquatic animal production facility, where the following conditions are met as listed herein below.
  - a. Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and
  - b. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
11. **Area of Special Flood Hazard:** The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.
12. **Base Flood:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
13. **Base Flood Elevation:** The elevation above sea level which corresponds to the one-hundred (100) year flood level within particular drainage way.
14. **Basement:** A story having more than one-half (1/2) of its height below grade. A basement is counted as a story for the purposes of height regulations if subdivided and used for dwelling purposes other than by a janitor employed on the premises.



15. **Board of Adjustment:** See Article 11 entitled “Administration” of this chapter.
16. **Boarding House:** See Lodging House.
17. **Building:** Any structure designed or intended for the enclosure, shelter or protection of persons, animals or property.
18. **Building Area:** That portion of the lot that can be occupied by the principal use, excluding the front, rear and side yards.
19. **Building, Height of:** The vertical distance measured from the average elevation of the finished grade adjoining the building to the highest point of the coping of a flat roof or the deck line of a mansard roof or the mean height level between eaves and ridge for gable, hip or gambrel roofs.
20. **Building Line:** Is the line which defines the outside edge or perimeter of the permitted building area, as specified in the zoning district setbacks, access areas of easements, public right-of-ways and yard spaces. The building line is five (5) feet from the primary structure wall or three (3) feet from the eave or any projection, whichever is greater.
21. **Cellar:** A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for purposes of height measurement. A cellar is an incomplete basement.
22. **City Auditor:** For purposes of this chapter, the City Auditor of the City of Bowman is the official record keeper of the decisions and determinations made by the Planning and Zoning Commission and City Commission as they concern planning and zoning matters.
23. **City Commission:** The City Commission administers the regulations found in Chapter Six (6) referred to as the “Land Use Development Code” and all other Chapters found in the Municipal Code in the City of Bowman, North Dakota.
23. **Commercial:** General retail uses and services that primarily service residential neighborhoods of the City.
24. **Commercial – (Heavy):** Retail uses and services that primarily service a regional population.
25. **Conditional Use:** Any uses which are deemed by the Planning and Zoning Commission to represent potential problems or hazards and as such are allowed only under specific conditions including length of use or occupation. The specific conditions to be met shall be described on the permit required for any use listed as conditional in this chapter.

26. **Condominium**: A real estate ownership arrangement that combines a 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.
27. **Construction Workforce Housing**: A temporary unit development which includes housing facilities and associated nominal services for a portion of the labor force involved in the construction of a major industrial project. Proposed facilities shall be subject to the approval of the Planning and Zoning Commission and City Commission.
28. **Cul-de-sac**: A short public way with one end open to traffic and the other end terminated by a vehicular turnaround.
29. **Designation, Land Use**: A comprehensive plan term used to guide the future development of property within the City of Bowman and its extraterritorial area. An area or parcel's land use designation is used to determine the type, size, and intensity of the services and infrastructure a given area might need in the long term. The Comprehensive Plan goals and policies are general and therefore the land use designation assigned to property may be amended from time to time.
30. **Development**: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
31. **District**: A zoning term that governs the use of an existing building and/or premises, or a future building, its height, placement and use, including such activities as mining, dredging filling, grading, paving, excavation or drilling operations.
32. **District (Flood)**: A section or sections of the City of Bowman for which flood regulations apply in governing the use of buildings and or other structures, including operations such as mining, dredging, filling, grading, paving, excavation of drilling operations when located within the area of special flood hazard.
33. **Dwelling**: Any building or portion thereof which is designed and used exclusively for residential purposes.
34. **Dwelling House**: A detached house designed for and occupied exclusively as the residence of not more than two (2) families each living as an independent housekeeping unit in separate quarters with separate entrances.

35. **Dwelling, Multiple:** A residential building designed for occupancy of two (2) or more families, with the number of families in residence not exceeding the number of dwelling units
36. **Dwelling, Single Family:** A building having been designed for and occupied exclusively by one (1) family.
37. **Dwelling Unit:** One (1) or more structures on a property or properties, each designed for one (1) family. For example, “there are five (5) apartment *units* on this parcel”, or “there are ten (10) single family *units* on ten (10) separate parcels in this subdivision.”
38. **Duplexes:** A residential building containing two (2) dwelling units that share a common wall, with each dwelling on a separate parcel with separate entrances and each dwelling inhabited by one (1) family or tenant with a front, rear and one side yard.
39. **Easement:** A natural or acquired right to use land, other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.
40. **Extraterritorial Jurisdiction:** The area surrounding the corporate limits of the City of Bowman over which the City Planning and Zoning Commission has authority in accordance with Chapter 40-47-01.1, NDCC.
41. **Family:** A single individual or collective body of persons in a domestic relationship based upon birth, marriage or other domestic bond, living within a dwelling unit as a single housekeeping unity as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.
42. **Feedlot:** An animal feeding operation in compliance with North Dakota Administrative Code (NDAC) § 33-16-03.1, and as defined above, § 6.0202(10) and by NDAC § 33-16-03.1-03(1), and typically consists of any livestock feeding, handling or holding facility which is not used for pasture or cropping and where either one hundred (100) or more animal units are held or less than six hundred (600) square feet of space is available per animal unit.
43. **Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas as described herein below.
- a. The overflow of inland or tidal waters; and/or
  - b. The unusual and rapid accumulation of runoff of surface waters from any source.

44. **Flood Insurance Rate Map (FIRM)**: The official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.
45. **Floor Area (Gross)**: The total floor area contained within the building measured to the external face of the external walls.
46. **Floor Area (Internal)**: The total floor area contained within the building measured to the internal face of the external walls.
47. **Frontage**: All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the property line of the street, or if the street is dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.
48. **Garage, Public**: A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storage of vehicles.
49. **In-Home Occupation**: Any occupation, business, profession or trade conducted for monetary or other gain, carried on by a resident within his or her dwelling unit.
50. **Hobby Agriculture**: An area of land where raising crops or keeping of livestock occurs, but the main source of income is not derived from the sale of crops grown on the land.
51. **Hotel or Motel**: A facility used as a transient and/or abiding place for motorists and travelers on a compensatory basis. The length of stay shall meet the NDCC requirements.
52. **Industrial**: Uses that typically cause little to no noise, air, or water disturbances or pollution. Such uses may or may not need access to arterials, highways, railways, and airports.
53. **Industrial, Heavy**: Uses that may cause unsightliness, or have noise, air, water, dust, and light pollution. Such uses typically need access to arterials, highways, railways and airports.
54. **Institution**: A building occupied by a non-profit corporation or non-profit establishment for public use.
55. **Land Use Development Code**: The Land Use Development Code is also referred to as the Zoning Code and/or Zoning Ordinances, and contains the standards which govern new development or alterations to existing development. Development includes any alteration of land such as but not

limited to grading, drilling, construction, or the establishment of any uses that will operate or be conducted on property contained in the City of Bowman and its Extraterritorial Zone.

- 56. **Livestock Auction Yard:** A place or establishment conducted or operated for compensation or profit as a public market or a private buying station consisting of pens or other enclosures and their appurtenances, in which livestock is received, held, or kept for sale and where such livestock is sold or offered for sale, at either public auction or private sale.
- 57. **Lodging House:** A building or place where lodging or lodging and boarding is provided (or equipped to provide lodging regularly) by pre-arrangement for definite periods of time, for compensation, for three (3) or more persons as opposed to hotels open to transients.
- 58. **Lot or Parcel:** A piece, plot or area of land, or contiguous assemblage as established by survey, plat or deed, occupied or to be occupied by a building, or a unit group of buildings, and/or accessory buildings thereto or for other use, together with such open spaces as may be required under these regulations and having its frontage on a street or officially approved place.
- 59. **Lot, Corner:** A lot abutting upon two (2) or more streets at their intersection.
- 60. **Lot, Double Frontage:** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
- 61. **Lot, Interior:** A lot other than a corner lot.
- 62. **Lot Line:** The property lines that define the edge of a lot or site. The lot line could serve as the boundary between two (2) owners' property or any municipal or public easement.
- 63. **Lot, of Record:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Bowman County, North Dakota, or a parcel of land, the deed to which was recorded in the Office of the Register of deeds of Bowman County, North Dakota, prior to the adoption of these regulations.
- 64. **Manufacturing, Light:** Manufacturing which is non-polluting, internal to the structure, with no obvious odors and/or noise, and which typically requires no yard storage.
- 65. **Manufacturing, Heavy:** Manufacturing which may generate various forms of pollution, with activities internal and external to the structure, and may have outdoor storage.

66. **Manufactured Home:** A transportable, factory built home, or portable structure designed to be used with or without a permanent foundation, and is able to be used as a year round residential dwelling. This definition does not include modular homes which meet the state and local building code as “stick built”.
67. **Manufactured Home, Perimeter Foundation:** A transportable, factory built home that uses full perimeter support in addition to an internal, independent support point, that allows the entire edge of the home to be supported.
68. **Manufactured Home, Permanent:** A transportable, factory built home placed on a parcel of land as the principal building, which has been placed on a permanent foundation.
69. **Manufactured Home, Pier System:** A transportable, factory built home that uses short columns of masonry or steel between the footing and main beam for support.
70. **Manufactured Home Park:** Any parcel of land where the owner(s) has planned and improved the parcel for the placement of mobile homes for non-transient use.
71. **Mixed Use:** High intensity development that includes a mix of residential, professional, and commercial uses within the same building or same site.
72. **Modular Home:** A prefabricated living unit transported in one (1) or more sections accompanied by the certificate of origin and certified as meeting state and local building code as applicable to stick built modular housing. Further, the living unit is assembled on a permanent foundation attached to the required utilities and is designed to remain in one (1) place once assembled.
73. **Municipal Code:** All chapters and ordinances of the City of Bowman, including Chapter Six (6) which is specifically referred to as the “Land Use Development Code”. Chapter six (6) is enforced by the Planning and Zoning Commission and the City Commission.
74. **Non-Conforming Uses:** Any building or land lawfully occupied by a use at the time of passage of these regulations or amendment thereto, which does not conform after the passage of these regulations or amendment thereto with the use regulations of the district in which it is situated.
75. **Nursing Home, Convalescent Home, or Skilled Nursing Facility:** A home for the aged or infirmed in which three (3) or more persons not of the same family are provided with food, shelter or care for compensation.

76. **Parking Space:** An area at least nine (9) feet by twenty (20) feet, enclosed or not enclosed, for the storage or placement of one (1) motor vehicle together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.
77. **Permanent Foundation:** Refers to any type of foundation that will stay with the property if a structure is moved off allowing another structure to be placed on said foundation.
78. **Permitted Use:** Any use which complies with the requirements of the zoning district and is allowed without receiving approval of a conditional use permit through the public hearing process.
79. **Planned Unit Development:** An area of land developed as a single entity on ten (10) acres or more for a number of residential units and/or commercial, industrial or professional uses. The design for the PUD need not fall within the specific district guidelines established by this ordinance which generally cover such uses. The developers may receive flexibility and exercise innovation in design provided that unit density, use, recreational space, service and utility systems and drainage are addressed. In exchange for flexibility, public services and elevated architectural and landscaping design standards are required which must be articulated via a "Design Standards Handbook."
80. **Planning and Zoning Commission:** The Planning and Zoning Commission that administers the regulations found in Chapter Six (6) which is referred to as the "Land Use Development Code" in the City of Bowman, North Dakota.
81. **Premises:** A lot, together with all buildings and structures thereon.
82. **Professional Offices:** Offices that furnish the general public with services that require licensure such as law, medicine, veterinary, public accounting, cosmetology, funeral rites, engineering, psychology, dentistry, architecture, etc.
83. **Public Utility:** Any business which furnishes the general public either telephone, telegraph (still used for deaf persons), electricity, natural gas, water service, and sewer service and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.
84. **Real Estate:** Property consisting of land and the buildings fixed (immovable) upon it, along with its natural resources such as crops, minerals, water and other immovable property of this nature.
85. **Real Estate Profession:** Persons who are licensed to conduct the business of buying, selling or renting land, buildings or housing.

86. **Recreational Vehicle:** A trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle, is not more than eight (8) feet in width and is designed for human occupancy and is designed for vacation or recreational use.
87. **Recreational Vehicle Park:** A tract of land designed, utilized and operated on a fee or other basis as a place for the temporary parking of occupied recreational vehicles.
88. **RBS (Responsible Beverage Service) Training:** RBS is a community-based program administered by the city that promotes public safety and risk reduction associated with the retail alcohol environment. RBS has three essential elements: the adoption of alcohol-service policy for ABC-licensed establishments; the providing of server education and guidance; and the development of partnerships between law enforcement, local government and community groups.
89. **Right-of-Way:** The area, either public or private, over which the right of passage exists. The right-of-way shall not be considered as land area when computing lot size.
90. **Rooming House:** See "Lodging House".
91. **Service (Filling) Stations:** Any building or premises where automotive fuels are stored underground and made available for sale and dispensing, through fixed equipment into fuel tanks of motor vehicles and where automobile lubricants, supplies and accessories and related services to motorist may or may not be available except that if the sale or dispensing of automotive fuels is incidental to the conduct of a public garage, the premises are classified as a public garage.
92. **Setback:** The required distance for which a building or structure must be setback from property lines, streets, floodplain or some other specified feature.
93. **Sewage Disposal System:** A sanitary privy, flush toilet, absorption field, or similar device used in the collection and/or disposal of sewage or human excrement. This includes all similar contrivances used in the collection and/or disposal sewage whether listed herein or not.
94. **Small Wind Energy Systems or SWEWS:** Any wind operated device to produce electricity or energy for private or commercial use.
95. **Signs, Permanent:** Any outdoor advertising having a permanent location on the ground, or attached to or painted on a building, including bulletin boards, billboards, and poster boards, or any device designed to inform or attract attention. Signs may take the form of one (1) of the following items listed herein below.



- a. **Fixed Copy:** Signs that advertise company names, addresses, locations, and/or types of sales that are fixed and cannot be altered;
  - b. **Manually Activated:** Signs for which the alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means;
  - c. **Fixed Message Electronic Signs:** Signs whose basic informational content has been pre-programmed to include only certain types of information projections, such as time, temperature, predictable traffic conditions or other events subject to prior programming; and
  - d. **Computer Controlled Variable Message Electronic Signs:** Signs whose information content can be changed or altered by means of computer-driven electronic impulses.
96. **Signs, On Parked Vehicles:** Any sign placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way, where the apparent purpose is to display the sign. This excludes traveling signs on buses or vehicles in motion or signs placed on or affixed to or in the windows of vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.
97. **Skid Unit:** A structure or group of structures, either single or multi-sectional, which is not built on a permanent chassis and is ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis.
98. **Stockyard:** An area of land containing pens and/or covered buildings where livestock is kept or stored.
99. **Story:** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling net above it.
100. **Story, one-half (1/2):** A space under a sloping roof which has the line of intersection of roof decking and wall-face not more than three feet (3') above the top floor level, and in which space not more than sixty percent (60%) of the floor area is or may be finished off for use.
101. **Street:** Except for the section lines, a way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land place or however other designated.
102. **Street Line:** A dividing line, such as the right-of-way side line, between a lot, tract, or parcel of land and a contiguous street.

103. **Structure**: Anything constructed/erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.
104. **Structural Alterations**: Any change in the supporting elements of a building, such as bearing walls or partitions, columns, beams, or girder, or any complete rebuilding of the deck, roof or exterior walls.
105. **Subdivision**: The division of land into two (2) or more lots for the purpose (now or future) for sale or lease for building development. If a new street is proposed, any division of a parcel of land constitutes a major subdivision.
106. **Subdivision, Major**: Any subdivision that does not meet the requirements for a Minor Subdivision.
107. **Subdivision, Minor**: A subdivision that does not require the dedication of rights-of-way or construction of new streets; does not create any public improvements other than sidewalks; does not require the creation of any public utility easements; does not land-lock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property; does not fall within the corridors of any planned or proposed street as shown upon the Official Map or approved Area Plans; and that does not violate any federal, state, or local adopted law, ordinance, regulation, plan or policy.
108. **Temporary Crew Camp Housing Facilities**: One (1) or more lodging units or skid units, ordinarily designed for human living quarters or a place of business, on a temporary or permanent bases, which is not real property, as defined in Section 57-55-01 NDCC. A group of temporary crew housing facilities that are connected physically or by common ownership may be treated as a single crew housing facility for purposes of imposition of temporary crew housing permit fees imposed in this chapter.
109. **Temporary Crew Camp Housing Permit**: A right granted by the city to locate temporary crew housing facilities on property within the jurisdiction of the city under this chapter with attendant services and facilities provided by the city.
110. **Townhouse**: A dwelling unit having a common wall abutting one (1) 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. A townhouse structure is defined as at least three (3) contiguous townhouses with common or abutting walls.
111. **Trailer**: See "Manufactured Home".
112. **Trailer Park**: See "Manufactured Home Park".

113. **Use:** The purpose for which land or a building on land is designed, its intended activities, or the manner in which it is occupied and maintained.
114. **Variance:** The relaxation of the terms of zoning regulations where such variance is not contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is granted only for height, area, size of structure or size of yards and open space. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
115. **Yard:** An open space on the same lot with a building or manufactured home, unoccupied and unobstructed by any portion of a structure or manufactured home from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of side yards, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building or mobile home shall be used.
116. **Yard, Front:** A yard extending across the front of a lot between the side lot lines and extending from the front lot line to the front of the main building, or residential home. The front yard shall be on the side of the lot which has been established as frontage by the house numbering system.
117. **Yard, Rear:** A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or residential home including any projections. On interior lots the rear shall in all cases be at the opposite end on the lot from the front yard. In the case of through lots and corner lots there will be no rear yards, but only front and side yards.
118. **Yard, Side:** A yard extending from the front yard to the rear yard and being the space between the side lot line and the side of the main building or mobile home. (Revised 4-03-2001)

## **ARTICLE 3**     **ESTABLISHMENT OF DISTRICTS**

- 6.0301 Use and Area Districts Established.** For the purposes of this chapter, the city is hereby divided into use districts and area districts as provided hereafter. Each individual district shall be uniform within, but one (1) district may be different from another district.
- 6.0302 Maps and Boundaries.** The boundaries of these districts are hereby established as shown on the map entitled “the Zoning Map of the City of Bowman” on file in the office of the Zoning Administrator, which map with all explanatory matter thereon shall be deemed to accompany, be, and is hereby made a part of the chapter.
- 6.0303 Same: Preparation and Maintenance.** The official zoning map shall be prepared and accurately maintained by the Planning and Zoning Director and be displayed at all times in the office of the Planning and Zoning Director.
- 6.0304 Same: Certificate.** The official zoning map shall bear a certificate with the signature of the President of the Board of City Commissioners, President of the Planning and Zoning Commission and the Certification of the City Auditor and the date of adoption of these regulations. If any changes to the map are made by amendment, such changes shall be made to the official zoning map and signed and certified upon the map or upon materials attached thereto.
- 6.0305 Boundaries.** In determining boundaries of zoning districts shown on the map the following rules shall apply:
1. Unless otherwise indicated, the zone boundaries are the center lines of rights-of-way for streets, roads, highways, alleys, channelized waterways and railroads or such lines extended;
  2. In unsubdivided property, zone boundaries shall be determined by the use of the scale on the map. A legal description acceptable to the Planning and Zoning Commission shall be made available if a controversy arises concerning zoning district boundaries; and
  3. Where a district boundary is shown by a specific dimension as being located at any given distance from a right-of-way line, such dimension shall govern.
- 6.0306 Vacations.** Whenever any street, alley or other public way is vacated by official action of the Board of City Commissioners, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then henceforth be subject to all appropriate regulations of the extended district.

**6.0307 Annexed Property.** Property which has been annexed to the city shall be rezoned to the appropriate district(s) prior to any development of said property unless the desired uses or structures are permitted or conditionally permitted in the district in which the property is located at the time of annexation.

## **ARTICLE 4**      **GENERAL DISTRICT REGULATIONS**

### **6.0401 General Districting Regulations.**

1. **Zoning and New Development.** No building shall be erected, converted, enlarged, placed or reconstructed, nor shall any building or land be used except for a purpose permitted or conditionally permitted in the district in which the building or land is located.
2. **Zoning and New Uses.** No building shall be erected, converted, enlarged, placed or reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
3. **Minimum Yards and Open Spaces.** The minimum yards and open spaces, including lot area per family, required by these regulations for each and every building at the time of the passage of these regulations or for any building thereafter erected shall not be encroached upon or considered as yard or open space requirements for any other buildings, nor shall any lot area be reduced beyond the district requirements of these regulations.
4. **One (1) Primary Building.** Every building hereafter erected or structurally altered shall be located on a lot as herein defined. There shall not be more than one (1) main building on a lot unless approved through variance procedures.
5. **Permitted Uses.** The listing of any use as being permitted or conditionally permitted in any particular district shall be deemed to be an exclusion of such use from any other district, unless such use is specifically permitted in another district under the language set forth in the use regulations.
6. **Prohibited Uses.** Any use or structure not specifically listed in this ordinance shall be considered prohibited and shall not be allowed until such time as the ordinance is amended to make such use allowable.

## **ARTICLE 5    USE DISTRICTS**

**6.0501    Use Districts.** The City is hereby divided into the following use districts to be known as: **R-1:** Residential District, Single Family; **R-2:** Residential, Multi-Family; **R-3:** Triple-wide and double-wide manufactured or modular homes; **MH-1:** Manufactured Home Court; **MH-2:** Manufactured Home Park Alternative; **PUD:** Planned Unit Development; **C:** Commercial; **C-2:** Heavy Commercial; **DC:** Downtown Commercial; **I:** Industrial; **I-2:** Heavy Industrial; **Ag:** Agricultural District; **PR/P:** Parks and Recreation and Public District; **PO:** Professional Office; and **MU:** Mixed Use.

**6.0502    Scope.** This article sets out the permitted, conditionally permitted, and prohibited uses within each district. If a use is not explicitly stated under a district, then that use shall be considered a prohibited use in that district, unless or until the use not listed is found to be consistent with the purpose and intent of the district and the City of Bowman by the city's appointed Zoning Administrator.

### **6.0503    Establishment and Intent of Districts.**

1. **R-1 (Single Family Detached) Zoning District.** This district is intended to provide for single family detached residential uses housing one (1) to two (2) families. Single family detached areas usually function as the least intense urban/suburban land use and are typically located between higher intensity residential and rural land uses.
2. **R-2 (Attached Single Family and Multi-Family) Zoning District.** This district is intended to provide the highest density housing and is considered to be the most appropriate district between commercially zoned property and residentially zoned property.
3. **R-3 (Triple-wide/Double-wide Manufactured or Modular homes) District.** This district is intended to provide for the placement of triple-wide and double-wide manufactured homes, or modular homes that are triple-wide and double-wide that have perimeter foundations.
4. **MH-1 (Manufactured Home Park) Zoning District.** This district is intended to provide for manufactured home parks to be located throughout the community such that they do not become concentrated or isolated in one (1) particular area, and to promote the health, safety and welfare of their residents by establishing minimum standards for such subdivisions and/or developments.
5. **MH-2 (Manufactured Home Park Alternate) Zoning District.** This district is intended to provide for recreational vehicle parks by establishing minimum standards that protect health, safety and welfare of their visitors and surrounding land uses.

6. **C (Commercial) Zoning District.** This district is intended to provide for general retail commercial and service enterprises for the neighborhoods within the community at large.
7. **C-2 (Heavy Commercial) Zoning District.** This district is intended to provide for the orderly and efficient development of high density and high intensity commercial areas that serve a regional population and that is dependent upon large volumes of automobile traffic and on indirect or direct access to arterials and highways.
8. **I (Light Industrial) Zoning District.** This district is intended to provide for intensive activities and land uses that have the most potential for impacting adjacent land uses and infrastructure. This district is typically located in areas with quick and direct access to arterial roadways and highways due to truck traffic. This district shall be separated from residential development by natural or manmade buffers such as topography, roads, or commercial districts.
9. **I-2 (Heavy Industrial) Zoning District.** This district is intended to provide for intensive activities and land uses that have the most potential for impacting adjacent land uses and infrastructure. This district should be located in areas with access to arterial roadway, highway, freeway, railway and air transportation systems. This district shall be separated from residential development by natural or manmade buffers such as topography and/or significant berming with landscaping or commercial districts.
10. **Aq (Agriculture) Zoning District.** This district is intended to protect farm and ranch land activities while providing for the development of rural residential housing and scattered supporting commercial uses, as well as the development of public utilities and schools.
11. **PUD (Planned Unit Development) Zoning District.** This district is intended to provide for more flexibility in density and intensity while providing a more highly articulated design for buildings, lighting, boulevards, landscaping, and pedestrian access, trails and other amenities.
12. **PR/P (Parks and Recreation/Public) Zoning District.** This district is intended to provide for public facilities and services, and parks and recreation for the residents of the City of Bowman and surrounding area.
13. **PO (Professional Office) Zoning District.** This district is intended to provide for professional licensure uses such as but not limited to medicine, veterinary, public accounting, cosmetology, funeral rites, psychology and psychiatry, dentistry, engineering, architecture, financial institutions, and private educational facilities.



14. **MU (Mixed Use) Zoning District.** This district is intended to provide for higher intensity development that includes a mix of residential, commercial, office and professional uses in the same building or multiple buildings within the same project or development that are suitable adjacent to arterials and highways because of traffic generation.

**6.0504 Establishment and Intent of Overlay Districts.**

1. **DC (Downtown Commercial) Overlay District.** This overlay district is intended to provide for commercial development standards unique to the City of Bowman's downtown area and is established to enhance and continue its urban and pedestrian character as well as its important role as the regional center in Bowman County.
2. **GO (Gateway) Overlay District).** This overlay district is intended to provide higher design standards for properties within six-hundred (600) feet of either side of the centerline along U.S. Highway 12 and U.S. Highway 85 and/or the frontage roads along U.S. Highway 12 and U.S. Highway 85. The district's purpose is to enhance the aesthetic character of the gateways into the City of Bowman and applies to new buildings and new additions to existing buildings.

**6.0505 R-1 (Residential District, Single Family and Two (2) Family).** In the R-1 zoning district the following buildings and uses are permitted, conditionally permitted, and/or not permitted as described herein below.

**A - Permitted Uses**

1. Churches and parish houses.
2. Day care (small) six (6) children or less.
3. Dwelling houses occupied by not more than two (2) families in accordance with the following standards:
  - a. Second dwelling units in the R-1 zone may be attached or detached;
  - b. All setbacks and lot coverage requirements shall be met;
  - c. Detached units shall not exceed fifty percent (50%) of the square footage of the primary dwelling unit and shall be situated to the rear of the primary dwelling unit; and
  - d. Additional parking requirements apply (see Section 6.0602(1)(d)).

4. In-home occupations - with exception to the following prohibited uses:
  - a. Vehicle and large equipment repair;
  - b. Firearms and Ammunition Sales; and
  - c. Mortuaries.
5. Modular Homes.
6. Playgrounds and parks.

**B - Conditionally Permitted Uses**

1. Buildings owned and operated by a political subdivision.
2. Day care of seven (7) children or more.
3. Duplexes, townhouses or condominiums.
4. Group home for the disabled. For the purposes of this article and section, the term “disabled” does not include drug or criminal rehabilitation facilities or half-way houses.
5. Hospitals.
6. Nursing and rest homes.
7. Public buildings providing city services. This includes (but not limited to) fire stations, police sub stations, ambulance bays, lift stations and emergency administrative offices that are designed to appear as a residential structure congruent with the neighborhood that the building is locating in, and that is six-thousand (6,000) square feet or less. All metal structures shall use brick veneer on each side that faces street. The brick veneer shall be five (5) feet as measured from the top of the site’s finished grade. Additionally, three (3) of the following design techniques shall be incorporated into the architecture of the structure:
  - a. Pitched roof, or multi-planed roof;
  - b. More than two (2) windows for each façade that faces a street;
  - c. For non-metal buildings, the use of wood, brick, or brick veneer on each façade that faces a street;
  - d. Use of significant landscaping such as multiple trees that are eight (8) feet in height (fifty [50] gallon), large shrubs (five [5] gallon), decorative pavers leading to the front door, and large

boulders/rocks etc. for each façade that faces a street. This would be in addition to what would be required for commercial uses;

- e. Use of canopies; space frames; or pop outs; and
  - f. Use of porte-cocheres, outdoor patios; or monument art such as fountains.
- 8. Structures over thirty-five feet (35') in height as measured to the mid-point of the roof from finished grade.
  - 9. Structures three (3) stories or higher.

**6.0506 R-2 (Residential District, Attached Single-Family and Multi-Family).** In the **R-2** zoning district the following buildings and uses are permitted, conditionally permitted, and/or prohibited as described herein below.

**A - Permitted Uses**

- 1. All uses listed as “Permitted” and “Conditionally Permitted” in the **R-1** district are permitted in the **R-2** zoning district unless specifically required to have a conditional use permit as listed in Section 6.0506 B-“Conditionally Permitted Uses” below.

**B - Conditionally Permitted Uses**

- 1. Bed and breakfast establishments within a residential structure.
- 2. Laundromats.
- 3. Lodges or social buildings.
- 4. Multi-family dwellings.
- 5. Professional office structures (see definition).
- 6. Public buildings providing city services such as (but not limited to) fire stations, police sub stations, ambulance bays, lift stations and emergency administrative offices that are designed to appear as a residential structure congruent with the neighborhood that the building is locating in, and that is six-thousand (6,000) square feet or less. All metal structures shall use brick veneer on each side that faces a street. The brick veneer shall be five (5) feet as measured from the top of the site’s finished grade. Additionally, three (3) of the following design techniques shall be incorporated into the architecture of the structure:
  - a. Pitched roof, or multi-planed roof;

- b. More than two (2) windows for each façade that faces a street;
  - c. For non-metal buildings, the use of wood, brick, or brick veneer on each façade that faces a street;
  - d. Use of significant landscaping such as multiple trees that are eight (8) feet in height (fifty [50] gallon), large shrubs (five [5] gallon), decorative pavers leading to the front door, and large boulders/rocks etc. for each façade that faces a street. This would be in addition to what would be required for commercial uses;
  - e. Use of canopies; space frames; or pop outs; and
  - f. Use of porte-cocheres, outdoor patios; or monument art such as fountains.
7. Rooming or lodging houses.

**6.0507 R-3 (Residential District, Triple-wide and Double-wide Manufactured or Modular Homes).** In the **R-3** zoning district the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

**A - Permitted Uses**

- 1. All uses listed as “Permitted” in the **R-1** district.
- 2. Double-wide manufactured or modular homes with perimeter foundation. Shingle roof required.
- 3. Triple-wide manufactured or modular homes with perimeter foundations. Shingle roof required.

**B - Conditionally Permitted Uses**

- 1. Buildings owned and operation by a political subdivision.
- 2. Convenience stores.
- 3. Day care of any size.
- 4. Double and triple wide manufactured homes on a pier system with skirting that is not tin.
- 5. Duplexes, townhouses or condominiums.
- 6. Hospitals.
- 7. In-home occupations, except for the following prohibited home occupation uses:

- a. Vehicle and large equipment repair;
  - b. Firearm and ammunition Sales;
  - c. Businesses that dispatch employees from the property to carry out offsite work;
  - d. Boarding Facilities; and
  - e. Mortuaries.
- 8. Nursing and rest Homes.
  - 9. Structures over thirty-five (35) feet in height as measured to the midpoint of the roof from finished grade.
  - 10. Structures three (3) stories or higher.

#### **C - Prohibited Uses**

- 1. Single wide manufactured homes.
- 2. Skirting and/or tin roofs on any manufactured home is shall be prohibited.

**6.0508 MH-1 (Manufactured Home Park District).** In the **MH-1** zoning district the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

#### **A - Permitted Uses**

- 1. Manufactured homes.
- 2. Modular homes.
- 3. Public buildings providing city services such as (but not limited to) fire stations, police sub stations, ambulance bays, lift stations and emergency administrative offices that are designed to appear as a residential structure congruent with the neighborhood that the building is locating in, and that is six-thousand (6,000) square feet or less.

#### **B – Conditionally Permitted Uses**

- 1. All uses listed as “Permitted” or “Conditionally Permitted” in the **R-2** district.
- 2. Any single wide manufactured home placed on a privately owned lot or lots zoned for manufactured homes must be no older than ten (10) years of age.

3. Manufactured home parks with the following regulations and provisions:
- a. Density. The maximum density for any manufactured home park shall be five (5) mobile home units per acre. Only one (1) dwelling unit/structure shall be allowed per hook up;
  - b. Park Area. The minimum size of a manufactured home park is three (3) acres;
  - c. Streets. The minimum street width from curb to curb within the manufactured home park shall be thirty-six (36) feet from curb to curb. If the streets are to be publically dedicated, at least sixty (60) feet of right-of-way shall be dedicated. Any cul-de-sacs shall be designed with turning diameter of at least forty (40) feet;
  - d. Subdivision. Any manufactured home park development shall follow the subdivision regulations of this chapter; and
  - e. Platted by Licensed Engineer or Architect. No manufactured home park shall be established in the city or no area shall be annexed to the city that has a manufactured home park unless the area is platted by a licensed engineer or architect, said plat to be of the nature and kind which can be filed at the Register of Deeds office, which shows all lots and blocks, easements, sidewalks, streets and alleys and the plot is accompanied by a plan which meets North Dakota State Laboratories guidelines and the following requirements and/or shows the data listed herein below.
    1. Location and legal description;
    2. Entrance to and exits from the park;
    3. Plans showing size and arrangement of manufactured home lots and stands, service and utility buildings;
    4. Plans showing size and arrangement of manufactured home lots and stands, service and utility buildings;
    5. Areas set aside for recreation;
    6. Clothes washing and drying if provided;
    7. Storage and off-street parking;
    8. Topography map showing original and final contours and provisions for drainage;
    9. Provisions for trash and garbage storage and removal;

10. Plans for water supply and distribution;
  11. Plans for sewage collection and disposal;
  12. Typical lot plan;
  13. Meets the area, yard and other requirements of this Chapter.
  14. Show adequate setbacks or buffers along boundaries with other districts;
  15. An indication of plan approval by the North Dakota State Laboratories shall be furnished at a minimum for manufactured home parks;
  16. Each unit shall be placed on a stand which provides a firm foundation for anchoring purposes to avoid accidental movement and overturning; and
  17. Underground utility hookups shall be provided for each lot.
- f. The applicant must sign an agreement with the Bowman City Commission or their representative, accepting responsibility for road construction and access. The applicant or any subsequent owner or applicant shall be responsible for maintenance and snow removal. The signed agreement shall be recorded with the plat.
4. Recreational vehicles.
  5. Structures over thirty-five feet (35') in height as measured to the midpoint of the roof from finished grade.
  6. Structures three (3) stories or higher.

### **C - Prohibited Uses**

1. Recreational Vehicle Parks.

**6.0509 MH-2 (Manufactured Home/RV Park Alternate District).** In the **MH-2** zoning district, the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

### **A - Permitted Uses**

1. Manufactured home/RV Parks under the provisions outlined in Section 6.0508 of this article.
2. Recreational Vehicle Parks with the following provisions:

- a. Park Area. The minimum area of the park shall be at least eighty-thousand (80,000) square feet;
- b. Each recreational vehicle space shall be at least two-thousand (2,000) square feet and at least thirty-five (35) feet long. Stakes or markers shall outline the boundaries of each space. This space shall not include any portions of the roadway;
- c. Streets and Parking. The minimum street width within the park shall be twenty-eight (28) feet. Two (2) off-street parking spaces shall be provided for each R.V.;
- d. A recreational area shall be provided within each park at a ratio of at least one-hundred-fifty (150) square feet per space, with a minimum of five-thousand (5,000) square feet per park;
- e. No recreational vehicle shall be allowed to occupy a space for more than sixty (60) days continuously; and
- f. The RV Park shall post signs throughout the site that the dumping of gray and black water is prohibited.

#### **B - Conditionally Permitted Uses**

1. Care Takers Quarters.
2. Placement of a recreational vehicle for permanent occupancy sixty-one (61) days or more.
3. Structures over thirty-five (35) feet in height, as measured to the midpoint of the roof from finished grade.
4. Structures three (3) stories or higher.

#### **C - Prohibited Uses**

1. Permanent single-family dwelling units.
2. Multi-family dwelling units.

**6.0510 C (Commercial District).** It is the intent of this district to provide for the orderly and efficient development of commercial areas that service the community's neighborhoods at large. In the **C** zoning district, the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

#### **A - Permitted Uses**

1. Art Schools and galleries.



2. Automotive sales and service.
3. Bakery shops.
4. Barber and beauty shops.
5. Business office facilities.
6. City or county buildings or structures containing and/or providing public services or uses such as fire, police, ambulance bays, lift stations emergency/administrative offices, recreation centers, and maintenance facilities. Such buildings or structures shall be congruent with the general design of neighboring structures. All metal structures shall use brick veneer on each side that faces a street. The brick veneer shall be five (5) feet as measured from the top of the site's finished grade. Additionally, three (3) of the following design techniques shall be incorporated into the architecture of the structure:
  - a. Pitched roof, or multi-planed roof;
  - b. More than two (2) windows for each façade that faces a street;
  - c. For non-metal buildings, the use of wood, brick, or brick veneer on each façade that faces a street;
  - d. Use of significant landscaping such as multiple trees that are eight (8) feet in height (fifty [50] gallon), large shrubs (five [5] gallon), decorative pavers leading to the front door, and large boulders/rocks etc. for each façade that faces a street. This would be in addition to what would be required for commercial uses;
  - e. Use of canopies; space frames; or pop outs; and
  - f. Use of porte-cocheres, outdoor patios; or monument art such as fountains.

The Planning and Zoning Director shall determine if the proposed building meets the above standards. Should there be no agreement between the applicant and the Planning and Zoning Director as to whether the above criteria is met, the Director shall forward the elevations to the Planning and Zoning Commission, and schedule the item for the next available meeting for review. No public hearing will be required, unless an aggrieved party files an appeal.

7. Clothing and similar dry good stores.
8. Coffee kiosk drive-through.

9. Commercial storage/warehousing under twenty-thousand (20,000) square feet in size.
10. Community centers, public.
11. Convenience stores.
12. Day Spas with massage therapy, electrolysis, waxing, facials, etc.
13. Drug Stores.
14. Farmer's market – temporary.
15. Financial establishments.
16. Fitness center.
17. Free standing automated teller machines.
18. Fueling station.
19. General retail sale of merchandise in stores under thirty-thousand (30,000) square feet in size.
20. Hospitals.
21. Hotels/motels.
22. In-home occupations in dwelling units already existing in the **C** district or approved as a conditional use.
23. Laundromats.
24. Laundry and dry cleaning services.
25. Locksmith shops.
26. Medical clinics.
27. Mortuaries.
28. Parks.
29. Permanent or temporary greenhouse.
30. Printing and publishing.
31. Professional office facilities.

32. Pump stations.
33. Repair service for appliances, plumbing, heating/cooling, electrical, etc.
34. Restaurants – walk in.
35. Veterinary clinics for small animals (dogs, cats, birds, mammals).

#### **B - Conditionally Permitted Uses**

1. Apartments.
2. Bars – no commercial restaurant.
3. Boarding or rooming houses.
4. Car washes.
5. Churches.
6. City or county buildings or structures over six-thousand (6,000) square feet. Governmental shops, garages and maintenance buildings.
7. Clubs and lodges, private.
8. Commercial parking as a primary use.
9. Commercial storage/warehousing twenty-thousand and one (20,001) square feet in size or larger.
10. Contained sports or recreational facilities such as bowling, hockey, miniature golf, water sports/parks, skating rinks, tennis etc.
11. Drive-through drug stores.
12. Drive-through restaurants.
13. Duplexes.
14. Fueling station with convenience store.
15. Libraries.
16. Liquor establishments with off-site sales.
17. Living quarters for property caretakers.
18. Lumber yard.

19. Manufacturing (light) in buildings under thirty-thousand (30,000) square feet in size.
20. Mini (self) storage.
21. Movie theaters with four (4) separate theaters showing four (4) or less movies concurrently.
22. On-site sleeping quarters and showers for employees other than for public services and medical uses.
23. Open parking as a primary use.
24. Pawn Shops.
25. Pool halls with or without alcohol services.
26. Recreational Vehicle Sales.
27. Restaurants with lounges serving alcohol.
28. Senior citizen housing or centers.
29. Single family residential units.
30. Skilled nursing facilities.
31. Surgical center with beds.
32. Uses not otherwise specified herein, but which are consistent with the purpose and intent of this district and City of Bowman.
33. Structures over thirty-five (35) feet in height as measured to the midpoint of the roof from finished grade.
34. Structures three (3) stories or higher.
35. Billboards.

#### **C – Prohibited Uses**

1. Manufactured/modular homes.
2. Outdoor storage except for auto sales and seasonal sales.

**6.0511 C-2 (Heavy Commercial District).** It is the intent of this district to provide for the orderly and efficient development of high density and high intensity commercial areas that serve a regional population and that typically need to be

close to a highway. In the **C-2** zoning district, the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

**A - Permitted**

1. All uses listed as “Permitted” and “Conditionally Permitted” in the **C** district except for uses serving or selling alcohol. All requirements listed in the **C** district shall apply.
2. Dairy products, sales and distribution.
3. Elevated tanks and waterworks.
4. Farm implement sales and service.
5. Garden supply stores, nurseries and greenhouses.
6. Heavy equipment sales.
7. Home improvement centers larger than thirty-thousand (30,000) square feet.
8. Kennels.
9. Lumber yards.
10. Movie theaters with five (5) separate theaters or more showing five (5) or more movies concurrently.
11. Outdoor storage (must be completely screened by a combination of fencing and landscaping).
12. Professional and business training schools.
13. Retail stores selling merchandise in structures that are thirty-thousand and one (30,001) square feet in size or greater.
14. Sports facilities for three (3) or less sports with outdoor fields.
15. Trailer and manufactured and modular home sales.
16. Truck repair.
17. Warehousing and distribution fifty-thousand (50,000) square feet or less.
18. Welding shops and fabricating.
19. Wholesaling activities with or without offices.

## **B - Conditionally Permitted Uses**

1. Amusement parks and outdoor recreational complexes for more than four (4) or more sports.
2. Assembly halls and auditoriums for large events.
3. Billboards.
4. Colleges with dormitories.
5. Grain and feed sales and storage (not including grain elevators).
6. Large equipment rentals with outdoor storage (non-farming).
7. Outdoor storage that is not screened other than heavy equipment sales and trailer and manufactured/modular home sales.
8. Research and testing laboratories.
9. Restaurants with lounges serving alcohol, bars serving alcohol (with no commercial kitchen), and off site sales such as liquor stores.
10. Temporary Crew Camp Housing and Temporary RV Crew Camp Housing (see Section 6.0616 for standards).
11. Truck stops with or without truck plazas
12. Utility sub-stations.
13. Warehousing and distribution fifty-thousand and one (50,001) square feet or larger.
14. Structures over thirty-five feet (35') in height as measured to the midpoint of the roof from finished grade.
15. Structures three (3) stories or higher.
16. Uses not otherwise specified herein, but which are consistent with the purpose and intent of this district and the City of Bowman.

**6.0512 I (Industrial District).** It is the intent of this district to provide for the establishment of light industrial uses, being those uses which produce less noise, light and air pollution than heavy industrial uses. In the I zoning district, the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

## **A - Permitted Uses**

1. Agriculture, except as prohibited by Ordinances 6.0615 and 11.0107.

2. Assembly plants.
3. Automotive sales and services.
4. Bottling and beverage industries.
5. City or county buildings or structures containing and/or providing public services or uses such as fire, police, ambulance bays, lift stations, emergency/administrative offices, recreation centers, and maintenance facilities.
6. Dairy products, sales and distribution.
7. Dry bulk storage.
8. Elevated tanks and waterworks.
9. Farm and ranch supply stores (sales and service).
10. Fueling station.
11. Hotels/Motels.
12. Laundry and dry cleaning services.
13. Light manufacturing and production.
14. Locksmith shops.
15. Lumber yard.
16. Mini (self) storage.
17. Office.
18. Repair services for appliances, plumbing, heating/cooling, electrical, etc.
19. Restaurants and/or delis.
20. Trailer and manufactured/modular home sales.
21. Warehousing and freight movement (distribution) seventy-five thousand (75,000) square feet or less in size.
22. Welding shops and fabricating.
23. Wholesaling activities with or without offices.

## **B - Conditionally Permitted Uses**

1. All uses specifically listed as “Permitted” in the **PR, AG** districts.
2. All uses specifically listed as “Permitted” in the **C** district except:
  - a. those uses listed as prohibited in Section 6.0510(c) of the **C** (Commercial District).
3. Airports/airport strips/helicopter landings.
4. Billboards.
5. Custodial or security personnel lodging (limited to one [1] unit per site).
6. Heavy equipment sales, storage and repair.
7. Manufacturing or sales of heavy equipment requiring an outdoor storage yard.
8. Propane dealers (bulk).
9. Structures over thirty-five (35) feet in height as measured to the midpoint of the roof from finished grade.
10. Structures three (3) stories or higher.
11. Temporary Crew Camp Housing and Temporary RV Crew Camp Housing (see Section 6.0616 for standards).
12. Truck and freight terminals.
13. Warehousing and distribution seventy-five thousand and one (75,001) square feet or larger.
14. Restaurants with lounges serving alcohol, bars serving alcohol (with no commercial kitchen), and off site sales such as liquor stores.
15. Uses not otherwise specified herein, but which are consistent with the purpose and intent of this district and the City of Bowman.

## **C - Prohibited Uses**

1. Anhydrous ammonia operations and/or storage of any kind.
2. Churches and related facilities.
3. Hunting, fishing and trapping.



4. Manufactured homes.
5. Multi-family residences.
6. Public libraries, museums and community centers.
7. Public and parochial schools.
8. Single family residences.

**6.0513 I-2 Heavy Industrial District.** It is the intent of this district to provide for the development of the mineral and agricultural resources of Bowman County; to provide for the refining and processing of unfinished and partially finished resources and products; and isolate industrial activities in locations where conflicts with other uses will be minimized. In the **I-2** zoning district, the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

**A - Permitted Uses**

1. Agriculture, except where prohibited by Ordinance 6.0615 and 11.0107.
2. All uses permitted and conditionally permitted in the **I** district unless otherwise specified under the "Conditional Uses" of this Section 6.0513(B).
3. Railroad freight and/or bulk terminals; trackage and spurs.
4. Uses specifically listed as permitted in **PR**, **Ag** and **C** districts except those listed as prohibited or conditionally permitted in this **I** district.
5. Wholesale/warehousing activities requiring outdoor yard storage.

**B - Conditionally Permitted Uses**

1. Batch plant - permanent.
2. Billboards.
3. Commercial grain elevators and accessory structures.
4. Concrete, concrete products and clay products.
5. Custodial or security personnel lodging.
6. Dairy processing plant outside corporate City limits.
7. Laboratories and research facilities that generate and/or store medical, biological or hazardous materials or waste.

8. Liquid, gas (except propane sold in small amounts) or bulk storage, except as prohibited by Ordinance 6.0515.
9. Livestock slaughter activities outside corporate City Limits.
10. Radio, television, telephone transmitting and/or receiving towers.
11. Rock, sand or gravel excavation, crushing, or handling.
12. Restaurants with lounges serving alcohol, bars serving alcohol (with no commercial kitchen), and off-site sales such as a liquor store.
13. Sewage lagoons and sediment ponds in compliance with State Health standards.
14. Sanitary landfills and waste sites in compliance with State Health standards.
15. Structures over thirty-five feet (35') in height as measured to the midpoint of the roof from finished grade.
16. Structures three (3) stories or higher.
17. Truck parking.
18. Temporary Crew Camp Housing and Temporary RV Crew Camp Housing (see Section 6.0616 for standards).
18. Trans-loading facilities.

### **C - Prohibited Uses**

1. Churches and related facilities.
2. Dry cleaning, pressing, tailor shops and laundromats.
3. Hotels and motels.
4. Hunting, fishing and trapping.
5. Manufactured homes.
6. Multi-family residences.
7. Public and parochial schools.
8. Public libraries, museums and community centers.
9. Single family residences.

**6.0514 AG – Agricultural District.** It is the intent of this district to encourage foremost, the use of this land for agricultural activities (which is general farming and ranching), and to discourage any use which would be detrimental to carrying out agricultural practices. In the **Ag** zoning district, the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

**A - Permitted Uses**

1. Accessory buildings and structures necessary to the operation of farms and ranches.
2. All uses specifically listed as permitted in the **PR** district.
3. City or county buildings or structures containing and/or providing public services such as fire, police, ambulance, lift stations, administrative offices, recreation centers and maintenance facilities.
4. Farming and Ranching operations except where prohibited by Ordinances 6.0615 and 11.0107.
5. Truck gardening, nurseries, greenhouses and roadside stands offering for sale only those products which have been grown on the premises.

**B - Conditionally Permitted Uses**

1. Airports.
2. Bee operations.
3. Churches and related facilities.
4. Cemeteries.
5. Commercial grain elevators and accessory structures.
6. Electric transmission facilities and water, gas, oil or coal slurry transmission pipelines in accordance with the following restrictions:
  - a. The applicant shall provide the summary portion of the application for a transmission facility permit submitted to the North Dakota Public Service Commission (PSC) for said transmission facility if an application is required under Chapter 49-22 of the NDCC; and
  - b. Shall submit all materials which constitute a ruling by the PSC on said transmission facility including maps of the approved corridor.
7. Government administrative, maintenance and research facilities.
8. Kennels.

9. Manufacturing and/or processing of agricultural products indigenous to Bowman County.
10. Oil and Gas Exploration:
  - a. All oil and gas exploration and drilling/production companies shall provide the City of Bowman with the location, type of exploration, type of improvements to the site necessary to operate, and all hazardous chemicals and waste that will be present or that will be generated on the site, and their storage methods.
11. Public and parochial schools.
12. Railroad tracks and spur lines.
13. Radio, television transmission and receiving towers and/or facilities.
14. Sanitary landfills and waste sites that comply with State Health Standards.
15. Single-family, non-farm residential units on lots of three (3) acres or more, having a minimum lot width of one hundred fifty (150) feet, with a front setback of one-hundred (100) feet, side setbacks of twenty-five (25) feet and rear lot setback of twenty-five (25) feet, unless said lot is part of an existing recorded plat. Soil characteristics will be considered.
16. Sewage lagoons and sediment ponds that comply with the State Health Standards.
17. Structures over thirty-five (35) feet in height as measured to the midpoint of the roof from finished grade.
18. Structures three (3) stories or higher.
19. Temporary Crew Camp Housing and Temporary RV Crew Camp Housing (see Section 6.0616 for standards).
20. Veterinary clinic for large animals such as horses, cattle, buffalo, etc.

**6.0515. PUD – Planned Unit Development District.** The purpose of the **PUD** district is to provide a tool to master plan larger land holdings with customized development standards that take into consideration the characteristics of the site, including the sites opportunities and constraints. The **PUD** district provides flexibility in exchange for elevated design standards, infrastructure and public amenities and therefore may not be required to meet standards set elsewhere in this ordinance. The overall development must reflect creative and efficient use of the structures and open space which must be expressly stated and illustrated (uses, lot layout, building design standards, streets, landscaping, drainage,

infrastructure etc.) in a “**Design Standards Handbook**” (**DSH**). Accordingly, all **PUD** developments shall provide a benefit to the community such as additional park space, highly articulated architecture or land for public services, etc. in exchange for this flexibility. In the **PUD** zoning district, the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

#### **A - Permitted Uses**

1. Once the preliminary plat map, zoning map amendment, **PUD** application and DSH for the overall development is approved, individual units or structures shall acquire a zoning permit to ensure compliance with the **PUD** district and DSH. Only uses and structures included in the approved **PUD** application and stipulated in the DSH shall be eligible for a zoning permit. It may also be necessary to amend the Comprehensive Plan Map and designation prior to the issuance of any permits.

#### **B - Contents of the PUD Handbook**

1. **Uses and Design Standards.** Specific uses listed as permitted in the **R-1, R-2, MH-1, C, PO** and **MU** districts plus conditionally permitted uses in the **R-1, R-2** and **MH-1** districts may be considered in the overall plan. The desired uses, stipulations and design standards shall be specified by the developer in an approved **PUD** and Design Standards Handbook. The **PUD's** Design Standard's Handbook shall contain the regulations and stipulations that will govern the development.
2. **Design Standards Handbook (DSH).** All specific uses within this district shall be reviewed through the permit process to insure compliance with the approved **PUD's** DSH. The master developer shall be identified in the DSH. The Master Developer and any sub-developers must adhere to the following conditions in their overall development design:
  - a. Separate structures may be developed on a single lot;
  - b. Four (4) sided architecture shall be provided for all uses and all facades shall be articulated with pop outs and texture changes unless the rear of the buildings cannot be seen by a public or private street;
  - c. The **PUD** must provide a public benefit that is in addition to City requirements and services that the development would otherwise have to provide. This benefit shall be in the form of additional recreational facilities, land for city services, or other amenity approved by the City Commission;

- d. Structures are faced, oriented, setback, screened or buffered in a way that ensures that adjacent structures or uses are protected from noise, dust or pollutants and unsightliness;
- e. The total ground area occupied by structure shall not exceed sixty percent (60%) of the buildable area; the gross area of the development less streets and drives will be considered;
- f. Conservation of natural features such as drainage, topography, soils, vegetation cover, tree stands, or similar features shall be considered in the development's design;
- g. Water and sanitary sewer systems shall be efficient and safe in design and shall be extensions of existing City of Bowman water or sanitary sewer facilities. Such systems shall meet City of Bowman design specifications and shall be approved by the City of Bowman Superintendent of Sewage Works and Water Pollution Control;
- h. Interior streets, parking areas and utility services are safe, adequate and efficient in design. The developer must address responsibilities for constructing and maintaining such systems;
- i. All phases of development are specified, including the provision of utilities and infrastructure. Each phase shall stand alone and not be dependent on utilities, infrastructure or other services provided in later phases. This includes provisions for recreational amenities. The **PUD** Handbook shall address these items in the phasing schedule; and
- j. If the **PUD** Handbook does not address a standard in the land use development code or engineering design standards developed by the City Engineer and is silent, then the standard in the land use development code or the standard developed by the City Engineer shall prevail.

### **C - Conditionally Permitted Uses**

- 1. Structures over thirty-five (35) feet in height as measured to the midpoint of the roof from finished grade.
- 2. Structures three (3) stories or more.

**6.0516 PR/P – Park and Recreation/Public District.** It is the intent of this district to provide for protection and development of parks, recreational facilities and other public facilities. In the **PR/P** zoning district, the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

## **A - Permitted Uses**

1. Parks.
2. Public buildings providing services such as (but not limited to) fire stations, police sub stations, ambulance bays, lift stations and emergency administrative offices that are designed to be congruent with the neighborhood that the building is locating in, and that are under six-thousand (6,000) square feet.
3. Open space.

## **B - Conditionally Permitted Uses**

1. Assembly halls and auditoriums with or without commercial kitchens.
2. Camping grounds – tents only.
3. City or county buildings or structures over six-thousand (6,000) square feet. Governmental shops, garages and maintenance buildings.
4. Clubs and lodges with restaurants with or without alcohol service.
5. Community centers.
6. Golf courses and driving ranges.
7. Hobby agriculture.
8. Hospitals, nursing home and clinics
9. Libraries.
10. Post offices.
11. Recreational complexes with or without snack bars containing commercial kitchens.
12. R.V. parks per the standards listed in Section 6.0509.
13. Schools.
14. Shooting ranges.
15. Sports facilities.
16. Structures over thirty-five (35) feet in height as measured to the midpoint of the roof from finished grade.

17. Structures three (3) stories or higher.
18. Water reservoirs and water supply structures.

**6.0517 PO – Professional Office District.** It is the intent of this district to provide for professional uses requiring licensure that offer social, medical, and other necessary services to the residents of the City of Bowman and surrounding region. In the **PO** zoning district, the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

**A - Permitted Uses**

1. Ambulance bays and garages.
2. Architecture services.
3. Assisted living and hospice facilities.
4. Broadcasting.
5. Chiropractic offices.
6. Clinics.
7. Construction contractor offices.
8. Cosmological Services.
9. Day Spas.
10. Dentist offices.
11. Emergency service administrative offices.
12. Engineering services.
13. Fire stations.
14. Funeral homes and rites.
15. Hospitals with acute and overnight care.
16. Landscape architecture offices.
17. Law offices.
18. Police stations and sub stations.
19. Professional schools of one-hundred (100) students or less.



20. Psychological and psychiatric offices.
21. Public accounting offices.
22. Similar uses requiring licensure of the same intensity as listed above per the approval of the Planning and Zoning Director.
23. Veterinary clinics – small animal.

#### **B - Conditionally Permitted Uses**

1. Animal research laboratories and testing facilities that generate or store medical, biological or hazardous materials or waste.
2. Hazardous Material. Any licensed facility generating or storing hazardous, toxic, flammable, combustible, or odorous materials other than those used in hospitals and medical clinics serving human and small animal patients.
3. Hospital helipad used for transporting patients.
4. Laboratories that generate or store medical, biological or hazardous materials or waste other than those used in hospitals and medical clinics serving human and small animal patients.
5. Professional schools with one-hundred and one (101) students or more.
6. Structures over thirty-five (35) feet in height as measured to the midpoint of the roof from finished grade.
7. Structures three (3) stories or higher.

**6.0518 MU – Mixed Use District.** It is the intent of this district to provide for a mix of compatible commercial, professional and residential uses in the same buildings or on the same site. Developments are high intensity and require direct or reasonable indirect access to arterials and highways due to the traffic they generate. In the **MU** zoning district, the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

#### **A - Permitted Uses**

1. All uses listed as “Permitted” in the **C** district except those uses listed under “C” of this section below and those that require a conditional use permit.
2. All uses listed as “Permitted” in the **PO** district except those uses listed under “C” of this section below and those that require a conditional use permit.

3. City or county buildings or structures that house emergency services and administrative offices (no maintenance buildings) six-thousand (6,000) square feet or less in size.
4. Indoor sports and fitness facilities that are twenty-thousand (20,000) square feet or less in size.
5. Lift stations.
6. Movie theaters.
7. Multi-family attached housing as a second story of a commercial or professional building.
8. Single family attached housing (town houses and condominiums) as a second story of a commercial or professional building that is part of a mixed use development site.
9. Stand-alone condominium and town house developments that are part of a mixed use development site.
10. Stand-alone multi-family housing.

#### **B - Conditionally Permitted Uses**

1. Boarding or rooming houses.
2. City or County buildings or structures that house emergency services and administrative offices (no maintenance buildings) over six-thousand (6,000) square feet.
3. Drive-through uses.
4. Fueling station with convenience store.
5. Indoor sports and fitness facilities over twenty-thousand and one (20,001) square feet.
6. Pool halls with or without alcohol service.
7. Restaurants with lounges serving alcohol.
8. Structures over thirty-five (35) feet in height as measured to the midpoint of the roof from finished grade.
9. Structures three (3) stories or more.

### **C - Prohibited Uses**

1. Assisted living facilities.
2. Automotive sales and service.
3. Clinics operating outside the hours of 7:00 a.m. and 6:00 p.m.
4. Funeral homes and rites/mortuaries.
5. Hospitals.
6. Single family detached housing.
7. Veterinary clinics.

**6.0519 DC (Downtown Commercial Overlay District).** The intent of this overlay district is to protect the unique development pattern of the City of Bowman's existing downtown commercial district while encouraging new uses and enterprises that promote its economic vitality. In the **DC** zoning district, the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

### **A - Permitted Uses**

1. Existing residential uses destroyed by fire or other calamity may rebuild. All re-builds and partial re-builds, shall meet the **R-1** district setbacks.
2. Uses that are permitted in the **C-1** district, except those uses listed under Section 6.0519 (C) of this section below as "Prohibited" and those that require a conditional use permit.

### **B - Conditionally Permitted Uses**

1. Automotive sales and service.
2. Condominiums or apartments as a second or third story of a commercial, business or professional building.
3. Pool halls with or without alcohol service.
4. Restaurants or banks with drive-through lanes.
5. Restaurants with lounges serving alcohol services.
6. Structures over thirty-five (35) feet in height as measured to the midpoint of the roof from finished grade.
7. Structures three (3) stories or higher.

### **C - Prohibited Uses**

1. Assisted living facilities.
2. Hospitals.
3. Mortuaries.

**6.0520 GO (Gateway Overlay District).** The intent of this overlay district is to provide higher design standards for properties within six-hundred (600) feet of either side of the centerline along U.S. Highway 12 and U.S. Highway 85. These areas are the primary gateways into the City of Bowman and receive the majority of non-resident traffic flows. The **GO** district provides for consistent treatment of properties bordering U.S. Highways in the City of Bowman and its extraterritorial area, and its purpose is to enhance the aesthetic character of entrance corridors into the community. In the **GO** zoning district, the following buildings and uses are permitted, conditionally permitted or prohibited as described herein below.

### **A - Permitted Uses**

1. All uses that are listed as "Permitted" in the underlying zoning districts as defined in Article 5 "Use Districts".

### **B - Conditionally Permitted Uses**

1. All uses that are "Conditionally Permitted" that are listed in the underlying zoning districts as defined in this Article 5 "Use Districts".

**6.0521 Temporary Uses.** It is the intent of this section to provide for uses that are temporary and seasonal in nature in the **C, C-2, I, I-2, Ag and P** districts only on vacant properties. An application for a temporary use shall be submitted to the Planning and Zoning Director and shall all site improvements, a site plan indicating where the site improvements will be situated, any power supply, and the placement and number of temporary toilet facilities if deemed necessary.

### **A - Permitted Temporary Uses for One (1) Year or Less**

1. Batch Plants.
2. Construction trailers, structures and storage/parking of construction equipment and vehicles.
3. Stockpiling of building and earthen materials for construction.

A six (6) month extension to the one (1) year time frame specified above may be granted by the Planning and Zoning Director via a written request. Extensions beyond the six (6) month time frame shall be approved by the City Commission.

## **ARTICLE 6**      **AREA REGULATIONS**

**6.0601 Area Regulations – Residential Districts.** In any use district no residence or building shall hereafter be erected, established, altered or placed on a lot until the conditions listed below are met.

1. **R-1: One-Family:**

- a. Lots shall be seven-thousand (7,000) square feet or greater;
- b. Lot widths shall be (50) feet or greater measured along the front property line, except on a cul-de-sac where the width shall be forty (40) feet or greater as measured from the front property line; and
- c. No more than sixty-five percent (65%) of the lot area may be covered with structures.

2. **R-1: Two-Family:**

- a. Lots shall be seven-thousand (7,000) square feet or greater;
- b. Lot widths shall be fifty (50) feet or greater measured along the front property line except on a cul-de-sac where the width shall be forty (40) feet or greater as measured from the front property line; and
- c. No more than sixty-five percent (65%) of the lot area may be covered with structures.

3. **R-2: Multi-Family:**

- a. Lots shall be fourteen-thousand (14,000) square feet or greater;
- b. Lot widths shall be one-hundred (100) feet or greater measured along the front property line except on a cul-de-sac where the width shall be eighty (80) feet or greater as measured from the front property line; and
- c. No more than sixty-five percent (65%) of the lot may be covered with structures.

4. **R-3: Triple and Double Wide Manufactured or Modular Homes:**

- a. Lots shall be seven-thousand (7,000) square feet or greater;
- b. Lot widths shall be fifty (50) feet or greater measured along the front property line, except on a cul-de-sac where the width shall be forty (40) feet or greater as measured from the front property line; and

- c. No more than sixty-five percent (65%) of the lot area may be covered with structures.

5. **MH-1: Manufactured/Modular Home Subdivisions:**

- a. Lots shall be six-thousand (6,000) square feet or greater;
- b. Lot widths shall be fifty (50) feet or greater measured along the front property line except on a cul-de-sac where the width shall be forty (40) feet or greater as measured from the front property line; and
- c. Permanent manufactured home lots cannot have over sixty percent (60%) of the lot area covered with structures.

6. **MH-2: Recreation Vehicles:**

- a. Lot area shall be a minimum of two-thousand (2,000) square feet.  
(Revised 04-03-2001)

**6.0602 Yard and Parking Regulations for Residential.**

1. **In R-1 (One-Family) District the Setbacks and Parking Requirements Shall Be:**

- a. A front yard setback of seven (7) feet or greater. This is in addition to the City of Bowman's public right-of-way of thirteen (13) feet measured from back of curb;
- b. A side yard setback on each side of the lot of five (5) feet or greater;
- c. A rear yard setback of twenty (20) feet or greater; and
- d. A minimum of two (2) off-street parking spaces per unit each sized at nine (9) feet by twenty (20) feet.

2. **In R-1 (Two-Family) District the Setbacks and Parking Requirements Shall Be:**

- a. A front yard setback of seven (7) feet or greater. This is in addition to the City of Bowman's public right-of-way of thirteen (13) feet as measured from back of curb;
- b. A side yard setback on each side of the lot of ~~not less than~~ five (5) feet or greater;
- c. A rear yard setback of twenty (20) feet or greater; and
- d. A minimum of four (4) off-street parking spaces (two [2] for each unit) sized at nine (9) feet by twenty (20) feet.

3. **In R-2 (Multi-Family) District the Setbacks and Parking Requirements Shall Be:**

- a. A front yard setback of seven (7) feet or greater. This is in addition to the City of Bowman's public right-of-way of thirteen (13) feet as measured from back of curb;
- b. A side yard setback on each side of the lot of five (5) feet or greater;
- c. A rear yard setback of twenty (20) feet or greater; and
- d. One and one-half (1 and ½) off-street parking spaces shall be provided for each unit sized at nine (9) feet by twenty (20) feet and conveniently spaced throughout the site. One (1) guest off-street parking space shall be provided for every two (2) units built.

4. **In R-3 (Triple, Double Wide, and Modular) District the Setbacks and Parking Requirements Shall Be:**

- a. A front yard setback on the lot/space of seven (7) feet or greater. This is in addition to the City of Bowman's public right-of-way of thirteen (13) feet;
- b. A side yard setback on each side of the lot/space of five (5) feet or greater;
- c. A rear yard setback of twenty (20) feet or greater; and
- d. A minimum of two (2) off-street parking spaces sized at nine (9) feet by twenty (20) feet for each manufactured home park unit/lot/space and one (1) guest off-street parking space sized at nine (9) feet by twenty (20) feet shall be provided. Front yard areas may be used for parking, or alternatively, parking court yards may be used throughout the site if conveniently spaced. Diagonal parking may be used for parking court yards as approved by the Planning and Zoning Director.

5. **In M-1 (Manufactured Home Park) District the Setbacks and Parking Requirements Shall Be:**

- a. A front yard setback on the lot/space of twenty (20) feet or more to provide parking for automobiles;
- b. A side yard setback on each side of the lot/space of five (5) feet or greater;
- c. A rear yard setback on the lot/space of ten (10) feet or greater; and

- d. A minimum of two (2) off-street parking spaces sized at nine (9) feet by twenty (20) feet for each manufactured home park unit/lot/space and one (1) guest off-street parking space sized at nine (9) feet by twenty (20) feet shall be provided. Front yard areas may be used for parking, or alternatively, parking court yards may be used throughout the site if conveniently spaced. Diagonal parking may be used for parking court yards as approved by the Planning and Zoning Director.

6. **In M-2 (Manufactured Home Park Alternate) Districts the Setbacks and Parking Requirements Shall Be:**

- a. A front yard setback on the lot/space of five (5) feet or greater;
- b. A side yard setback on each side of the lot/space of five (5) feet or greater;
- c. A rear yard setback on each side of the lot/space of ten (10) feet or greater; and
- d. A minimum of one and one-half (1 and ½) off-street parking spaces sized at nine (9) feet by twenty (20) feet and one (1) guest off-street parking space sized at nine (9) feet by twenty (20) feet shall be provided for each manufactured home park alternative unit/lot/space shall. Front yard areas may be used for parking, or alternatively, parking court yards may be used throughout the site if conveniently spaced. Diagonal parking may be used for parking court yards when sized appropriately for vehicles equipped to tow RV's and as approved by the Zoning and Planning Director.

**6.0603 Other Regulations in Residential Districts.**

- 1. **Sidewalks.** All sidewalks shall comply with the requirements under Municipal Code Section 3.0107.
- 2. **Existing Trees and Shrubs.** Regulations governing pre-existing trees or bushes – see Municipal Code Section 3.0213.2.
- 3. **Storage Buildings and Sheds Two-Hundred (200) Square Feet or Less in Required Setbacks.** Storage buildings/sheds may be placed a minimum of five (5) feet from the side property lines and five (5) feet from the rear property line or alley and a maximum of twenty-five (25) feet from the rear of the lot or alley. Such buildings shall not exceed two-hundred (200) square feet when placed within the setback area, shall have a maximum sidewall not to exceed eight (8) feet, or exceed the maximum building coverage allowed for a lot as specified in “Article 6, Area Regulations” of this ordinance. In no instance shall the building be placed in the front yard or street side of any property. Construction shall be made in a safe manner and the structure shall be anchored to the ground.



Wooden storage sheds are to be lap sided, or have exterior walls made of plywood that have an American Plywood Association Siding Rating or better and must be painted or have siding that is congruent with the primary structure (dwelling). The appearance of the structure shall be conducive to the Residential District and shall not have an industrial or commercial appearance.

4. **Accessory Buildings Over Two-Hundred (200) Square Feet.** Storage buildings and sheds over two-hundred (200) square feet in size, cabanas, gazebos, covered patios, shade structures, etc. may be placed in the rear yard of any residential district providing they are placed outside of the minimum setback area and providing they do not exceed twelve (12) feet in height, have sidewalls that exceed ten (10) feet in height, or exceed the maximum building coverage allowed for a lot as specified in "Article 6, Area Regulations" of this code. In no instance shall the building be placed in the front yard or street side of any property. Construction shall be made in a safe manner and the structure shall be anchored to the ground. Wooden storage buildings and sheds are to be lap sided, or have exterior walls made of plywood that have an American Plywood Association Siding Rating or better and must be painted or have siding that is congruent with the primary structure (dwelling). The appearance of the structure shall be conducive to the Residential District.
- 4a. **Soft Sided Storage and Shed Structures.** In no instance shall any soft-sided storage building or shed be erected in any residential zone. This includes temporary or permanent and anchored or unanchored soft sided storage buildings and sheds. Exemptions include greenhouse structures made solely for horticulture purposes that are no larger than three-hundred (300) square feet in size, and seasonal framed shade canopies and outdoor dining umbrellas. All items must be anchored to the ground to withstand the wind.
5. **Detached Garages.** The wall of any detached garage paralleling the alley shall be setback twenty (20) feet from the alley when the entrance is from the alley, except in instances where the entrance to the garage door is from a side entrance or a street entrance. Side entry garages that have twenty (20) feet of stacking space in front of the entire garage door width may have the wall that parallels the alley setback a minimum distance of five (5) feet from the alley. Street entry garages shall have the wall that parallels the alley setback a minimum distance of five (5) feet from the alley. Detached garages shall have sidewalls no higher than twelve (12) feet and shall not exceed a maximum of fourteen-hundred (1,400) square feet in area. Detached garages must have the same siding and color as the dwelling. The appearance shall be conducive to the residential district and shall not have an industrial or commercial appearance. The above requirements shall be verified by the plans submitted for a zoning permit.

(Revised 8-16-2008, \_\_\_\_ - 2014)

- 5a. **Soft Sided Garages.** In no instance shall any soft-sided garage, attached to the primary structure or not, be erected in any residential zone. This includes temporary or permanent and anchored or unanchored soft sided garages.
6. **Attached Garages.** The wall of any attached garage paralleling the alley shall be setback twenty (20) feet from the alley when the entrance is from the alley, except in instances where the entrance to the garage is from a side entrance or street entrance. Side entry garages that have twenty (20) feet of stacking space in front of the entire garage door width shall have the wall that parallels the alley setback a minimum distance of five (5) feet from the alley. Street entry garages shall have the wall that parallels the alley setback a minimum distance of five (5) feet from the alley. Attached garages shall have sidewalls no higher than twelve (12) feet in height or be no higher than the dwelling sidewalls if the proposed garage expansion includes living space above it. The garage shall not exceed a maximum of two-thousand and two-hundred (2,200) square feet of area. Additionally, the peak roof line of the height of the attached garage shall be no greater than the peak roof line of the existing dwelling unless there is living space above the garage. Attached garages must have the same siding and color as the dwelling. The appearance shall be conducive to the residential district and not have an industrial or commercial appearance. The above requirements shall be verified by the plans submitted for a zoning permit.  
(Revised 8-16-2008, 3-7-2017)
7. **Fences.** Fences may be on the rear, side and front property lines in accordance with the following:
- a. Corner lot fencing that faces a street that does not provide access to the lot may have opaque fencing that is six (6) feet in height or less placed on the property line. Any portion of the fence that will block a vision triangle shall be open view and lowered to four (4) feet;
  - b. Interior lots (lots not facing a street on the side and/or rear of the lot) may have an opaque fence six (6) feet in height or less placed on the side and rear property lines; and
  - c. All front yard fencing, and fencing along a street side that provides access to the lot shall be open view and four (4) feet or less in height.
8. **Side Yard Setbacks.** Side yard setback requirements may be waived by the Planning and Zoning Commission via the variance procedure to allow maximum visibility for traffic safety.
9. **Fuel Tanks.** Overhead or underground fuel tanks over one-thousand (1,000) gallons in size shall be prohibited from any residential or manufactured home district. Violation of this regulation shall call for the removal of said tank.

10. **Prohibition on Commercial Advertising Signs.** No commercial advertising or other such signs may be placed in or upon the front yard area of any residential district. In all other areas signs must be back twenty (20) feet from the curbs and curb corners and back eight (8) feet from the rear of the lot or alley and not interfere with traffic safety.
11. **Previously Built Structures.** Previously built structures, whether already existing in the City of Bowman or brought into the City of Bowman, that are moved onto a lot or lots in the city must obtain a Zoning Permit approved by the City Planning and Zoning Chairman, and the City Commission President prior to the placement of said structure unless reviewed and approved by a conditional use permit. This does not pertain to new buildings such as modular homes. (Revised 04-03-2001 and 6-1-2016)
12. **Animal Holding Areas or Houses.** Permanently anchored animal kennels, pens, dog houses or holding areas are restricted to placement in the area of the property defined as the rear yard.
13. **Subdivisions of Five (5) or More Units.** Subdivisions with five (5) or more units must landscape the front yard setback area. Landscaping shall consist of sixty percent (60%) live plant material, including one (1) deciduous tree. The remaining forty (40%) must be covered with inert material to maintain dust and erosion control.

**6.0604 Area Regulations – All Other Non Residential Districts.**

1. **In the C (Commercial) District with the DC (Downtown Commercial) Overlay District the Setbacks Listed Below Shall Apply.** The spacing for commercial buildings in the **C** zoning district with the **DC** overlay district may be on the property lines.
2. **Geographical Boundaries of the DC (Downtown Commercial) Overlay District.** The district is generally defined geographically as commercially zoned properties bounded by the BNSF Railroad to the north, Fourth Street Southeast, Third Avenue Southeast, and Second Avenue Southwest. The graphic below indicates the commercial properties that are included in this overlay district:

**SEE GRAPHIC ON NEXT PAGE**

**MAP 1 – Geographic Boundaries of the DC Overlay**  
**District Shown in Black:**



3. **In the C (Commercial) District with the GO (Gateway Overlay) District the Setbacks Listed Herein Below Shall Apply.**
  - a. A front yard setback on the lot of twenty (20) feet;
  - b. A side yard setback on the lot of ten (10) feet;
  - c. A rear yard setback on the lot of twenty (20) feet; and
  - d. See Article 7 for parking and landscaping requirements.
4. **In the C (Commercial) District with Both the GO (Gateway Overlay) and DC (Downtown Overlay) Districts the Setbacks Listed Herein Below Shall Apply:**
  - a. Commercial buildings that are located in both the **GO** and the **DC** overlays shall have spacing and setbacks that conform to the **DC** overlay district and may be on the property line. The primary goal is to maintain the zero (0) lot setbacks in the downtown district.
5. **In the C (Commercial) District Without an Overlay District, the Setbacks Listed Herein Below Shall Apply.**
  - a. Commercial buildings in the **C** district with no overlay designation that were in existence prior to the adoption of this amended code (March 7, 2017) have no setbacks.
  - b. Commercial buildings in the **C** district with no overlay designation that were constructed after adoption of this amended (March 7, 2017) shall have the following setbacks:
    1. A front yard setback on the lot of twenty (20) feet;
    2. A side yard setback on the lot of fifteen (15) feet;
    3. A rear yard setback on the lot of twenty (20) feet; and
    4. See Article 7 for parking and landscaping requirements.
6. **In The C-2 (Heavy Commercial) District the Setbacks Listed Herein Below Shall Apply:**
  - a. A front yard setback on the lot of thirty (30) feet;
  - b. A side yard setback on the lot of fifteen (15) feet;

- c. A rear yard setback on the lot of thirty (30) feet; and
- d. See Article 7 for parking and landscaping requirements.

**6.0605 Other Regulations in Commercial Districts.**

1. **Moving Already Built Structures into the City of Bowman.** Any structures moved into a commercial district which were built prior to moving will be given one (1) year from the date the structure was placed on the commercial district lot to adhere to Section 6.0605(4) of the Bowman ordinance. If the conditions under Section 6.0605(4) are not completed within one (1) year the structure must be removed.
2. **Appearance of Commercial Structures.** The appearance of any structure in the commercial districts will be conducive to the commercial districts. Buildings will be lap sided, colored steel sided, or exterior walls made from plywood that has an American Plywood siding rating or better. Siding must be painted. Masonry construction is permitted.
3. **Rooftop Mechanical Equipment.** All rooftop mechanical equipment shall be screened by parapets or other design feature/s from visibility.
4. **Design Standards.** Each building front and any sides facing a street in the commercial districts shall have windows and be articulated to include three (3) of the following:
  - a. Texture/material changes;
  - b. Awnings;
  - c. Space frames;
  - d. Color changes;
  - e. Plane changes;
  - f. Change of roof pitch;
  - g. Signs; and
  - h. Pop outs.
5. **Parking and Landscaping.** See Article 7 for parking and landscaping requirements.

**6.0606 Area Regulations – Industrial Districts.** Yards and setbacks in industrial districts are required to be of adequate size to allow for unobstructed parking, loading and unloading on the lot in question and all adjacent lots. Storage areas shall be setback ten (10) feet from all property lines, except that when adjacent



to any residential zoning district a twenty (20) foot setback is required and opaque fencing at least six (6) feet in height is required along the shared setback line. Storage of items may not exceed the height of the required fencing.

1. **In the I (Industrial) District the Setbacks Listed Herein Below Shall Apply:**

- a. A front yard setback on the lot of twenty (25) feet;
- b. A side yard setback on the lot of fifteen (15) feet;
- c. A rear yard setback on the lot of twenty (25) feet; and
- d. See Article 7 for parking and landscaping requirements.

2. **In the I-2 (Heavy Industrial) District the Setbacks Listed Herein Below Shall Apply:**

- a. A front yard setback on the lot of thirty (30) feet;
- b. A side yard setback on the lot of twenty (20) feet;
- c. A rear yard setback on the lot of thirty (30) feet; and
- d. See Article 7 for parking and landscaping requirements.

**6.0607 Other Area Regulations in Industrial Districts.**

- 1. **Moving Already Built Structures into the City of Bowman.** Any structures moved into an industrial district which were built prior to moving will be given one (1) year from the date the structure was placed on an industrial district lot to adhere to Section 6.0607(4) of the Bowman City Planning and Zoning Ordinance. If the conditions under Section 6.0607(4) are not completed within one (1) year the structure must be removed.
- 2. **Appearance of Industrial Structures.** The appearance of any structure in the industrial districts will be conducive to the industrial districts. Siding must be painted. Masonry construction is permitted.
- 3. **Rooftop Mechanical Equipment.** All rooftop mechanical equipment shall be screened by parapets or other design feature/s from visibility at street grade.
- 4. **Design Standards.** Each building front and any sides facing a street in the industrial districts shall be articulated to include three (3) of the following:
  - a. Texture/material changes;
  - b. Awnings;

- c. Space frames;
  - d. Color changes;
  - e. Plane changes;
  - f. Change of roof pitch;
  - g. Signs; and
  - h. Pop outs.
5. **Parking and Landscaping.** See Article 7 for parking and landscaping requirements.

**6.0608 Area Regulations – Agricultural Districts.**

1. **In the Ag (Agricultural) District for Residential Lots the Setbacks Listed Herein Below Shall Apply.**
- a. Lots in the agricultural district in the city's limits which will not be connected to the City of Bowman sewer and water facilities shall be a minimum of **one (1) acre** in size. Further, said lots shall have the following setbacks for residential homes:
    - 1. A front yard minimum setback of fifty (50) feet;
    - 2. A side yard minimum setbacks of thirty (30) feet; and
    - 3. A rear yard minimum setback of fifty (50) feet.
  - b. Lots in the agricultural district in the city's ETZ which will not be connected to the City of Bowman sewer and water facilities shall be a minimum of **three (3) acres** in size. Further, said lots shall have the following setbacks for residential homes:
    - 1. Front yard minimum setback of one-hundred (100) feet;
    - 2. Side yard minimum setbacks of twenty-five (25) feet; and
    - 3. Rear yard minimum setbacks of twenty-five (25) feet.
2. **In the Ag (Agriculture) District for Agricultural Buildings the Setbacks Listed Herein Below Shall Apply.**
- a. A front yard minimum setback on the lot of twenty-five (25) feet;
  - b. A side yard minimum setback on the lot of fifteen (15) feet;



- c. A rear yard minimum setback on the lot of twenty-five (25) feet; and
- d. See Article 7 for parking and landscaping requirements.

**6.0609 Area Regulations – Planned Unit Development (PUD).**

1. **Setback Requirements.** The spacing requirements required in the **PUD** district shall be based on the uses proposed within the **PUD**. For example, commercial uses shall follow the same building spacing and setback requirements for the commercial buildings as specified in Section 6.0604(5)(b) unless other spacing and setback requirements are approved by the City Commission.
2. **Rooftop Mechanical Equipment.** All rooftop mechanical equipment shall be screened by parapets or other design feature/s from visibility.
3. **Design Standards.** Each building front and any sides facing a street in the industrial districts shall be articulated to include four (4) of the following:
  - a. Texture/material changes;
  - b. Awnings;
  - c. Space frames;
  - d. Color changes;
  - e. Plane changes;
  - f. Change of roof pitch;
  - g. Signs; and
  - h. Pop outs.
4. **Parking and Landscaping.** See Article 7 for parking and landscaping requirements.

**6.0610 Area Regulations – Parks & Recreation and Public.**

1. **In the PRP (Parks & Recreation and Public) District the Setbacks Listed Herein Below Shall Apply:**
  - a. A front yard minimum setback of twenty (20) feet;
  - b. A side yard minimum setbacks of fifteen (15) feet; and
  - c. A rear yard minimum setback of thirty (30) feet.

2. **Rooftop Mechanical Equipment.** All rooftop mechanical equipment shall be screened by parapets or other design feature/s from visibility.
3. **Design Standards.** Each building front, rear and sides facing a street shall have windows and be articulated to include three (3) of the following:
  - a. Texture/material changes;
  - b. Awnings;
  - c. Space frames;
  - d. Color changes;
  - e. Plane changes;
  - f. Change of roof pitch;
  - g. Signs; and
  - h. Pop outs.
4. **Parking and Landscaping.** See Article 7 for parking and landscaping requirements.

**6.0611 Area Regulations – Professional Office District.**

1. **In the PO (Professional Office) District the Setbacks Listed Herein Below Shall Apply:**
  - a. A front yard minimum setback of twenty (20) feet;
  - b. A side yard minimum setbacks of ten (10) feet; and
  - c. A rear yard minimum setback of thirty (30) feet.
2. **Rooftop Mechanical Equipment.** All rooftop mechanical equipment shall be screened by parapets or other design feature/s from visibility.
3. **Design Standards.** Each building front, rear and any sides facing a street shall have windows and shall be articulated to include four (4) of the following:
  - a. Texture/material changes;
  - b. Awnings;
  - c. Space frames;

- d. Color changes;
  - e. Plane changes;
  - f. Change of roof pitch;
  - g. Signs; and
  - h. Pop outs.
4. **Parking and Landscaping.** See Article 7 for parking and landscaping requirements.

**6.0612 Area Regulations – Mixed Use.**

1. **In the MU (Mixed Use) District the Setbacks Listed Herein Below Shall Apply When *Not Adjacent* to Residential Uses:**
- a. A front yard minimum setback of ten (10) feet when not adjacent to;
  - b. A side yard minimum setbacks of ten (10) feet; and
  - c. A rear yard minimum setback of ten (10) feet.
2. **In the MU (Mixed Use) District the Setbacks Listed Herein Below Shall Apply When *Adjacent* to Residential Uses:**
- a. Front yard minimum setback of thirty (30) feet;
  - b. Side yard minimum setbacks of twenty (20) feet; and
  - c. Rear yard minimum setback of thirty (30) feet.
3. **Rooftop Mechanical Equipment.** All rooftop mechanical equipment shall be screened by parapets or other design feature/s from visibility.
4. **Design Standards.** Each building front, rear and any sides facing a street shall have windows and be articulated to include four (4) of the following:
- a. Texture/material changes;
  - b. Awnings;
  - c. Space frames;
  - d. Color changes;

- e. Plane changes;
  - f. Change of roof pitch;
  - g. Signs; and
  - h. Pop outs.
5. **Parking and Landscaping.** See Article 7 for parking and landscaping requirements.

**6.0613 Area Regulations - Gateway Overlay District.**

1. **Elevated Design Standards.** The **GO** district provides elevated design standards for properties within six-hundred (600) feet of either side of the centerline along U.S. Highway 12 and U.S. Highway 85 and/or the frontage roads along U.S. Highway 12 and U.S. Highway 85. This district provides for consistent treatment of properties bordering U.S. Highways in the City of Bowman and its extraterritorial area. Furthermore, it is the intent of this district to enhance the aesthetic and visual character of entrance corridors into the community, and therefore, applies to new buildings and new building additions or renovations valued greater than ten percent (10%) of the existing value of the structure/s on properties within the land to which the ordinance applies.
2. **Applicability.** Permitted uses and conditionally permitted uses are outlined and defined in the underlying zoning districts as defined in Article 5 Use Districts. This ordinance is not intended to repeal any existing easements, covenants and/or deed restrictions; however, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more restrictive limitation shall prevail.
3. **Building Standards:**
  - a. Buildings shall be constructed of materials which will maintain an attractive appearance over the longer term. The exterior walls shall maintain consistent quality and characteristics. The use of cinder block and metal in this overlay district is prohibited; and
  - b. The primary building entrance shall face a public street. The primary structure shall be oriented such that the front of the building, including the building entrance, either faces the gateway corridor, or is easily visible from the gateway corridor. Architectural design should clearly identify the building's orientation as toward the gateway corridor.

4. **Site Standards (Pavement; Setbacks; Utilities):**

- a. All parking lots shall be paved, and shall be setback a minimum of twenty (20) feet from any property line along U.S. Highways 12 and 85;
- b. For multiple family residential and nonresidential developments, strong consideration should be given to placement of parking along the side or rear of the building; and
- c. All on site utilities, including but not limited to electrical, telephone, and cable, shall be placed as underground utilities.

5. **Landscaping (Plans; Planting Materials; Placement and Maintenance):**

- a. A combination of grass, trees and shrubs shall be placed in the required parking lot setback area. A landscaping plan shall be submitted and approved by the Planning and Zoning Director prior to the issuance of building permits;
- b. Planting materials may include a mix of trees, shrubs, grasses, flowers, or hedges;
- c. Selection and placement of plant materials shall be subject to potential constraints due to easements; and
- d. The property owner is responsible for the proper care and maintenance, and replacement, if necessary, or all landscape materials.

6. **Functional Site Elements (Trash; Loading; and Lighting).**

- a. Trash compactors and dumpsters shall not be located in view from a gateway corridor and shall be located in the interior side or rear setback, and if necessary, screened from view from U.S. Highways 12 and 85 through the use of an opaque fence.
- b. Loading docks and delivery areas shall not be located on a building façade that faces any gateway corridor.
- c. Lighting shall include the following:
  - 1. Lighting features shall be directed downward, inward and away from any public right-of-way and adjoining uses, and shall complement the general architectural style of the development; and

2. Lighting of an entire building façade is prohibited. Accent lighting should be used to accentuate architectural features of the building.
7. **Signs.** Freestanding and monument signs in yard adjacent to a gateway corridor right-of-way shall be clustered in an area with landscaping consisting of ornamental trees, shrubs, and perennials.
8. **Inability to Comply.** Where compliance is not possible, the Planning and Zoning Commission may approve the substitution of landscape features, such as fencing or other indigenous materials, to establish an attractive buffer along gateway corridors.

**6.0614 Area Regulations - Downtown Overlay District.**

1. **Setbacks.** There are no setback requirements in the **DO** district. All other standards required by the underlying zoning district for the lot shall apply.

**6.0615 Other Regulations for All Districts Within City Jurisdiction.**

1. **Toxic or Gaseous Material:**
  - a. Toxic gaseous material storage facilities prohibited; and
  - b. Gaseous material storage facilities prohibited.
2. **Animals:**
  - a. All stockyards or similar animal holding areas are prohibited;
  - b. All feed lots or similar animal holding areas are prohibited;
  - c. All livestock auction yards are prohibited; and
  - d. All commercial animal raising or similar facilities are prohibited.
3. **Salvage and Junk Material.** All salvage yards, junk yards or other similar areas are prohibited.
4. **Height Regulations:**
  - a. All proposed structures within the jurisdiction of the City of Bowman which exceed thirty-five (35) feet in height shall be reviewed by the Planning and Zoning Commission through the conditional use permit procedures prior to erection or construction. The Commission may grant a conditional use permit for the structure provided the applicant has demonstrated that the structure will not endanger the health, safety or welfare of the citizens of Bowman nor will it interfere with any property owner's solar access; and

6. All structures or buildings shall be constructed so as to not interfere with Federal Aviation Administration (FAA) regulated flight path clear zones designated for the Bowman Municipal Airport.
5. **Sewer Regulations.** All houses, buildings or properties within the corporate limits of the City of Bowman which are used for human occupancy, employment or recreation shall be in compliance with the following regulations:
  - a. Shall be connected to the City of Bowman sewer system within ninety (90) days of official notice to do so when the lot associated with said house or building abuts or is within one-hundred fifty (150) feet of a public easement which contains or in the future, will contain a sewer line;
  - b. When a house or building by its location is not required to be connected to the City of Bowman sewer system, the owner of said house or building shall construct a private sewer system. Said system shall be designed in compliance with the State of North Dakota Building and Plumbing Code, City of Bowman regulations and shall only be developed following the granting of a permit by the Superintendent of the Water Department;
  - c. A private sewer system permit shall not be granted for the property upon which the system will be constructed if it is less than forty-thousand (40,000) square feet. A sewer system permit may be granted to allow for the construction on a twenty-thousand (20,000) square foot property when said has already been platted with the intent of using a private sewer system;
  - d. When sewer services become available, any property, homes or buildings upon properties which have private septic systems shall discontinue the use of said private system and connect to the City of Bowman sewer system within sixty (60) days of receipt of official notice; and
  - e. All connections to the City of Bowman sewer system shall be done in compliance with the State of North Dakota Building and Plumbing Codes and City of Bowman regulations.
6. **Wind Energy Systems.** The placement of any Wind Energy System is prohibited within the city limits and the ETZ within the City of Bowman's jurisdiction.

## **6.0616 Temporary Crew Camp Housing Definitions and Regulations.**

### **1. Definitions.**

- a. **Temporary Crew Camp Housing Facilities:** Means one (1) 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 is not real property, as defined in Section 57-02-04 NDCC, and are not mobile homes/manufactured homes, as defined in Section 57-55-01 NDCC. A group of “temporary” crew housing facilities that are connected physically or by common ownership may be treated as a single crew housing facility for purposes of imposition of temporary crew housing permit fees imposed under this chapter.
- b. **Closed Temporary Crew Camp Housing Facilities:** Means that security is provided by the owner of the temporary crew camp housing facility by a licensed on-site security company on a twenty-four (24) hour basis.
- c. **Temporary Crew Housing Permit:** Means a right granted by a city or county to locate temporary crew housing facilities on property within the jurisdiction of the city or county under this chapter and to enjoy attendant services and facilities provided by the city or county.
- d. **Skid Unit:** Means a structure or group of structures, either single or multi-sectional, which is not built on a permanent chassis and is ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis.
- e. **Crew Camp, Temporary Crew Housing, Temporary Crew Camp, Camp Housing, Crew Housing, etc:** As used in this ordinance or other city documents, the terms specified in this paragraph shall mean and are defined as “Temporary Crew Camp Housing” facilities and therefore are interchangeable.

## **6.0617 Temporary Crew Camp Housing Conditional Use Permit.**

- 1. **Application for a Conditional Use Permit Required.** Any person desiring to operate a temporary crew housing facility shall first apply for a conditional use permit that determines whether the physical location and land sought to be used for a Temporary Crew Camp Housing facility is appropriate for the use intended.
- 2. **Conditional Use Permit Validity.** Any temporary crew camp housing facility shall not be allowed in any zoning designation within the City of Bowman or its extra-territorial zoning jurisdiction without such conditional use permit. Such conditional use permit shall be valid for a maximum period of two (2) years from the date of final approval by the Bowman



City Commissioner's and Planning and Zoning Commission. If the temporary crew camp housing facility is located in the city's ETZ, a letter from the Bowman County Planning and Zoning Commission or County Commission giving approval of the facility to be sited in the proposed location shall be required. Any person granted a conditional use permit for a temporary crew camp housing facility shall have the option to apply for an extension of the conditional use permit for an additional two (2) year period. Any requested extension of the conditional use permit shall first be considered by the Planning and Zoning Commission, who shall hold a public hearing thereon and then forward a recommendation to the City Commission which shall have sole discretion of approval, approval with modifications and/or conditions, or denial of the request.

**6.0618 Temporary Crew Camp Housing Permit Fees.** The city shall impose an annual temporary crew camp housing permit fee, the amount of which has been determined on the basis of the value of service and facilities provided to the temporary crew camp housing facility by the city or county, or both, and incorporated into the city's fee schedule which is subject to change from time to time.

**6.0619 Minimum Design Standards.** All temporary crew housing facilities permitted under this article shall meet the following minimum design standards, and shall be provided by the temporary crew camp housing owner as part of the conditional use permit application:

1. **Urban Services:** For Industrially zoned properties (**I and I-2**), the applicant must provide all ordinary urban services, to include power, municipal water and municipal wastewater disposal to city standards, solid waste disposal via a will serve letter, and urban roads which must meet city approval. For agriculturally zoned properties (**Ag**), the applicant must provide power, a water and septic system approved by the Health Department, solid waste disposal via a will serve letter, and urban roads which must meet city approval. For both zoning districts, all aspects of maintenance on urban roads in temporary crew camp housing facilities must be provided by the owner/operator;
2. **Annexation:** Annexation of all real property, per the City of Bowman's Comprehensive Plan and Land Use Development Code, containing the temporary crew camp housing facility into the city limits, provided said property is adjacent to city boundaries;
3. **Parking:** Provide adequate parking for any and all temporary crew camp housing facility residents within the facilities area. This parking shall consist of one (1) space per resident and one (1) space for every ten (10) residents for visitor parking;

4. **Fire Suppression and Police Access:** Provide a plan for adequate fire suppression which will include a signed, formal agreement with the Bowman Fire Department. Additionally, provide a plan for police access routes which will include a signed, formal agreement with the Bowman Police Department;
5. **Site Plan:** Provide for adequate access for emergency vehicles and provide a site plan of the camp structure to all emergency agencies;
6. **Licensed Security:** Provide for licensed security of the temporary crew camp housing facility. This plan is to be provided in an attachment with the conditional use permit request;
7. **Design Standards:** Meet all design standards required by any subdivision code, or any zoning code adopted by the City of Bowman;
8. **Minimum Acreage:** The City Commissioners may further require a minimum lot size or minimum acreage for the temporary crew camp housing facility;
9. **Subdivision Plat:** The City Commissioners may further require the land on which the Temporary Crew Camp Housing facility is located to be platted as a subdivision; and
10. **Additional Conditions:** The City Commissioners may further require any conditions or restrictions that in the judgment of the Board, is reasonable and necessary for the temporary crew camp housing facility.

**6.0620 Application for Conditional Use Permit.** The application for a conditional use permit for temporary crew camp housing shall be signed by the owner of the temporary crew camp housing facility, as well as the owner of the land on which the temporary crew camp housing facility is to be located. The application shall include the following information:

1. **Description of Business:** A complete statement of the type of business contemplated;
2. **Background Check:** Consent to a background investigation of the owner of the temporary crew camp housing facility;
3. **Identification of Vendors:** Identify any type of vendors who are expected to provide services at the temporary crew camp housing facility;
4. **Applicant's Background:** The applicant's history or residency, employment, and business ownership for five (5) years prior to the date of the application. If the applicant is a partnership, this information shall be furnished for all the partners; and if a corporation, whether such corporation is a subsidiary of any corporation, and, if so, the name of the parent

corporation, the purposes for which the corporation was incorporated and the names and addresses of all officers, directors and managing agents and the names and addresses of all stockholders holding more than five percent (5%) of the capital stock of such corporation;

5. **Previous Ownership:** Whether the applicant has ever engaged in the business of owning or operating a temporary crew camp housing facility before; and if so, the dates and specific locations of such ownership or operation;
6. **Conviction of Violations:** Whether during the five (5) years preceding the date of the application, the applicant has ever been convicted of a violation of any law of the United States or of any state; and, if so, the dates, names of places and courts in which such convictions were obtained;
7. **Applicant's Intent:** Whether the applicant has any agreement, understanding and/or intention to have any agreement or understanding with any person to obtain for any other person or to transfer to any other person, the license obtained from the City of Bowman or to use the license for any other purpose other than the specific use of the applicant; and if so, the names and addresses of such persons and the conditions of such agreements.
8. **Description:** A description of the temporary crew camp housing units;
9. **Anchoring:** A description of how the proposed units are to be set and/or anchored to the ground;
10. **Roads:** A statement that roads to be constructed within the facility will meet city approval;
11. **Deed or Lease:** A copy of the applicant's deed and/or lease to the real property on which the temporary crew camp housing facility would be located;
12. **Site Plan:** A copy of the site plan, drawn to scale, showing the location of housing units, additional structures, setbacks, utilities, including storm water retention ponds, drainage, parking, ingress, egress, screening, buffers, fencing, and any future phases contemplated;
13. **House Rules:** A copy of the "House Rules and Regulations";
14. **On Site Security Plan:** A copy of the "On Site Security Plan";
15. **Emergency Plan:** A copy of the facilities on-site emergency management plan, to include contingencies for fire, tornado, winter storms and other natural disasters; and

16. **Occupancy List:** An “Occupancy List” at the opening of facility and a bi-monthly update of the occupancy list. The owner and/or company shall keep an up to date roster of contact information for company employees and lodgers which shall be updated quarterly and shall be provided to emergency services personnel upon request.

**6.0621 Grant of Conditional Use Permit.** Any application for a conditional use permit as provided under this article shall be denied to any applicant who, at the discretion of the City Commissioners, is a person of questionable character or for any other cause which would, in the opinion of the City Commissioners, render either the applicant or the premises to be licensed, improper or unfit for a temporary crew camp housing facility, or which would, in the City Commissioner’s judgment, make the granting of the permit contrary to the best interests of the city and its citizens. In granting any conditional use permit under this article, the City Commissioners shall have the authority to limit the number of living units or total number of persons to be housed in such units within the temporary crew camp housing facility. The City Commissioners shall further have the authority to limit the total acreage or land area that may be used for the temporary crew camp housing facility.

**6.0622 Revocation of Conditional Use Permit.** The City Commission may review the status of any permit issued pursuant to this article at any time, and take appropriate action to suspend or revoke the conditional use permit, as provided herein.

1. **Revocation/Suspension:** Permits may be revoked/suspended by the City Commission which cause may include, among other grounds, the following:
  - a. When the applicant is adjudged bankrupt;
  - b. When the applicant has made any false statement or statements in an application for the issuance of such permit;
  - c. When the applicant, in the case of a corporation or other entity, manager of a licensee has been convicted of a violation of any felony crime under the laws of the United States of any state;
  - d. When the business permitted has been conducted in violation of health or sanitary regulations of the city or of the state; and
  - e. When in the judgment of the City Commissioners, the applicant has conducted his/her business or permitted his/her business to be conducted in a disorderly manner or in a manner that is dangerous or detrimental to the public welfare and morals.
2. **Sanctions/Penalties by Hearing:** Sanctions or penalties under this section may not be invoked without a public hearing if requested by the

applicant. Upon written notification to the applicant by the City Auditor that a penalty is being sought under this section, the applicant may notify the City Auditor's office within ten (10) days of the date of such written notification and request a hearing on the proposed penalty. Failure to notify the City Auditor within ten (10) days of the date of such written notification will be deemed acceptance of the penalty without a hearing.

3. **Hearing Time and Place:** A hearing shall be set before the City Commissioners specifying the time and place of the hearing, and shall be mailed by registered mail to the applicant. A record of any hearing shall be made by electronic recording device.
4. **Findings/Conclusions:** If, upon such hearing, it appears to a majority of the City Commissioners that sufficient cause exists for the penalty sanctions, the City Commissioners shall make its order in accordance with the provisions of the article. The City Commissioners shall further issue its findings, conclusions and order which shall be mailed to the applicant by registered mail.
5. **Refunds:** No refunds on revocation or suspension. When any permit is revoked or suspended for any reason, no portion of the permit fee shall be returned to the applicant.

#### **6.0623 Prohibitions.**

1. **Prohibited Housing Types.** Recreational tents, vehicles, campers, and mobile homes are prohibited units within a Temporary Crew Camp Housing facility.
2. **Prohibited Activities.** No parking shall be allowed between units. The site is to be maintained free of garbage, junk and abandoned vehicles. The owner/operator of the temporary crew camp housing facility shall be responsible for establishing and enforcing any restrictions related to the possession of animals or the use of alcohol on the temporary crew camp housing facility premises.
3. **Posting of Bond and Provision of a Closure Plan.** Prior to the start of any construction on the temporary crew camp housing facility, or any occupancy thereof, the applicant shall post with the City of Bowman a valid reclamation bond of one-hundred twenty percent (120%) of the cost of the project approved by the City Commissioners. This amount shall be based upon the City Engineer's estimate of the cost to return the property to its original condition, permanent improvements excepted, following termination of the use of the property for a temporary crew camp housing facility. A closure plan of the facility shall be submitted to assist in the determination.

4. **Transfer of Permit Language.** Temporary crew camp housing permits are non-transferable.
5. **Conditions and Reporting Requirements.** The City Commissioners may attached any conditions or reporting requirements to the grant of the conditional use permit that it deems necessary and prudent.
6. **Conflicting Ordinances and Severability.** All ordinances and parts of ordinances in conflict herewith are hereby repealed. In the event any section of this ordinance is held invalid by a 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.

#### **6.0624 Temporary Recreation Vehicle (RV) Crew Camp Housing.**

##### **1. Definitions.**

- a. **Temporary RV Crew Camp Housing Facilities:** Defined as two (2) or more recreational vehicles, ordinarily designed for human living quarters on a temporary or permanent basis, which is not real property, as defined in section 57-02-04 NDCC, and are not mobile homes, as defined in section 57-55-01 NDCC. A group of “temporary RV crew camp housing facilities” that are individually owned or held in common ownership may be treated as a single temporary RV crew camp housing facility for purposes of imposition of temporary RV crew camp housing permit fees imposed under this chapter.
- b. **Temporary RV Crew Camp Housing Permit:** Means a right granted by the City Commission to locate a temporary RV crew camp housing facility on property within the city limits (not the ETZ) under this chapter and to enjoy attendant services and facilities provided by the city.
- c. **RV Crew Camp, Temporary RV Crew Housing, Temporary RV Crew Camp, RV Camp Housing, RV Crew Housing, etc:** As used in this ordinance or other city documents the terms above in this subsection shall mean and are defined as “Temporary RV Crew Camp Housing” and are interchangeable.

#### **6.0625 Temporary RV Crew Camp Housing Conditional Use Permit.**

1. **Application for Conditional Use Permit.** Any person desiring to operate a Temporary RV Crew Camp Housing facility shall first apply for a conditional use permit that determines whether the physical location and land sought to be used for a temporary housing facility is appropriate for the use intended.

2. **Conditional Use Permit Validity.** Any Temporary RV Crew Camp Housing shall require a conditional use permit, and shall not be allowed in any zoning designation within the City of Bowman or its extra-territorial zoning jurisdiction without such conditional use permit. Such conditional use permit shall be valid for a maximum period of two (2) years from the date of final approval by the City of Bowman City Commissioner's and the Planning and Zoning Commission. All Temporary RV Crew Camp Housing facilities shall be located within the City of Bowman jurisdictional limits. Any person granted a conditional use permit for a temporary RV crew camp housing facility shall have the option to apply for an extension of the conditional use permit for an additional two (2) year period. Any requested extension of the conditional use permit shall first be considered by the Planning and Zoning Commission, who shall hold a public hearing thereon and then forward a recommendation to the City Commission which shall have sole discretion of approval, approval with modifications and/or conditions, or denial of the request.
3. **Temporary RV Crew Camp Housing Permit Fees.** The city shall impose an annual permit fee, the amount of which has been determined on the basis of the value of service and facilities provided to the temporary RV crew camp housing facility by the city, or both, and incorporated into the city's fee schedule which is subject to change from time to time.
4. **Minimum Design Standards.** All temporary RV crew camp housing facilities permitted under this article shall meet the following minimum design standards, and shall be provided by the temporary RV crew camp owner as part of the conditional use permit application:
  - a. Temporary RV crew camp housing facilities may only locate on industrially zoned properties (I and I-2). The applicant must provide all ordinary urban services, to include power, municipal water and municipal wastewater disposal to city standards, solid waste disposal via a will serve letter, and urban roads which must meet city approval. All aspects of maintenance on urban roads in temporary RV crew camp facilities must be provided by the owner/operator;
  - b. If the proposed facility is on property that is adjacent to the city's boundaries, annexation of all real property that will contain the temporary RV crew camp housing facility into the city limits is required;
  - c. Provide adequate parking for any and all temporary RV crew camp housing facility residents within the facilities area. This parking shall consist of one (1) space per resident and one (1) space for every ten (10) residents for visitor parking;

- d. Provide a plan for adequate fire suppression which will include a signed, formal agreement with the Bowman Fire Department and provide a plan for police access routes which will include a signed, formal agreement with the Bowman Police Department;
  - e. Provide for adequate access for emergency vehicles and provide a site plan of the camp structure to all emergency agencies;
  - f. Provide for licensed security of the entire facility. The plan shall be provided in an attachment with the conditional use permit request;
  - g. Meet all design standards required by any subdivision code, or any zoning code adopted by the City of Bowman;
  - h. The City Commissioners may further require a minimum lot size or minimum acreage that is larger than that listed under the "Space and Parking" requirements in Section 6.0625(6) below (eighty-thousand [80,000] square feet minimum) for the temporary RV crew camp housing facility;
  - i. The City Commissioners may further require the land on which the temporary RV crew camp housing facility is located to be platted as a subdivision; and
  - j. The City Commissioners may further require any conditions or restrictions that in the judgment of the Commission, is reasonable and necessary for the temporary RV crew camp housing facility.
5. **Application for Conditional Use Permit, Grant of Conditional Use Permit, and Revocation of Conditional Use Permit.** The standards in Section 6.0620 "Application for conditional use permit", Section 6.0621 "Grant of Conditional Use Permit", and Section 6.0622 "Revocation of Conditional Use Permit" in the "Temporary Crew Camp Housing" ordinance listed above shall apply to this temporary RV crew camp housing facility ordinance.
6. **Space and Parking Requirements.** All temporary RV crew camp housing facilities shall meet Section 6.0509 "MH-2 Manufactured Home/RV Park Alternate District – A Permitted Uses Sub Section (2)", excepting item "e" that limits the occupancy of a space to sixty (60) days.
7. **Prohibited Housing Types.** Recreational tents, vehicles, and mobile homes, or other structures that are not defined as a Recreational Vehicle and do not have plumbing and heating are prohibited within a temporary RV crew camp housing facility as living units.
8. **Prohibited Activities.** The site is to be maintained free of garbage, junk and abandoned vehicles. The owner/operator of the temporary RV crew



camp housing facility shall be responsible for establishing and enforcing any restrictions related to the possession of animals or the use of alcohol on the temporary crew housing facility premises.

9. **Posting of Bond and Provision of a Closure Plan.** Prior to the start of any construction on the temporary RV crew camp housing facility, or any occupancy thereof, the applicant shall post with the City of Bowman a valid reclamation bond of one-hundred twenty (120%) of the cost of the project approved by the City Commissioners. This amount shall be based upon the City Engineer's estimate of the cost to return the property to its original condition, permanent improvements excepted, following termination of the use of the property for a temporary RV crew camp housing facility. A closure plan of the facility shall be submitted to assist in the determination.
10. **Transfer of Permit Language.** "Temporary RV Crew Camp Housing" permits are non-transferable.
11. **Conditions and Reporting Requirements.** The City Commissioners may attach any conditions or reporting requirements to the grant of the conditional use permit that it deems necessary and prudent.
12. **Conflicting Ordinances and Severability.** All ordinances and parts of ordinances in conflict herewith are hereby repealed. In the event any section of this ordinance is held invalid by a 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.

#### **6.0626 Regulations Pertaining to Adult Entertainment Centers/Uses.**

1. **Location.** Any adult entertainment center/use shall be located in an **industrial (I)** zoning district, and not located within five-hundred (500) feet of any residentially zoned property, religious institution, cemetery, school, park, recreation area, another adult entertainment center, or any establishment that dispenses alcohol on the premise.
2. **Age Requirement.** An adult entertainment center/use must prohibit access by persons under the age of eighteen (18).
3. **Signs.** An adult entertainment center/use shall not display any signs visible on its exterior, except for the purpose of identifying it as an adult entertainment center/use.
4. **Visibility Prohibitions.** Materials depicting specified sexual activities or specified anatomical areas are prohibited on the adult entertainment centers/use exterior, and therefore, shall not be visible.
5. **Law Enforcement Entry.** The business premises of an adult entertainment center/use that is open to its patrons shall be equally open to

members of any law enforcement agency who may wish to enter thereon provided the entry is in the course of the discharge of the law enforcement officer's duties.

6. **Other Types of Adult Materials.** Other adult entertainment materials that can be purchased or furnished can only occur in an **industrial (I and I-2)** district; and
7. **No Service of Alcoholic Beverages.** Adult entertainment centers may not serve any type of alcoholic beverage as defined in Section 6.0627(1).

**THIS SECTION RESERVED FOR ALCOHOLIC  
BEVERAGE SERVICES**

## **ARTICLE 7**      **PARKING AND LANDSCAPING REGULATIONS**

### **6.0701 Parking Requirements for New Development.**

1. **General Provisions and Applicability.** The off-street parking and loading standards in this article apply to all new non-residential development in the City of Bowman built after the effective date of adoption of this chapter.
2. **Nonconforming Parking.** No existing use or structure shall be deemed nonconforming solely because of the lack of off-street parking or loading requirements prescribed in this article, provided that off-street parking and loading facilities existing on the effective date of this chapter shall not be reduced in capacity, design, or function to less than the minimum standards prescribed in this chapter.
3. **Discontinuance of Parking or Loading.** It shall be unlawful for an owner of a building or land use affected by this section to cause or permit the discontinuance or reduction of required parking or loading facilities without the establishment of acceptable alternative parking or loading facilities that meet the requirements of this article. Parking shall be considered discontinued if it is rented to other uses off-site, removed, or blocked by storage containers, materials or merchandise.
4. **Expansions and Increases in Intensity.** Unless otherwise expressly stated in this article, the off-street parking and loading standards of this article apply when an existing structure or use is expanded or enlarged, through the addition of dwelling units, floor area, seating capacity, employees, or other units of measurement used for establishing off-street parking and loading requirements. Additional off-street parking and loading spaces shall be required only to serve the enlarged or expanded area, not the entire building or use.
5. **Change of Use.** Unless otherwise stated in this article, off-street parking/loading facilities shall be provided for a change of use or expansion that would result in a requirement for more parking/loading spaces than the former use. Additional parking spaces shall be required only in proportion to the extent of the change, not for the entire building or use.

### **6.0702 General Off-Street Parking Requirements.**

1. **Parking Available for Use.** All required parking shall be available for use by on-site tenants. Unless otherwise specified, all required off-street parking shall be available on-site or on adjacent parcels with an established primary use. Garages in multi-family projects shall only qualify as parking if they are used for parking and storage is restricted.

2. **Surface Maintenance.** All parking, service, and loading surfaces, curbs and approaches shall be maintained in good condition, and free of structural hazards.
3. **General Standards.**
  - a. Parking demands and requirements not clearly indicated in this section shall be determined by the Planning and Zoning Director, based on the particular use and its off-street parking demands.
  - b. For travel centers and gas stations, the areas adjacent to gas pumps shall not be considered as required parking.
  - c. Adequate ingress, egress, on-premises circulation and maneuvering areas shall be provided and shall be safe and logical. Interior circulation in parking lots shall be designed to avoid any vehicular stacking on arterial or collector streets as the result of vehicular movements within parking lots. Dead end aisles are prohibited.
  - d. Alternate parking rates or adjustments may be considered by the Planning and Zoning Director when a report based on the Institute of Transportation Engineers (ITE) Manual or Urban Land Institute (ULI), or other nationally accepted authority is submitted which substantiates/validates the use of a different standard

#### **6.0703 Parking Stall and Aisle Dimensions.**

1. **Dimensions of Parking Stalls.** Parking stall dimensions shall be ten (10) feet by twenty (20) feet. Diagonal parking shall function equivalent to a ten (10) foot by twenty (20) foot stall and shall be approved by the Planning and Zoning Director.
2. **Dimensions of Parking Lot Aisles.** Two (2) way aisles shall have a twenty-six (26) foot width, and one way aisles shall have a thirteen (13) foot width.

#### **6.0704 Required Amounts of Parking.**

1. **Minimum Amount of Off-Street Parking Required.** Table 2 – “Parking and Loading Requirements” in Section 6.06706 below sets forth the minimum required amounts of off-street parking spaces for each specified land use.
2. **Calculation of Parking for Multiple Uses.** Unless otherwise approved, off-street parking areas serving more than one (1) use must provide parking and loading in an amount equal to the combined total of the requirements for each use.

3. **Reciprocal Agreements for Multiple Uses.** A reciprocal parking agreement shall be submitted to the Planning and Zoning Director by the developer/owner of a multi-tenant development that encompasses the entire developed site and its parking giving patrons the right to park anywhere on site. The agreement must be approved by the Planning and Zoning Director and upon approval, shall be recorded.
4. **Exception.** All existing and future uses in the **DC (Downtown Commercial)** overlay district.

#### **6.0705 Construction of Parking Areas.**

1. **Construction Material.** Parking areas may be constructed of Portland or asphaltic concrete or alternate materials that meet industry standards that can accommodate expected vehicle loads per that standards listed below.
  - a. All off-street parking areas shall be surfaced with a minimum of two (2) inches of asphaltic concrete compacted ninety-five percent 95% maximum density as determined by ASTM D 1074. Asphaltic concrete shall be placed over six (6) inches of crushed aggregate base compacted to ninety-five percent (95%) maximum density.
  - b. Portland concrete shall meet minimum industry standards.
  - c. Alternate materials may be considered by the Planning and Zoning Commission on a case by case basis.
2. **Curbs.** Portland cement concrete curbing shall be provided to prevent free roll onto public rights-of-way unless an alternative design is approved by the Planning and Zoning Commission.
3. **Storage Yards.** Storage yards may be constructed of Portland or asphaltic concrete or roto mill grindings.
4. **Striping.** Off-street parking areas shall be striped or otherwise marked so that individual spaces and driving lanes are clearly indicated. Directional markers shall be painted on the driveway surface or placed on standards.
5. **Lighting.** All parking areas with more than ten (10) spaces shall be lighted for security. The lights must be designed and maintained to produce at least 0.1 foot candle of light at pavement level throughout the parking area. Potentially hazardous locations must be individually illuminated with at least 0.3 foot candle of light. Lights within one-hundred feet (100') feet of a residential property line shall be reduced to no more than 0.05 foot candle of light after business hours.

## **6.0706 Off-Street Loading and Service Standards.**

1. **Minimum Loading and Service Standards.** Off-street loading areas shall be provided for all nonresidential developments of thirty thousand (30,000) square feet or more in gross floor area.
2. **Minimum Loading Space.** Each off-street loading area shall consist of at least one space, fifteen (15) by forty-five (45) feet, with a fifteen (15) foot height clearance for each thirty-thousand (30,000) square feet of gross floor area. These off-street loading areas shall not conflict with pedestrian or vehicular circulation.
3. **Industrial Districts.**
  - a. Loading docks, truck loading, storage and refuse areas, platforms or other such areas shall be located on the side(s) or rear of buildings where possible. Where loading docks and other service areas face the street, they should be obscured from view with landscape plantings, walls, fences, grade changes, or a combination of these techniques. The objective is to make the project as attractive as possible from street view and to keep traffic flowing.
  - b. The use of the public street for parking and staging of trucks awaiting loading or unloading for new development/s shall be prohibited. The site must accommodate all truck maneuvers. Backing onto the site from the street shall be prohibited.
4. **Loading and Service Areas in Commercial and Mixed Use Districts.** Loading and service areas in commercial and mixed use districts shall be located at the side or rear of buildings where possible, and a minimum ten foot (10') solid screening wall shall be required to screen views from any public right-of-way. Screening materials shall match the primary materials on the front façade.

**SEE NEXT PAGE FOR TABLE 2- PARKING AND LOADING REQUIREMENTS**

**TABLE 2 - Parking and Loading Requirements**

<b>NON-RESIDENTIAL USES</b>	<b>REQUIRED NUMBER OF PARKING SPACES</b>	<b>CLARIFICATIONS</b>
<b>COMMERCIAL USES</b>		
<b>Art Schools</b>	1 space per student at full capacity	
<b>Automotive Sales and Service</b>	1 space per 600 square feet, plus one for each 1500 square feet of site area	
<b>Bakery Shops</b>	1 space per 300 square feet of building area	
<b>Barber and Beauty Shops</b>	1 space per 300 square feet of building area	
<b>Bars</b>	1 space per 150 square feet of building area	
<b>Business Office Facilities</b>	1 space per 300 square feet of building area	
<b>Car Washes</b>	3 spaces per bay or stall	
<b>Caretakers Quarters</b>	1 space per bedroom, plus 1 guest parking space	
<b>City or County Maintenance Buildings</b>	1 space per 1000 square feet of building area	
<b>City or County offices providing public services</b>	1 space per 350 square feet of building area	
<b>Clothing or similar dry good stores</b>	1 space per 250 square feet of building area	
<b>Clubs and Lodges – Private</b>	1 space per 100 square feet of building area	
<b>Coffee Kiosk drive-through</b>	A stacking lane for the length of 2 cars plus 20 lineal feet at window	Single car length is measured as 20 lineal feet
<b>Commercial Day Care Centers (7 children or more)</b>	1 space per employee, plus 2 guest spaces	An on-site drop-off and pick-up lane required
<b>Commercial (or Open) Parking as primary use</b>	1 space per vehicle unit plus 1 space per employee and 2 spaces for maintenance vehicles	
<b>Commercial Uses not Specified herein which are consistent with the purpose and intent of the commercial districts</b>		Parking will be based on a similar use type per the Planning and Zoning Director's determination
<b>Community Centers - Public</b>	1 space per 275 square feet of building area	
<b>Convenience Stores</b>	1 space per 250 square feet of building area	Parking stalls required separate from fueling islands.
<b>Day Spas with multiple services</b>	1 space per 225 square feet of building area	
<b>Dairy Products, Sales and Distribution</b>	1 space per 1000 square feet of building area	
<b>Drug Stores</b>	1 space per 250 square feet of building area	
<b>Elevated tanks and waterworks</b>	2 or more spaces depending on size, type and location	The Planning and Zoning Director shall determine if more than 2 are needed
<b>Financial Establishments</b>	1 space per 300 square feet of building area	
<b>Fitness Centers</b>	1 space per 175 square feet of building area	
<b>Free standing automated teller machines – with or without drive through</b>	2 spaces per machine. For drive-through: stacking lane for the length of 3 cars required plus 20 lineal feet at window	Single care length is measured as 20 lineal feet
<b>Fueling Station - with our without drive-through</b>	1 space per 300 square feet of building area	



<b>Garden Supply Stores, Nurseries &amp; Greenhouses – permanent or temporary</b>	1 space per 500 square feet of greenhouse area	Greenhouse – permanent or temporary
<b>General Retail Sale of Merchandise in buildings under 30,000 square feet for uses not specifically listed</b>	1 space per 275 square feet of building area	Drive-through shall have 20 lineal feet at window plus stacking for 2 cars measured as 20 lineal feet each
<b>Heavy Equipment Sales</b>	1 space per 300 square feet of office area within the buildings, plus 1 space for every 2,000 square feet of yard sales area	
<b>Home Improvement Centers under 30,000 square feet</b>	1 space per 300 square feet of building area	
<b>Home Improvement Centers 30,000 square feet or greater</b>	1 space per 350 square feet of building area	
<b>Hospitals</b>	1 space per every 2 beds and 1 space for every 5 employees	
<b>Hotels/Motels</b>	1 space per room plus parking for other uses such as restaurants, spas, fitness areas, conference facilities per this Table	See parking requirements for additional uses within the hotel building area
<b>In Home Occupations</b>	1 space per employee	Requirement in addition to parking required for residential units.
<b>Indoor sports/recreational facilities</b>	1 space per 200 square feet of building area	
<b>Kennels</b>	1 space per 400 square feet of building area	
<b>Laundromats &amp; Dry Cleaning Est.</b>	1 space per 300 square feet of building area	
<b>Liquor Establishments with off-site sales</b>	1 space per 300 square feet of building area	
<b>Locksmith Shops</b>	1 space per 300 square feet of building area	
<b>Lumber Yards</b>	1 space per 350 square feet of building area	
<b>Medical &amp; Professional Clinics</b>	1 space per 175 square feet of building area	
<b>Mini Storage Facilities</b>	1 space per 40 units, and 1 space per each employee	If Caretakers Quarters is desired, see parking requirement above
<b>Mortuaries</b>	1 space per 300 square feet of building area	
<b>Movie Theater</b>	1 space per every 3 seats	
<b>Outdoor Storage</b>	1 space per 2200 square feet of yard area	
<b>Parks</b>	1 space per 2500 square feet of land area	
<b>Pawn Shops</b>	1 space per 250 square feet of building area	
<b>Pool Halls with or without alcohol</b>	1 space per 150 square feet of building area	
<b>Printing and Publishing</b>	1 space per 300 square feet of building area	
<b>Professional Office Facilities</b>	1 space per 275 square feet of building area	
<b>Professional Training Facilities</b>		
<b>Pump Stations</b>	2 spaces for work crews	Minimum – may need more depending on type, size & location
<b>Recreational Vehicle (RV) Sales and Repair</b>	1 space per 600 square feet of building area, plus 1 space per 1500 square feet of site area	
<b>Repair Services for appliances, plumbing, heating, cooling, etc.</b>	1 space per 300 square feet of building area	
<b>Restaurants</b>	1 space per 110 square feet of building area	
<b>Restaurants with alcohol sales</b>	1 space per 110 square feet of building area	1 space per 100 square feet of lounge area
<b>Restaurants with Drive-throughs</b>	1 space per 120 square feet of building area, plus 20 lineal feet of stacking area in front of each window, plus 1 off street stacking area of 120 lineal feet in length	Alcohol not permitted with restaurants that have drive-throughs
<b>Truck Repair Services</b>	1 space per 400 square feet of building area.	3 additional guest spaces for patrons

<b>Truck Stops, with or without Truck Plazas</b>	1 space per 275 square feet of office space and 1 space for each company vehicle operation on site	The Planning and Zoning Director may increase the parking requirement based on the uses on the site (i.e. restaurant, convenience store, etc.)
<b>Veterinary Clinics for small animals</b>	1 per employee and 1 per exam room	
<b>INDUSTRIAL USES</b>		
<b>Airports and Airport Strips</b>		
<b>Assembly Plants</b>	1 space per 300 square feet of building area	
<b>Bars (no commercial kitchen),</b>	1 space per 150 square feet of building area	
<b>Batch Plant – Permanent</b>	1 space per 300 square feet of building area, 1 space per company vehicle, and 2 guest spaces	
<b>Bottling and Beverage Industries</b>	1 space per 300 square feet of building area	
<b>Commercial Grain Elevators and Accessory Structures</b>	1 space per employee, two guest parking spaces, and 1 large vehicle space	
<b>Concrete, Concrete Products and Clay Products</b>	1 space per 300 square feet of building area, and 3 guest parking spaces.	
<b>Construction Work Force Housing</b>	1 space per bed, 1 space per employee, and 1 guest space per every 10 beds	The Planning and Zoning Director may require additional parking based upon the operation of the facility
<b>Dairy products Sales and Distribution</b>	1 space per 450 square feet of building area	
<b>Dry Bulk Storage</b>	1 space per 2200 square feet of yard area	Depending on the types of items being stored, the City Planner may increase the parking
<b>Elevated Tanks and Waterworks</b>	2 spaces for work crews	Minimum – may need more depending on type, size & location
<b>Heavy Equipment Sales, Storage and Repair</b>	1 space per 600 square feet of building floor area, plus 1 space per 1500 square feet of site area	
<b>Laboratories or Research Facilities Generating or Storing Medical, Biological, or Hazardous Materials or Waste</b>	1 space per 350 square feet of building floor area, and 2 guest parking spaces	
<b>Light Manufacturing</b>	1 space per 350 square feet of building floor area	
<b>Liquid Gas/Propane Dealers</b>	2 spaces for each tank, and 1 per employee	Minimum – if combined with another use, parking shall be required for that use per this Table
<b>Manufacturing or Sales of Heavy Equipment Requiring an Outdoor Storage Yard</b>	1 space per 600 square feet of building floor area, plus 1 space per 1500 square feet of site area	
<b>Modular and Manufactured Home sales</b>		
<b>Radio, Television and Telephone Transmitting and/or Receiving Towers and Facilities</b>	1 space per 300 square feet of building area, and 2 guest parking stalls	If no building/office, then 1 space per employee service vehicle
<b>Railroad Freight; Trackage &amp; Spurs</b>	1 per 550 square feet of building area	If no building/office, then 1 space per employee

<b>Rock, Sand or Gravel Excavation, Crushing or Handling</b>	1 space per 300 square feet of office space, 1 space per company truck, and 2 guest spaces	
<b>Sanitary Landfills and Waste Sites</b>	1 per employee, and 3 guest parking stalls	
<b>Security Personnel lodging</b>	2 spaces per lodge	Limited to one lodge per site.
<b>Sewage Lagoons and Sediment Ponds</b>	1 per employee, and 1 guest parking stall	
<b>Temporary Crew Camp Housing and Temporary RV Crew Camp Housing</b>	1.5 spaces per each unit, 1 space per employee and 1 guest parking space per every 10 units.	
<b>Trans-loading Facilities</b>	1 space per 350 square feet of building floor area, and 1 space for each company vehicle	The Planning and Zoning Director may require additional spaces based on nature of operation
<b>Truck and Freight Terminals</b>	1 space per 275 square feet of building floor area and 2 spaces for each company vehicle operating from the premises.	
<b>Truck Parking - Commercial</b>	1 space per vehicle unit plus 1 space per employee and 2 spaces for maintenance vehicles	
<b>Warehousing and Distribution – Wholesale</b>	1 space per 3500 square feet of building area	
<b>Welding shop and Fabrication</b>	1 space per employee, plus 2 guest parking spaces	
<b>Wholesaling Activities with our without office</b>	1 space per 350 square feet of building area	
<b>Utility Sub-Stations</b>	1 space per permanent on site worker and 2 parking spaces for work crews	

## AGRICULTURAL USES

<b>Dairy Processing Plant Outside Corporate Limits</b>	1 space per employee, and 3 guest spaces	The Planning and Zoning Director may require additional spaces based on the nature of the operation
<b>Farm Implement and Sales &amp; Service</b>	1 space per 450 square feet of building area	
<b>Livestock Slaughter Activities Outside Corporate Limits</b>	1 space per employee, and 2 guest spaces	The Planning and Zoning Director may require additional spaces based on nature of operation
<b>Construction Work Force Housing</b>	1 space per bed, 1 space per employee, and 1 guest space per every 10 beds	The Planning and Zoning Director may require additional parking based upon the operation of the facility
<b>Nurseries or Greenhouses Open to the Public</b>	1 space per 600 square feet of business footprint	May be adjusted by the Planning and Zoning Director based on operating conditions

## PUBLIC, PARK AND RECREATION USES

<b>Assembly Halls and Auditoriums for Large Events</b>	1 space per 600 square feet of site area	
<b>Amusement Parks and Outdoor Recreational Complexes</b>	1 space per 700 square feet of site area	
<b>Camp Grounds – tents only</b>	1 space per site and .5 guest spaces per site	Group sites – 1 space per tent site

<b>City or County Maintenance Buildings</b>	1 space per 1000 square feet of building area	
<b>City or County offices providing public services</b>	1 space per 350 square feet of building area	
<b>Clubs and Lodges with or without alcohol service</b>	1 space per 225 square feet of building area	Restaurant area shall be parked per restaurant standards
<b>Colleges with or without Dormitories</b>	1 space for every 5 students	
<b>Community Centers</b>	1 space per 225 square feet of building area	
<b>City or County Maintenance Buildings</b>	1 space per 1000 square feet of building area	
<b>City or County offices providing public services</b>	1 space per 350 square feet of building area	
<b>Camp Grounds – tents only</b>	1 space per site and .5 guest spaces per site	Group sites – 1 space per tent site
<b>Golf Courses and Driving Ranges</b>	Parking shall be to industry standards based on size	
<b>Hobby Agriculture</b>		None specified unless selling to public – the number of spaces shall be determined per the City Planner
<b>Libraries</b>	1 space per 300 square feet of building area	
<b>Parks</b>	1 space per 3,000 square feet of outdoor space	Minimum spaces allowed: 3
<b>Public utilities such as lift stations, pump houses, water tanks, etc. that don't require on site employees with regular work hours</b>	2 spaces per site for work crews	
<b>Open Space</b>	Parking required at trail heads, interpretive sites, and active recreation areas such as picnic areas	Amount determined by Planning and Zoning Director
<b>Post Offices</b>	1 space per 300 square feet of public area and 1 space per employee	
<b>Recreational Complexes, indoor or outdoor and Sports Facilities</b>	Based on industry standards for each sport	Ratio must be approved by the Planning and Zoning Director
<b>R.V. Parks</b>	See Section 6.0508(B)(3)	
<b>Schools</b>	Based on industry standards	Ratio must be approved by the Planning and Zoning Director
<b>Shooting Ranges</b>	1.5 spaces per lane and 1 per employee	

## PROFESSIONAL OFFICES USES

<b>Ambulance bays and garages</b>	1 space per 300 square feet of public area and 1 space per employee per shift	
<b>Assisted Living and Hospice Services</b>	1 space per every 2 beds and 1 space for every 5 employees	
<b>Broadcasting</b>	1 space per every 300 square feet of public area and 1 space per employee	
<b>Clinics</b>	1 space per 275 square feet of building area	
<b>Cosmological Services &amp; Day Spas</b>	1 space per 275 square feet of building area	

<b>Funeral Homes and Rites</b>	1 space per 275 square feet of public area and 1 space per employee per shift	
<b>Hospitals</b>	1 space per every 2 beds and 1 space for every 5 employees	
<b>Public Service Stations</b>	1 space per 300 square feet of public area and 1 space per employee per shift	
<b>Medical Offices such as doctors, dentists, etc.</b>	1 space per 300 square feet of office space and 1 space per employee per shift	
<b>Professional Offices – engineering firms, architecture, etc.</b>	1 space per 275 square feet of office space	
<b>Professional Schools of 100 students or less</b>	1 space per 225 square feet of classroom area, and 1 space per employee	
<b>Research and Testing Laboratories</b>	1 per 400 square feet of building area	
<b>Veterinary Clinics for small animals</b>	1 per employee and 1 per exam room	

## **MIXED USES AND PLANNED UNIT DEVELOPMENTS (PUD'S)**

Parking requirements for Mixed Use and Planned Unit Developments are determined by calculating each individual use and combining the totals. Reciprocal parking is required and shared parking is strongly encouraged.

### **6.0707 Landscaping Requirements for New Development.**

1. **Landscaping for Non-residential Development.** All areas of disturbance on a development site shall be landscaped in accordance with this article. Landscaping shall consist of the following:
  - a. A combination of grass, trees and shrubs shall be placed in the required parking lot/setback area. A landscaping plan shall be submitted and approved by the Planning and Zoning Director prior to the issuance of any zoning permits.
  - b. Trees shall be placed around the perimeter of the site where possible with an average spacing of forty (40) feet (excluding access ways or drive isles), or within parking tree islands in parking lot areas. Trees in parking islands shall be of the same density as for perimeter plantings and be of a deciduous specie so that there is no ice build-up during the winter months on the parking surface or pedestrian walkways;
  - c. Shrubs shall be placed around the building's perimeter every fifteen (15) feet for all sides that face a street;
  - d. Selection and placement of plant materials shall be subject to potential constraints due to easements; and

- e. The property owner is responsible for proper care and maintenance of all landscaped areas in perpetuity. Tree and shrub watering bags or watering truck shall be used the first year to promote plant establishment. Maintenance includes pruning and fertilizing. All dead or dying trees and shrubs shall be replaced within the same year.
2. **Exemptions.** A developer may request that the Planning and Zoning Director waive some or all of the landscaping requirements if it can be shown that there is a unique hardship or difficulty in meeting the standards specified above in Section 6.0702(1). Properties located in the six-hundred (600) foot wide "Gateway Corridors" on each side of U.S. Highway 85 and U.S. Highway 12 as shown on Map 2 below, may request that the Planning and Zoning Director grant up to a thirty percent (30%) reduction in required materials. Developers of corridor properties shall apply for a variance for waivers over thirty percent (30%). For the purposes of enforcement of this standard, properties that are bisected by a gateway corridor shall be considered as completely within the corridor.
3. **Areas of Disturbance.** All areas of disturbance on the development site shall be covered with landscaping or inert material for dust control. Areas of disturbance that are not part of the site, but are necessary for the installation of infrastructure, access ways and/or other similar reasons shall be revegetated with native seed mixes to prevent erosion, provide dust control and promote soil stabilization.

**SEE NEXT PAGE FOR MAP 2**

## **ARTICLE 8**      **SIGN REGULATIONS**

**6.0801 Purpose, Intent and Definition.** The purpose of this subsection is to permit such signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety, health and general welfare of individuals; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in this ordinance. For the purposes of the chapter, the word "Sign" is herein defined as listed below.

1. **Sign:** Any surface, fabric, device, display which bears lettered, pictorial, or sculptured matter, including forms shaped to resemble any human, animal or product design to convey information visually and which is exposed to public view. For purposes of this ordinance, the terms "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. The types of signs included in the definition of a sign are described in Article 2, "Definitions" and Section 6.0802 "Sign Types and Definitions".

### **6.0802 Sign Types and Definitions are Herein Defined as Listed Below.**

1. **Sign, Billboard:** Means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
2. **Sign, Bulletin Board:** Means a sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.
3. **Sign, Dynamic Messaging:** Means any sign's display that has the ability to change its message independent of human physical interaction and/or exposes to the public view any message via an electronic medium and not simply by illumination. This shall include, but is not limited to, all electronic scrolling, electronic billboards, digital billboard, animated sign, or rotating message signs.
4. **Sign Face:** Means that area of a sign which is:
  - a. In the case of freestanding, projecting, and marquee signs, consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign shall not be counted as part of the sign face area unless such structure or bracing is made a part of

the sign's message. Where a sign has two (2) display faces back to back, the area of only one face shall be considered the sign face area, only if both sides are equal width and height. Where a sign has more than one (1) display face, all areas which can be viewed simultaneously shall be considered the sign face area;

- b. In the case of a sign (other than freestanding, projecting or marquee) whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background;
  - c. In the case of a sign (other than freestanding, projecting or marquee) whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and other elements of the sign message; and
  - d. In the case of a dynamic messaging sign, is affixed to any surface or structure displaying words, letters, figures, emblems, and other elements for the purpose of graphically displaying a message, and which is exposed to public view through an electronic medium and not simply through illumination.
- 5. **Sign, Freestanding:** Means a self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.
  - 6. **Sign, Illuminated:** Means a sign lighted by or exposed to artificial lighting either by lights on or in the sign (directly illuminated) or directed towards the sign (indirectly illuminated).
  - 7. **Sign, Marquee:** Means any sign attached to and made a part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.
  - 8. **Sign, Non-Conforming:** Means any sign which does not conform to the regulations of the ordinance.
  - 9. **Sign, Portable:** Means a sign that is not permanent, affixed to a building, structure or the ground, and excluding such temporary signs as real estate, political and garage sale signs.
  - 10. **Sign, Projecting:** Means a sign wholly or partly dependent upon a building for support and projects more than twelve inches (12") from the building.



11. **Sign, Roof:** Means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.
12. **Sign, Temporary:** Means a sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material designed or intended to be displayed for a short period of time.
13. **Sign, Wall:** Means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than twelve (12) inches from such building or structure.
14. **Sign, Monument:** Means a type of freestanding sign being supported by a base of at least seventy-five percent (75%) of the sign width, with the sign face located within four feet (4') from the ground, and is independent from any building.

**6.0803 Sign(s) Exempt From this Ordinance.** The following sign types are exempt from the regulations of this ordinance:

1. **Addresses.** Signs bearing only property numbers, post box numbers, rural 911 address numbers, or names of occupants of premises not exceeding two (2) square feet in area;
2. **Flags.** Flags and insignia of any government, except when displayed in connection with commercial promotion;
3. **Government Signs.** Legal notices, identification information, or directional signs erected by governmental bodies;
4. **Decorative Features.** Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
5. **Directional Signs.** Municipal, county, state or township signs directing and guiding traffic, including railroad signage, and parking on public or private property, but bearing no advertising matter;
6. **Public Purpose.** Signs required by law or authorized for a public purpose; and
7. **Cautionary Information.** Danger or warning signs of a cautionary nature.

**6.0804 Sign Permit Requirements.** Unless specified herein, no person shall erect, alter, reconstruct, or relocate any sign without first obtaining a sign permit for such work from the Planning and Zoning Director. No permit shall be issued until the Planning and Zoning Director determines that such work is in

accordance with the requirements contained in this ordinance. When a sign permit has been issued by the director, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the director. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Planning and Zoning Director. Items that are required to be submitted with the application for a sign permit are herein listed below:

1. **Site Plan.** A dimensioned site plan showing the location of the lot lines, structures (including accessory structures), above-ground and under-ground utilities, easements, and the location and dimensions of the proposed sign. The site plan shall be at a legible scale and such scale shall be listed on the plan;
2. **Elevation.** A dimensioned elevation(s) of each face of the sign with words, letters, or advertising; and
3. **Specifications.** A schematic detailing construction specifications for the sign including structural loading data must be submitted.

**6.0805 General Requirements.** Owners shall keep all signs in good working condition and in a manner that is safe and lawful.

1. **Maintenance.** Signs shall be maintained in good working order. Broken or deteriorating signs may be ordered to be repaired by the Planning and Zoning Director. When any sign becomes unsafe or is unlawfully installed or maintained in violation of the ordinance, the owner shall be notified to bring the sign into compliance within one (1) week. If the owner can demonstrate that parts have been ordered and, through no fault of the owner, are not immediately available or repair of the sign has been scheduled with a service technician; then it shall be determined that the one (1) week threshold has been met as long as maintenance of the sign occurs within a timely manner.
2. **Private Signs.** Signs shall not resemble or imitate the size, shape, form, animation, or color any railroad or traffic signs, signals, or devices, nor shall they obstruct or interfere with the effectiveness of such signs, signals, and devices.
3. **Grandfathered Signs.** All existing signs no longer permitted within this ordinance shall hereby receive grandfathered status. Such signs will be allowed to be maintained as a nonconforming sign as long as no more than twenty-five percent (25%) of the sign is replaced in any given year not including the message. If the sign is damaged by an act of nature or criminal action, the sign shall not be replaced, except as a conforming sign with the issuance of a sign permit in accordance with the ordinance.

4. **Irrelevant or Inaccurate Signs.** Any sign which displays advertisements of a business that is no longer in operation or product, activity, or campaign that has been discontinued for a period of thirty (30) days or becomes irrelevant because of the movement of business; shall be removed by the property owner within thirty (30) days of the discontinuance. The Planning and Zoning Director will issue a notification for removal of such signs after the thirty (30) day period, stating that the property owner shall have seventy-two (72) hours to remove signage. If compliance is not achieved, the director shall refer the matter to the City of Bowman Police Department and City Attorney's Office.

**6.0806 General Requirements – Permanent Signage.**

1. **Signs Shall be Located on the Property it Advertises.** Signs are considered incidental to the permitted use of the primary building and shall be located on the same lot as the permitted use.
2. **Height.** Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, schools, or societies may be erected not exceeding thirty (30) feet in height. The sign face shall not exceed thirty-two (32) square feet and the maximum total area of all sign faces shall be two (2) times the maximum permitted size per sign face. The signs or bulletin boards shall be located on the premises of such institutions.

**6.0807 General Requirements – Billboards.** Billboards are allowed as conditional uses in the **C, C-2, I and I-2** districts. Billboards shall conform to the provisions listed herein this Section 6.0807.

1. **Ownership.** The owner shall agree, at the time of issuance of the permit, to place and maintain on such billboard the contact information for the person owning, in charge of, in control of, said billboard.
2. **Requirement of a Zoning Permit.** No billboard shall be erected, altered constructed, or reconstructed, or moved until the application and plans have been filed with and approved by the Planning and Zoning Director to size, location, and construction.
3. **Billboard Height.** The permitted height for billboards shall be a maximum of forty-five (45) feet in height and up to sixty (60) feet in height as a conditionally permitted use. The height shall be measured from the ground surface at the base of the billboard to the highest point on the billboard.
4. **Existing Grade.** Billboards shall be constructed on the existing grade of the site. Upon newly graded land, the billboard shall be placed upon the final grade of the site as set forth in the grading plan of the final plat.

5. **Ground Maintenance.** The owner, lessee or manager of such billboard, and the owner of the sign shall maintain and keep the ground area around the sign free and clean of weeds and debris.
6. **Maximum Square Footage.** No billboard shall exceed three-hundred (300) square feet in area (on a single face); however, billboards adjacent to Principal Arterial roadways, as defined by the North Dakota Department of Transportation, can have a maximum sign face of seven-hundred (700) square feet.
7. **Billboard Spacing.** No billboard shall be constructed within six-hundred and sixty feet (660') of another billboard with only one (1) billboard being allowed per lot or parcel of land.
8. **Additional Billboard Spacing Requirements.** Billboards within two-hundred fifty (250) feet of any district where billboards are not permitted are prohibited.
9. **Steel Monopole.** All billboards shall be erected using a single steel monopole design.
10. **Federal Requirements.** On federal highways, federal and state regulation for spacing and setbacks shall apply; provided however, if the regulations in this ordinance are found to be more restrictive, then the more restrictive requirements shall apply.
11. **Illumination.** Illumination of billboards shall be directed downward and shall be designed as to minimize glare, light trespass, and excessive amounts of misdirected light. The use of minimum lumens or foot candles required to adequately illuminate the sign is required.
12. **Sign Safety.** It shall be unlawful to construct or maintain, or cause to be constructed or maintained, any billboard in such a manner as to:
  - a. Obstruct the view of street or railroad crossings;
  - b. Unreasonably obstruct from view any other sign or use currently in existence;
  - c. Be unable to meet the structural loading requirements as established in the currently adopted version of the North Dakota State Building Code;
  - d. Be dangerous to the public by falling or blowing down; and
  - e. Increase the danger or loss by fire or to increase fire insurance rates.

13. **Building Code.** Billboards hereafter erected, constructed, reconstructed, altered, or moved in the city shall be constructed in accordance with the requirements of the latest edition of the North Dakota State Building Code and this ordinance.

**6.0808 General Requirements – Dynamic Messaging Signs.** “Dynamic Messaging Signs” shall be allowed under this ordinance and shall comply with the ordinance regarding billboards and signs with the following additional restrictions:

1. **Refresh.** The message displayed shall only refresh once every six (6) seconds and shall take no longer than one (1) second to do so;
2. **Flashing.** No animation, flashing, scrolling video or intermitted lights will be permitted;
3. **Confusing Information.** The message shall not contain materials that may be confused as a traffic control device, simulate automobiles either outgoing or oncoming, contain lewd or offensive materials of a shocking nature and/direct the driver to make any abrupt turning movements;
4. **Emitting Light.** Light emitted shall not obscure any traffic control devices;
5. **Brightness.** The brightness of the lamination shall be adjusted as to ambient light decreases by utilizing an ambient light sensor for automatic dimming. Light emitted shall adjust automatically to ambient light;
6. **Maximum Emitted Light.** Light emitted shall be a maximum of four hundred (400) NITS at night and one-thousand (1000) NITS during the day;
7. **Definition of Dynamic Signs.** All regulations for dynamic message signs shall be applicable to all signs that fit the definition regardless of size, construction or mounting;
8. **Properties Zoned Residential.** No dynamic messaging signs shall be allowed within three hundred (300) feet of a residentially zoned district. This shall be measured from the closest part of the sign to the closest lot line of the residentially zoned parcel;
9. **Protrusions.** No dynamic messaging signs shall be mounted to protrude from the surface to which they are attached. These signs must be attached to a marquee sign or freestanding sign; and
10. **Square Footage.** The area of the sign face of the dynamic message portion of any sign shall be counted towards the maximum allowable sign face square footage allowed under this ordinance.

#### **6.0809 General Requirements – Temporary Signs.**

1. **Duration.** Each lot will only be allowed to apply for a thirty (30) day temporary sign permit a total of three (3) times annually. Each thirty (30) day permit cannot be applied for until ninety (90) days after the expiration of the last permit issued.
2. **Allowed Signs.** The following temporary signs are allowed without the issuance of a temporary sign permit:
  - a. Signs advertising the sale, lease, or rental of the premises upon which the sign is located. Such signs shall not exceed six (6) square feet in area in the residential districts and ten (10) square feet in area in all other districts;
  - b. Signs denoting the architect, engineer, or contractor placed on premises where construction, repair, or renovation is in process. Such signs shall not exceed six (6) square feet per sign, and a total of eighteen (18) square feet in all other districts;
  - c. Roadside market signs advertising produce grown and sold on the premises on which they are located; such signs shall not exceed twenty-four (24) square feet in area and shall only be displayed during the hours the use is in operation;
  - d. Political advertising signs in residential districts shall not exceed six (6) square feet per sign, and a total of eighteen (18) square feet per lot. Such signs shall be allowed to be in place one (1) month prior to the election date, and shall be taken down within seven (7) days of the date of the election; and
  - e. Garage or rummage sale signs. Such signs shall be placed on private property and shall not exceed two (2) square feet. These signs shall be taken down after the event has ended;

#### **6.0810 General Requirements – Portable Signs.**

1. **Permit.** No portable sign shall be placed on any lot without first obtaining a temporary sign permit from the Zoning Administrator. Each lot will only be allowed to apply for a temporary sign permit three (3) times annually. Each permit shall not exceed a period of thirty (30) days. An additional permit for said property cannot be applied for until sixty (60) days after the expiration of the previous permit. All signs are subject to inspection by the Planning and Zoning Director for compliance with placement, functionality, and appearance of the sign.

2. **Requirements.** No person shall place a portable sign on any lot or parcel or allow upon their lot or parcel a portable sign which does not meet the following provisions:
  - a. One (1) portable sign per lot or parcel is allowed and shall be placed on the premise;
  - b. The face of the portable sign shall not exceed thirty-two (32) square feet and shall not be taller than six (6) feet in height;
  - c. Signs shall not be placed on/in the right-of-way, nor shall they obstruct the view of an intersection or be located within the visibility triangle of a roadway;
  - d. Portable signs must be securely anchored but not permanently affixed to the ground. No portable signs may be fastened to a building, elevated above ground level, placed on or affixed to poles, or placed on top of a building. Portable signs are not considered permanent, and therefore, are not a part of the permanent allowable signage of a business establishment;
  - e. If signs are to be lighted, the electrical connections shall be provided in such a manner as to not be a life or safety threat;
  - f. Signs should maintain the name and contact information of the owner of the sign on the exterior of the sign structure that can be seen when driving by;
  - g. Signs must be properly maintained, cleaned, and in good working order and repair; and
  - h. Signs are allowed in residential districts for a period of no longer than forty-eight (48) hours, for special announcements, not for business advertising.

**6.0811 Residential District Sign Requirements.** The regulations of this section shall apply to the **R-1, R-2, R-3, and MH-1** zoning districts.

1. **Single Family Use:**

- a. One (1) sign, with a sign face area of no greater than two (2) square feet will be allowed for each lot or parcel that contains a single family use; and
- b. Permitted home occupations located on the lot or parcel of a single family use shall be permitted one (1) non-illuminated sign no greater than six (6) square feet.

2. **Multi Family Use:**

- a. Each lot or parcel of land occupied by a multi-family use shall be allowed one (1) monument sign that shall face the right-of-way of the primary access and shall be no greater than twenty-five (25) square feet.

3. **Subdivision Signs:**

- a. Residential subdivisions shall be allowed one (1) monument sign per main access into the subdivision. These signs must face the right-of-way of the road intersecting the access drive, and shall be no greater than sixty (60) square feet. The number and location of the main accesses to the subdivision will be reviewed and approved by the Planning and Zoning Director.

4. **All Other Non-Residential Uses:**

- a. Any other permitted non-residential use in a residential district, excluding home occupations, shall be allowed up to twenty (20) square feet of signage, and shall abide by the regulations set forth in this article.



## **ARTICLE 9**

## **NON-CONFORMING USES AND STRUCTURES**

**6.0901 Provisions for Non-Conforming Uses/Buildings.** The lawful use of any building, structure or land existing at the enactment of this chapter may be continued, although such use does not conform to the provisions of this chapter, providing the following conditions are met.

1. **Alterations.** A non-conforming building or structure may be altered, improved or reconstructed provided such work does not in aggregate cost, nor cumulatively exceed, twenty- five percent (25%) of the assessed value of the building or structure when the building or structure was first identified as a non-conforming use.
2. **Extension.** A non-conforming use shall not be extended, but the extension of a lawful use to any portion of a non-conforming building or structure which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.
3. **Changes.** No non-conforming building, structure or use shall be changed to another non-conforming use.
4. **Abandonment of Non-Conforming Commercial, Industrial or other Non-Residential Use.** A non-conforming use of a building or premises which has been abandoned for a period of eighteen (18) months shall not thereafter be returned to such non-conforming use.
5. **Abandonment of a Non-Conforming Residential Manufactured Home.** A non-conforming use of a manufactured home or premises which has been abandoned for a period of ninety (90) days shall not thereafter be returned to such non-conforming use. The owner of the property shall remove the manufactured home from the site, and may only relocate the structure in the City of Bowman to a conforming zoning *district* after obtaining a moving permit and demonstrating compliance with all other provisions of this chapter.
6. **Destroyed or Damaged.** When a building, the use of which does not conform to the provisions of these regulations, is damaged by fire, explosion, act of nature, or the public enemy, to the extent of more than sixty percent (60%) of its fair market value, it shall not be restored except in conformity with the district regulations of the district in which the building is situated.
7. **Unlawful Use Not Authorized.** Nothing in the chapter shall be interpreted as authorization for or approval of the continuance of or use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this chapter.

8. **District Changes.** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing shall apply to any non-conforming uses existing therein.

## **ARTICLE 10**      **FLOOD REGULATIONS** (11-2003 Revised by State Law)

**6.1001 Statutory Authorization, Findings of Fact, Purpose and Objectives.** The Legislature of the State of North Dakota has in the North Dakota Century Code, Chapters 40-47, 11-33 and 58-03, delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and welfare of its citizenry. Therefore, the City of Bowman does ordain as follows.

**6.1002 Findings of Fact.**

1. **Public Hazard.** The flood hazard areas of the City of Bowman area subject to periodic inundation which can endanger life, result in loss of property, create health and safety hazards, disrupt commerce and governmental services, cause extraordinary public expenditures for flood protection and relief, and impair the tax base, all of which adversely affect the public health, safety and general welfare.
2. **Cumulative Effect.** Flood losses caused by the cumulative effect of obstructions in the special flood hazard areas cause increases in flood heights and velocities. Inadequately flood proofed, elevated or otherwise unprotected structures also contribute to the flood loss.

**6.1003 Statement of Purpose.** It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in special flood hazard areas;
6. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in a special flood hazard area; and

8. To ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

**6.1004 Methods of Reducing Flood Losses.** In order to accomplish its purposes, this ordinance includes methods and provisions as listed herein below.

1. **Restricting or Prohibiting Uses:** Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. **Initial Construction:** Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. **Controlling Natural Floodplains:** Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
4. **Filling, Grading and Dredging:** Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. **Construction of Flood Barriers:** Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**6.1005 Definitions.** Unless specifically defined below, words or phrases used in the ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

**Appeal:** Means a request for a review of the Zoning Administrator's interpretation of any provision of this ordinance or a request for a variance.

**Base Flood or 100-year Flood:** Means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE):** Means the height of the base flood or one-hundred (100) year flood usually in feet above mean sea level.

**Basement:** Means any area of the building having its floor subgrade (below ground level) on all sides.

**Best Available Data (BAD):** Means water elevation information from any source used to estimate or determine a base flood elevation (i.e. high water mark).

**Conveyance or Hydraulic Conveyance:** Means a geometric characteristic of river or watercourse at a given point that determines the flow-carrying capacity at that point.

**Development:** Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within special flood hazard areas.

**Flood Insurance Rate Map (FIRM):** Means the official map issued by the Federal Emergency Management Agency where special flood hazard areas are designated as Zone A, AE, AO, AH, A1– A30 or A-99.

**Flood Insurance Study:** Means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

**Flood or Flooding:** Means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or; from the unused and rapid accumulation of runoff of surface waters from any source.

**Floodproofing:** (DRY) means protection provided a structure, together with attendant utilities and sanitary facilities, which is watertight two feet (2') above the base flood elevation with walls that are substantially impermeable to the passage of water.

**Flood Way or Regulatory Floodway:** Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Lowest Floor:** Means the lowest floor of a structure including the basement.

**Manufactured Home:** Means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”, but does include “mobile homes”.

**Manufactured Home Park/Subdivision:** Means a parcel, or contiguous parcels, of land divided into two (2) or more lots for rent/sale of manufactured homes.

**New Construction:** Means structures for which the “start of construction” commenced on or after the effective date of this ordinance.

**Reasonably Safe From Flooding:** Means the base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed building.

**Recreational Vehicle:** Means a vehicle which is:

1. Built on a single chassis;
2. Four-hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use; including, but not limited to:
  - a. Travel trailers on wheels, park-model trailers and other similar vehicles.

**Special Flood Hazard Area (SFHA):** Means an area of land that would be inundated by a flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Start of Construction:** Includes substantial improvement, and means the date the zoning permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one-hundred eighty (180) days of the permit issuance date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any and all work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets, parkways and/or walkways; nor does it include the excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Structure:** Means a walled and roofed building, including manufactured homes and gas or liquid above ground storage tanks.

**Substantial Damage:** Means damage of any origin sustained by a structure whereby the cost of restoring the building to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**Substantial Improvement:** Means any repair, reconstruction, or improvement of a structure, cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

**The term does not however, include either:**

3. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
4. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Variance:** Means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

**6.1006 Lands to Which this Ordinance Applies.** This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Bowman.

**6.1007 Basis for Establishing Special Flood Hazard Areas.** The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “The Flood Insurance Study for Bowman County and incorporated areas, dated April 5, 2016”, with an accompanying Flood Insurance Rate Map thereto is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Bowman County Courthouse and the City of Bowman Planning and Zoning Office.

**6.1008 Compliance.** No structure of land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

**6.1009 Greater Restrictions.** This ordinance is not intended to repeal, remedy, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

**6.1010 Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

**6.1011 Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Bowman, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**6.1012 Establishment of Development Permit.** A development permit shall be obtained before construction or development begins within any special flood hazard area established in Section 6.1007. Application for a development permit shall be made on forms furnished by the Zoning Administrator and may include, but not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage materials, drainage facilities; and the location of the foregoing. Specifically the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor of all structures;
2. Elevation in relation to mean sea level to which any structure has been flood proofed;
3. Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 6.1018; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

**6.1013 Designation of the City Zoning Administrator.** The City of Bowman Zoning Administrator is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

**6.1014 Duties and Responsibilities of the City Zoning Administrator.** Duties of the Zoning Administrator shall include, but not be limited to those items listed below.



1. **Permit Review:**

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied;
- b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; and
- c. Review all development permits to determine if the proposed development is located in the flood way. If located in the floodway, assure that the encroachment provisions of Section 6.0818 are met.

2. **Use of Other Base Flood Data.** When base flood elevation data has not been provide in accordance with Section 6.0807, "Basis for Establishing the Areas of Special Flood Hazard", the Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available (known as best available data) from a federal, state, or other source, as criteria for requiring that new construction substantial improvements or other development in the floodplain are administered in accordance with Section 6.1018, "Specific Standards".

3. **Information to be Obtained and Maintained:**

- a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved flood proofed structures:
  - 1. Obtain and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed.
- c. Maintain the flood proofing certifications required in Section 6.1012(3).

4. **Public Inspection.** Maintain for public inspection all records pertaining to the provisions of this ordinance.

**6.1015 Alteration of Watercourses.**

1. **The Responsible Person Shall:**

- a. Notify nearby communities, water resource districts, and the North Dakota State Engineer, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished; and
  - c. Notify the appropriate water resource district prior to removal or placement of fill with two hundred feet of the bank of a body of water during normal flow or stage.
2. **Interpretation of Flood Insurance Rate Map (FIRM) Boundaries.** Make interpretation where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.0815.

#### **6.1016 Variance Procedure.**

1. **Appeal Board.**
- a. The City Commission as established by the City of Bowman shall hear and decide appeals and request for variances for the requirements of this ordinance.
  - b. The City Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this ordinance.
  - c. Those aggrieved by the decision of the City Commission or any taxpayer, may appeal such decision to the district court, as provided in NDCC 40-47-11, 11-33-12 or 58-03-14.
  - d. In passing upon such applications, the City Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance and those listed below:
    - 1. The danger that materials may be swept onto other lands to the injury of others;
    - 2. The danger to life and property due to flooding or erosion damage;
    - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
    - 4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;
  6. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
  7. The compatibility of the proposed use with existing and anticipated development;
  8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre to less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 6.1016(1)(d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required issuing the variance increases.
  - f. Upon consideration of the factors of Section 6.1016(1)(d) and the purposes of this ordinance, the City Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
  - g. The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

## 2. **Conditions for Variances.**

- a. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

- b. Variances shall not be issued within the identified floodplain if any increase in flood levels during the base flood discharge would result.
- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. Variances shall only be issued upon:
  - 1. a showing of good and sufficient cause;
  - 2. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - 3. a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public as identified in Section 6.0816(1)(d), or conflict with existing local laws or ordinances.
- e. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**6.1017 General Standards.** In all special flood hazard areas the following standards are required as specified below.

**1. Anchoring.**

- a. All new construction and substantial improvements including additions shall be anchored to prevent flotation, collapse or lateral movement of the structure; and
- b. All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

**2. Construction Materials and Methods.**

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
- c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. **Utilities.**

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. **Subdivision Proposals.**

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

**6.1018 Specific Standards.** In all special hazard areas where base flood elevation data have been provided as set forth in Section 6.1007 "Basis for Establishing the Special Flood Hazard Areas" or Section 6.1014(2) "Use of Other Base Flood Data", the following provisions are required:

- 1. **Residential Construction.** New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated on fill to at least one (1) foot above the base flood elevation.

2. **Nonresidential Construction.** Construction and substantial improvement of any non-residential structure shall either have the lowest floor, including basement, elevated on fill to at least one (1) foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:
  - a. Be flood proofed to at least two feet (2') above the base flood elevation, so that below the elevation the structure is watertight with walls substantially impermeable to the passage of water;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyance; and
  - c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 6.1014(3)(b).

3. **Manufactured Homes.**

- a. Manufactured homes shall be anchored in accordance with Section 6.1017(1).
- b. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated on fill to at least one foot (1') above the base flood elevation, and is securely anchored to an adequately anchored foundation system.

**6.1019 Floodways.** Located within the special flood hazard areas established in Section 6.1007 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. **Encroachments.** Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and
2. **Flood Reduction.** If Section **6.1019(1)** is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section **6.1017** "Provisions for Flood Hazard Reduction".

**6.1020 Penalties for Violations.**

1. **Provision Violations.** Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations on conditions and safeguards established in connection with grants or variances or

conditional uses, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be punished by a fine not exceeding one-thousand and No/100 (\$1000.00) dollars or by imprisonment not to exceed thirty (30) days or by both such fine and imprisonment for each such offense, and in addition shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

2. **Other Lawful Action.** Nothing herein contained shall prevent the City Commission from taking such other lawful action as is necessary to prevent or remedy any violation.

## **ARTICLE 11**      **ADMINISTRATION**

**6.1101 Planning and Zoning Director/Zoning Administrator.** The Planning and Zoning Director/Zoning Administrator designated by the City Commission shall administer and enforce the regulations contained herein, or may assign this duty to his/her designee who shall be called the "Zoning Administrator". The term "Planning and Zoning Director", "Zoning Administrator" or "Administrator" shall be interchangeable for purposes of the article. Duties include, but are not limited to the following:

1. Attend all hearings;
2. The maintenance of updated copies of the ordinance and district zoning map;
3. The maintenance of updated copies of the comprehensive plan;
4. Implement the regulations and modify as appropriate the land use development code (zoning code) regulations and the goals and policies of the comprehensive plan;
5. Keep all copies of records;
6. Post notice of amendment hearings on affected site;
7. Make inspection of land and/or structures to determine compliance with the provisions of this ordinance;
8. Carry out any other duties assigned by the Planning and Zoning Commission and City Commission;
9. Grant zoning permits;
10. Prepare materials and written opinions on all applications submitted to the City of Bowman which shall be forwarded to the Planning and Zoning Commission and/or the City Commission as specified in this zoning ordinance; and
11. If the Zoning Administrator finds that any provision of these regulations is being violated, the Administrator shall then notify in writing the persons responsible for such violation and order corrective action. The Administrator shall order discontinuance of illegal work being done; or shall take any other action authorized by these regulations to insure compliance therewith or to prevent its violations.



- 6.1102 Administrative Procedure for Zoning Administrator, Planning and Zoning Commission, Board of Adjustment and City Commission.** It is the intent of these regulations that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and that if satisfaction is not reached, the question may be forwarded to the Planning and Zoning Commission upon appeal via the procedures established herein. The City Commission (acting as the Board of Adjustment) should receive an appeal only after the Planning and Zoning Commission has ruled on the question unsatisfactorily in the opinion of the plaintiff. Final appeal of a decision of the City Commission is to District Court as provided by law.
- 6.1103 Administrative Zoning Permits – Application.** Any person or persons intending to construct or relocate a building or other structure or external addition thereto, shall before proceeding with said work or commencing any excavation in connection therewith, file in the office of the Zoning Administrator a written application designating the kind of building, structure or external addition which he/she intends to erect or make, materials of which the same is to be composed, and the legal description and location of the real estate, the part or portion of the real estate to be occupied by the building, other structure or addition, or improvement, the probable cost thereof and a detailed description of the type of construction and material used therein, and especially for each chimney, smoke stack, flue and fireplace to be erected or constructed in connection therewith, together with such additional plans and specifications as may be required by the Zoning Administrator, and shall obtain a permit therefore as hereinafter provided.
- 6.1104 Same: Sketch Map.** Each application for a zoning permit shall be accompanied by a sketch map showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of these regulations. A record of the application and sketch map shall be kept in the office of the Zoning Administrator.
- 6.1105 Administrative Application, Approval, Requirements, and Issuance of Permits.** The application shall be filed in the office of the Zoning Administrator and he/she shall determine whether said application and proposed construction meets the requirements of these provisions. A copy of the application shall be forwarded to the City Auditor. If the Zoning Administrator finds that the proposed work will conform to the statutes of the State of North Dakota, these regulations, and all other applicable ordinances and regulations of the city, and that no good cause of any nature exists why said work should not be done, the Zoning Administrator shall thereupon approve said zoning permit application and promptly issue a zoning permit. If any citizen of the city has filed an objection to the issuance of any permit, he/she shall be given notice of the time and place at which the Planning and Zoning Commission will meet to act upon the application.  
(Revised 04-03-2001)

**6.1106 Zoning Fees, Granting of Permits and Extensions of Time.** Zoning permits pursuant to the ordinances of the City of Bowman, shall be issued in accordance with the fee schedule which can be obtained from the Zoning Administrator.

1. Payment shall be made at the Zoning Administrator's office upon delivery of the permit.
2. Any building or public sidewalk, fence or any remodeling changing the structure lines or footprint, not including re-siding or re-roofing, made without a permit or any building not in compliance with the permit granted shall be a violation of the city ordinances.
3. Zoning permits are valid for a period of six (6) months from the date of issuance. The Zoning Administrator may extend the permit for a period of up to six (6) additional months prior to the expiration of the first permit issuance. All further extensions shall be approved by the City Commission prior to expiration of the first extension by the Zoning Administrator.
4. An accessory building fee shall not be charged if the building is a part of the initial home application and sketch map. (Revised 04-03-2001)

**6.1107 Discretionary (Public Hearing) Application Fees.** The Zoning Administrator is authorized to charge fees related to the processing of applications in accordance with the City Commission's approved schedule of fees. All fees are due at the time of filing. An application submitted without payment of fees will not be considered as complete for purposes of processing, including the applications time frames stipulated in the City of Bowman's applications and in this chapter and therefore will not be scheduled for a hearing until the fees are paid.

**6.1108 Application Submittals.** All requests for procedures identified in Section 6.0115, Table 1 "Summary of Administrative and Review Roles" shall begin by application. An application accompanied by the required fees and submittal material shall be filed in the office of the City Auditor or Zoning Administrator prior to the City's consideration of the application. Each application shall be deemed complete by stamp or signature by the Administrator prior to the start of any applicable processing requirements stipulated in this chapter. All applications shall include the items specified herein below.

1. **Signatures on Application Required.** Applications shall be signed by the owner(s) of the property in question via an owner's affidavit provided in the application. If the property has multiple owners, a list shall be provided of all persons and entities with a property interest in the land. No other individual may represent an applicant unless authorized by him/her to do so, with written authorization via an owner's agent affidavit provided in the application.

2. **Minimum Application Requirements.** Applications shall include all items listed in the application submittal requirements for each type of entitlement unless waived by the Zoning Administrator and/or City Engineer.
3. **Multiple Application Submittals – Concurrent Review.** At the applicant's election, and with Zoning Administrator's approval, multiple applications submitted for a single development project may be processed concurrently to expedite total review and processing time for the project. The time frame and approval process for a consolidated application shall follow the longest time frame and approval process required from among the multiple applications. For example, multiple applications for a zoning map amendment and variance may be processed concurrently, in which case both applications would be considered according to the more extensive zoning map amendment procedure, and the City Commission would be the final decision body on both applications unless otherwise provided by law; and
4. **Application Intake Schedule.** Applications requiring Planning and Zoning Commission and/or City Commission public hearings shall be accepted by the Zoning Administrator for review in accordance with an established schedule no less than one (1) time per month.

**6.1109 Public Notice by Newspaper.** In conformance with NDCC Section 40-47-04 and 40-47-05, notice of the hearing for discretionary applications, including changes to the zoning regulations/ordinances, zoning boundaries or districts, and the comprehensive plan or its boundaries or districts, shall be given per the procedures herein listed below.

1. **Proposed Applications and Changes to the Zoning Regulations, Zoning Boundaries or Districts or the Comprehensive and Transportation Plan Boundaries or Districts.** A copy of each proposed application requiring discretionary review, including any newly proposed regulation, amendment to existing regulations, or change to districts/boundaries of the Zoning Code and Comprehensive Plan must be filed with the City Auditor and/or Zoning Administrator. No entitlement, new regulation, amendment to existing regulations, or district/boundary change to the Zoning Code and Comprehensive Plan may become effective until after a public hearing, at which parties in interest and citizens shall have an opportunity to be heard as described herein.
  - a. Unless otherwise specified in this ordinance, a copy of each proposed application requiring discretionary review, including any newly proposed regulations, amendment to existing regulations or changes to the districts or boundaries of the zoning ordinances and comprehensive plan, shall be forwarded to the Planning and Zoning Commission and/or City Commission as applicable; and

- b. The Planning Commission and/or City Commission, as applicable, shall hold a public hearing in accordance with the procedures specified herein this chapter and state law to consider each request.
  2. **Notice of Hearing.** Unless otherwise specified in this ordinance, the notice of the hearing must be published once a week for two (2) successive weeks before the time set for the hearing in the official newspaper of the city.
  3. **Contents of the Notice.** The following items must be contained within the notice:
    - a. The time and place of the hearing;
    - b. A description of all property involved in the application, including zone changes or Comprehensive Plan Amendments, by street address if streets have been platted or designated in the area affected;
    - c. A description of the nature, scope, and purpose of the proposed regulation, entitlement, restriction, amended boundary or district, or text amendment; and
    - d. A statement of the times at which the application will be available to the public for inspection and copying at the office of the City Auditor.
  4. **Determination of Action by Findings.** The Planning and Zoning Commission and/or City Commission shall state the grounds upon which a request for an entitlement, or any newly proposed regulation, amendment to existing regulations or text, or an amendment to districts/boundary to the zoning ordinances or comprehensive plan is approved, approved with conditions, or disapproved, and written findings upon which the decision is based shall be included within the records of the Planning and Zoning Commission and/or City Commission.
  5. **Establishment of New Regulation, Amended Regulation or New Boundary/District.** Upon establishment of any newly proposed regulation, amendment to existing regulation, or an amendment to any district/boundary hereunder, to the zoning code or the comprehensive plan, the city shall file a copy thereof with the City Auditor and/or Zoning Administrator who shall file notice of the same to be published in the official newspaper of the city. The notice must describe the nature, scope, and purpose of the regulation, amendment to existing regulations, or district/boundary and must state the times at which it will be available to the public for inspection and copying at the office of the City Auditor.
- 6.1110 Public Notice by Mailing.** In conformance with the NDCC, any application requiring a public hearing shall be noticed by mail with the exception of the application submittals described in Section 6.1111. The notice of the hearing shall be mailed to owners of property within one-hundred fifty feet (150') [two-

hundred feet (200') if an annexation, Comprehensive Plan map amendment/boundary change, or zoning map amendment/boundary change] of the affected site, excluding the width of streets. The notice shall be mailed at least seven (7) days prior to the date of the hearing and include the following:

1. The time and place of the hearing;
2. A description of any property involved in any zoning or comprehensive plan change, by street address if streets have been platted or designated in the area affected;
3. A description of the nature, scope, and purpose of the proposed regulation, restriction, or boundary; and
4. A statement of the times at which it will be available to the public for inspection and copying at the office of the City Auditor.

**6.1111 Public Notice for Citywide Text Amendments, Boundary, and/or District Changes.** All citywide text amendments, boundary changes, and/or district changes to the zoning ordinances or comprehensive plan shall be noticed in conformance with Section 6.1109 "Public Notice by Newspaper" only. Citywide amendments shall be advertised via posting the agenda in public places such as city hall, the public library, the city's web site, and in some instances on the radio should per the City Commission's direction. All other regulations shall apply with the exception of Section 6.1110 of this chapter.

**6.1112 Notice of Continued Hearings.** A hearing properly noticed under this section may be continued to a later date without again complying with this section's notice requirements, provided the continued hearing is set for a date certain and the date and time of the continued hearing are announced at the time of the continuance.

**6.1113 Postponements and Invalid Applications.**

1. **Postponements by Applicant.** All requests by applicants to postpone a public hearing or administrative decision shall be provided to the Zoning Administrator in writing before 5:00 p.m. on the day or before the day that action on the application is to occur. The following requirements listed herein shall apply to postponements:
  - a. The applicant shall pay for notification and advertising costs caused by the requested postponement when filing the request for the postponement;
  - b. Any application that is postponed by the applicant and is not reactivated within ninety (90) days shall become invalid ten (10) days after a notice of invalidation is provided by the Zoning Administrator to the applicant by certified mail; and

- c. Regardless of the stage in the review process, any application which is postponed more than three (3) times by the applicant will become invalid.
2. **Invalid Applications:** A new application is required to be submitted after an application has become invalid because of this section.
  - a. The applicant shall pay all applicable fees and charges for the new application as if no application had been previously submitted. The new application shall be regularly scheduled with no priority given because a previous application had been submitted on the matter.

#### **6.1114 Decisions.**

1. **Decisions.** All decisions shall be provided to the applicant and all appellants in writing; and
2. **Records.** A record of decisions shall be maintained by the applicable decision-making body, or its designee.

#### **6.1115 Appeals of Administrative Decisions Made by the Zoning Administrator and/or other City Administrative Reviewers.**

1. **Appeals of Administrative Decisions.** Any member of the City Commission, or any person or entity aggrieved by his/her inability to obtain a zoning permit or by any decision made by an administrative officer based upon or made in the course of the administration or enforcement of the provisions of any zoning regulation or any regulation relating to the location of structures in the administration and enforcement of this chapter may appeal such decision to the City Commission by filing a written appeal with the Zoning Administrator within ten (10) days after the determination of the final action. The following items herein listed below shall apply to appeals:
  - a. The written notice of appeal must briefly specify the grounds of the appeal on the appropriate form accompanied by the required fees;
  - b. Any other aggrieved person may file a subsequent appeal within the time allotted for appeal with payment of fees. Any subsequent appeal will not affect the date on which the City Commission hears the appeal; and
  - c. Any appellant may withdraw his/her appeal. If any appeal is withdrawn, the City Commission shall hear all remaining appeals.
2. **Zoning Administrator's Duties Regarding Administrative Appeals.** The Zoning Administrator will place the appeal on the next available City Commission meeting.

3. **City Commission Action Regarding Administrative Appeals:**

- a. The City Commission shall be guided by the purpose of the regulation of the improvement of land expressed in this chapter to determine if the Zoning Administrator or other Administrative Review Agents committed an abuse of discretion. The City Commission shall have the power to affirm, reverse, or modify the Zoning Administrator's decision; and
- b. The City Commission must render a decision within thirty (30) days of the public hearing.

6.1116 **Appeal of Discretionary Decisions Made by the Planning and Zoning Commission.**

1. **Appeal Procedure.** All decisions made by the Planning and Zoning Commission may be appealed by any person or entity aggrieved by the decision, including the City Commission. All appellants must complete an appeal form briefly setting forth the grounds of the appeal available in the Zoning Administrator's office and filing it with the Zoning Administrator with the accompanied fees within ten (10) days after the publication of the "Final Action Order". The following items herein apply:
  - a. Any other aggrieved person may file a subsequent appeal within the time allotted for appeal with payment of fees. Any subsequent appeal will not affect the date on which the City Commission hears the appeal;
  - b. Any appellant may withdraw his/her appeal. If any appeal is withdrawn, the City Commission shall hear all remaining appeals; and
  - c. The Zoning Administrator will place the appeal on the next available City Commission meeting, not to exceed sixty (60) days from the date the appeal was filed and deemed complete by the Zoning Administrator, unless requested by the appellant.
2. **Notice of Appeal before City Commission.** The Zoning Administrator shall mail a notice of the public hearing to the appellant(s) stating the time of the public hearing.
3. **City Commission Action Regarding Appeals of Discretionary Decisions:**
  - a. The City Commission shall consider the Planning Commission's decision and their reasons therefore. The City Commission shall affirm, modify, or reverse the appealed decision; and
  - b. The City Commission must render a decision within thirty (30) days of the public hearing.

- 6.1117 Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator or Planning and Zoning Commission from whom the appeal is taken, certifies to the City Commission, after the notice of appeal is filed with him/her, that by reason of the facts stated in the certificate, a stay would in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order granted by the City Commission or by a court of record on applications, on notice to the administrative official from whom the appeal is taken and on due cause shown.
- 6.1118 Decisions of the Planning and Zoning Commission.** The concurring vote from three (3) members of the City Commission (a simple majority) shall be necessary to reverse any order, requirements, decisions or determinations of the Zoning Administrator or Planning and Zoning Commission, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.
- 6.1119 Appeals from the Decisions of the City Commission.** Any person or persons, or any board, taxpayer, department or bureau of the city aggrieved by any decision of the City Commission may seek review by a court of record of such decision by certiorari in the manner provided by the laws of the State of North Dakota.
- 6.1120 Limits on Re-filing.** An applicant whose application is finally denied may not institute a new application on substantially the same project within twelve (12) months from the date of the final action on the original application, unless the City Commission has first determined that the original decision was based on an error, lack of information, or a misrepresentation of the facts, or the Zoning Administrator has determined that there has been a substantial change in the project or an amendment to the applicable provisions of this chapter.
- 6.1121 Time Extensions of Approvals.**
1. **Extensions of Approvals.** Extensions of approved entitlements may be granted by the Zoning Administrator, and may not exceed six (6) months. A longer extension of time may be granted by the City Commission providing the request is made prior to the expiration of the first six (6) month extension.
  2. **Permit.** If in order to construct an approved project, an applicant must first obtain a permit or approval from another governmental agency before applying for a building permit, then, upon submission of appropriate documentation showing reasonable diligence in attempting to secure that permit or approval, the Zoning Administrator shall automatically extend the time limit for the amount of time between the date the applicant submitted an application for the permit for approval and date the permit was issued or the approval granted to accommodate the difference in time.



3. **Automatic Extension of Time.** If the applicant participates as a defendant or respondent in any legal challenge to a project approval, then, upon submission of appropriate documentation showing reasonable diligence in resolving the legal challenge, the Zoning Administrator shall automatically extend the time limit for the amount of time between the date the challenge was resolved or decided.

**6.1122 Board of Adjustment.** The City Commission shall serve as the Board of Adjustment which is hereby established, and in this capacity has appointed the Planning and Zoning Commission to act on its behalf in all Board of Adjustment matters. Any decision made by the Planning and Zoning Commission while conducting the business of the Board of Adjustment may be appealed to the City Commission which shall have the final decision on said matters. The Board of Adjustment shall be referred to as the Planning and Zoning Commission.

**6.1123 Same: Proceedings of the Planning and Zoning Commission When Fulfilling the Responsibilities of the Board of Adjustment.**

1. **Meetings.** The Planning and Zoning Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of these regulations concerning variances and variance appeals. Meetings shall be held at the call of the Chairman and at such other times as the Planning and Zoning Commission may determine, or the Zoning Administrator receives a variance application. All meetings shall be open to the public, and shall follow all of the administrative and discretionary (public hearing) requirements specified in this article and state law.
2. **Record Keeping.** The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, and the reasons for such actions, all of which shall be a public record and be immediately filed in the Planning and Zoning Commission files in the Zoning Administrator's Office.

**6.1124 Administrative Procedures for Public Hearings.**

1. **Application Deemed Complete.** Upon submittal of an application, the Zoning Administrator and City Engineer shall review the application within fifteen (15) days to determine if the application contains the required information. If the Zoning Administrator and City Engineer determine that all required information has been submitted, the Zoning Administrator shall deem the application complete via signature and date.
2. **Application to be Presented to the Governing Body.** Except for subdivisions, the Zoning Administrator shall present an application that has been deemed complete to the Planning and Zoning Commission for

consideration at its next regularly scheduled meeting for which the item can be noticed in the newspaper. In no case can the application be scheduled for hearing later than sixty-five (65) days after being deemed complete, unless a written request to postpone beyond 65 days is submitted by the applicant. All subdivisions shall be processed per the time frames stipulated in state law, or an extension of time shall be signed by the applicant to postpone the hearing date in accordance to the time frames stipulated in this subsection.

3. **Analysis of Application.** The Zoning Administrator shall conduct an analysis of the application request in writing and schedule the application for a public hearing. The Planning and Zoning Commission shall reject, approve or conditionally approve variances and conditional use permits. For preliminary plat maps, abandonments, annexations, zoning district changes, comprehensive plan designation changes, and text amendments to the zoning ordinances and comprehensive plan, the Planning and Zoning Commission shall make a recommendation to the City Commission who shall review the request and make the final decision to reject, approve, or conditionally approve (where applicable).
4. **Application Deemed Incomplete.** Applications that have not been deemed complete due to failure of the applicant to provide the required and/or requested documents, shall be scheduled for hearing within ninety (90) days with a written analysis as to the deficiency. The Planning and Zoning Commission and/or the City Commission, as applicable, shall review the written analysis and make a decision to reject, deny, approve, or approve with conditions, the applicant's request.
5. **Validity.** If the application is for a conditional use permit for non-residential uses or buildings (commercial, industrial, office, public, parks or professional zoning), the permit's validity shall be for the period indicated on the Final Action Letter or for the use or structure specified in the Final Action Letter. When a conditionally permitted use for non-residential uses or structures is terminated or vacated by its user for a period of eighteen (18) months, another conditional use permit must be applied for and a permit granted prior to reoccupation by its user. All other newly proposed uses (other than the terminated or vacated use) that triggered a conditional use permit shall make application for a use permit to the Zoning Administrator. For conditional use permits in residential zones, please see Section.
6. **Inaction.** After the receipt of the required report from the Planning and Zoning Commission on any text or map amendment to this chapter and/or the Comprehensive Plan, or in the event of the failure of the Planning and Zoning Commission to so report within ninety (90) days following the time of referral of the proposed amendment to the Planning and Zoning Commission, the City Commission shall hold a public hearing, after which

the proposed amendment may be passed. If passed, the ordinance shall be published within thirty (30) days after approval in the City's official newspaper.

- a. If a protest against any new proposed regulation, amendment to existing regulations, or an amendment to any district/boundary is signed by the owners of twenty percent (20%) or more of (1) the area of the lots included in such proposed change; or (2) the area adjacent, extending one-hundred-fifty (150) feet [45.72 meters] from the area to be changed, excluding the width of streets, then the amendment shall not become effective except by the favorable vote of three-fourths (3/4's) of all the members of the governing body of the city, provided, that protests in writing must be filed with the Zoning Administrator prior to the time set for the hearing. The owners protest must be accompanied by a map showing the area of the lots and/or the area adjacent from the area to be changed.

#### **6.1125 Variances – Application.**

1. **Variance Procedure.** The variance process is used to vary or adapt the strict application of any of the requirements of this chapter where there may be exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. In no case may there be a variance as to the use allowed in a district.
2. **Conditions.** In granting any variance, the Planning and Zoning Commission shall prescribe any conditions that it deems to be necessary or desirable. However, no variance in the strict application of any provision of the chapter shall be granted by the Planning and Zoning Commission unless it finds that the following criteria are met as applicable:
  - a. That there are special circumstances or conditions, fully described in the written findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building;
  - b. That, for reasons fully set forth in the written findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Planning and Zoning Commission is the minimum variance that will accomplish this purpose;

- c. That the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining building and those in the vicinity, the Planning and Zoning Commission, in determining its findings, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity; and
  - d. That the granting of the variance is not in contradiction to the goals and policies of the comprehensive plan.
- 3. **Application for Variance.** Any person wishing to apply for a variance to the City of Bowman zoning ordinance shall obtain an application from the Zoning Administrator who shall forward the application to the Planning and Zoning Commission for a public hearing.
  - 4. **Additional Information.** City staff, the Planning and Zoning Commission or the City Commission may request further information that will ensure the above criteria is being met or for additional matters of concern.

#### **6.1126 Conditional Use Permits – Application.**

- 1. **Application for Conditional Use Permits.** Any person wishing to apply for a conditional use permit as required in the zoning ordinance shall obtain an application from the Zoning Administrator who shall forward the application to the Planning and Zoning Commission for a public hearing.
- 2. **Application Content.**
  - a. A description of the property, existing uses and structures, proposed uses and structures, and an accurate site plan of the property and adjacent uses;
  - b. All items listed in the current application unless waived by the Zoning Administer or City Engineer; and
  - c. All associated fees as listed in the current City of Bowman's fee schedule as updated from time to time unless waived by the City Commission.
- 3. **Conditions.** In granting any conditional use permit, the Planning and Zoning Commission shall prescribe any conditions that it deems to be necessary or desirable that are proportional to the impacts of the project. However, no conditional use permit shall be granted by the Planning and Zoning Commission unless it finds that the following criteria are met as applicable:

- a. That the health, safety and welfare of the neighbors and the general public is being protected as well as the integrity of the neighborhood;
  - b. That the design and layout represents proper lot setbacks, adequate parking, includes any necessary visual screens, fosters safe and logical road access;
  - c. That the design and layout includes noise controls, air quality controls, and odor controls that are associated with the use;
  - d. That the proposed use and development will not result in a significant increase in traffic levels without mitigation levels. Significant increases in traffic levels shall be mitigated with proportional traffic improvements as determined necessary by the City Engineer;
  - e. That the proposed use and development can be serviced by emergency response personnel; and
  - f. That the proposed use and development meets the policies and objectives of the comprehensive plan.
- 4. **Application for Conditional Use Permit.** Any person wishing to apply for a variance to this zoning ordinance shall obtain an application from the Zoning Administrator who shall forward the application to the Planning and Zoning Commission for a public hearing.
  - 5. **Additional Information.** City staff, the Planning and Zoning Commission or the City Commission may request further information that will ensure the above criteria is being met or for additional matters of concern.

#### **6.1127 Zoning District Changes – Application.**

- 1. **Application for Zoning District Change.** Any person wishing to apply to change the zoning on a property from its existing district to a different district, shall apply for a zone change as required in the zoning ordinance. An application shall be obtained from the Zoning Administrator who shall forward the application to the Planning and Zoning Commission for a public hearing. The Planning and Zoning Commission shall recommend approval, approval with conditions, or denial to the City Commission. The City Commission shall make the final decision on the application during a public hearing.
- 2. **Applications Shall Include:**
  - a. A description of the property, existing uses and structures, proposed uses and structures, and an accurate site plan of the property and adjacent uses;

- b. All items listed in the current application unless waived by the or City Engineer; and
  - c. All associated fees as listed in the current City of Bowman's fee schedule as updated from time to time unless waived by the City Commission.
3. **In Granting any Zone Change, the Planning and Zoning Commission and City Commission Shall Find that the Following Criteria are met as Applicable:**
- a. That the health, safety and welfare of the neighbors and the general public is being protected as well as the integrity of the neighborhood;
  - b. That the uses in the zoning district requested can be established without significant impact to adjacent uses, particularly residential uses;
  - c. That the proposed zoning district and possible future development will not result in a significant increase in traffic levels. Significant increases in traffic levels shall be mitigated with proportional traffic improvements as determined necessary by the City Engineer;
  - d. That there is adequate existing infrastructure to service the uses permitted in the requested zone, or that adequate infrastructure can be extended to service the site;
  - e. That the proposed zoning district and possible future development can be adequately serviced by emergency response personnel; and
  - f. That the proposed zoning district and possible future development meets the policies and objectives of the city's comprehensive plan.
4. **Additional Information.** City staff, the Planning and Zoning Commission or the City Commission may request further information that will ensure the above criteria is being met or for additional matters of concern.

#### **6.1128 Comprehensive Plan Amendments – Application.**

- 1. **Application for Comprehensive Plan Amendment:** Any person wishing to apply for a comprehensive plan amendment on a property from its existing designation to a different designation shall apply for a comprehensive plan amendment as required in this zoning ordinance. An application shall obtained from the Zoning Administrator who shall forward the application to the Planning and Zoning Commission for a public hearing. The Planning and Zoning Commission shall recommend approval, approval with conditions, or denial to the City Commission. The City Commission shall make the final decision on the application during a public hearing.

2. **Applications Shall Include:**

- a. A description of the property, existing uses/structures, proposed uses/structures, and an accurate site plan of the property and adjacent uses;
- b. All items listed in the current application unless waived by the Zoning Administrator or City Engineer; and
- c. All associated fees as listed in the current City of Bowman's fee schedule as updated from time to time unless waived by the City Commission.

3. **In Granting any Zone Change, the Planning and Zoning Commission and City Commission Shall Find that the Following Criteria are met as Applicable:**

- a. That the health, safety and welfare of the neighbors and the general public is being protected as well as the integrity of the neighborhood;
- b. That the designation requested in the comprehensive plan can be established without significant impact to existing adjacent uses, particularly residential uses;
- c. That the proposed designation and possible future development will not result in a significant increase in traffic levels that cannot be serviced adequately. Significant increases in traffic levels shall be mitigated with proportional traffic improvements as determined necessary by the City Engineer;
- d. That there is adequate existing infrastructure to service the uses that will be permitted in the requested designation, or that adequate infrastructure can be extended to service the site;
- e. That the proposed designation and possible future development can be adequately serviced by emergency response personnel; and
- f. That the proposed designation and possible future development meets the policies and objectives of the city's comprehensive plan.

4. **Additional Information.** City staff, the Planning and Zoning Commission or the City Commission may request further information that will ensure the above criteria is being met or for additional matters of concern.

## **ARTICLE 12**      **COMPLIANCE AND VALIDITY**

**6.1201 Enforcement.** These regulations shall be enforced as stipulated in this Article 12.

**6.1202 Violation.** If any building or structure erected, constructed, reconstructed, altered, repaired, converted, maintained, or if any building, structure or land is used in violation of these regulations, the proper city authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceeding in order to:

1. Prevent such unlawful erection, constitution, reconstruction, alteration, repair, conversion, maintenance or use;
2. Restrain, correct or abate such violation; and
3. Prevent the occupancy of the building, structure or land; or
4. Prevent any illegal act, conduct, business or use in or about such premises.

**6.1203 Penalty.** Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more five-hundred (\$500) dollars. Each and every day that a violation of this ordinance shall be continued shall constitute and be considered a separate offense.

**6.1204 Compliance and Effective Date.** The regulations set by the provisions of this ordinance shall apply uniformly within each district. The Planning and Zoning Commission, and City Commission, may require reasonable information as deemed necessary.

**6.1205 Validity.** If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to unconstitutional or invalid, such decision shall not affect the validity of the remaining portions.