

HAZEN ZONING ORDINANCE

Prepared by the Hazen Planning and Zoning Commission and the Hazen City Commission and adopted August 1975. Reviewed and amended July 1981 with the assistance of Steve Frovarp, Hazen City Planner.

Planning and Zoning Commission

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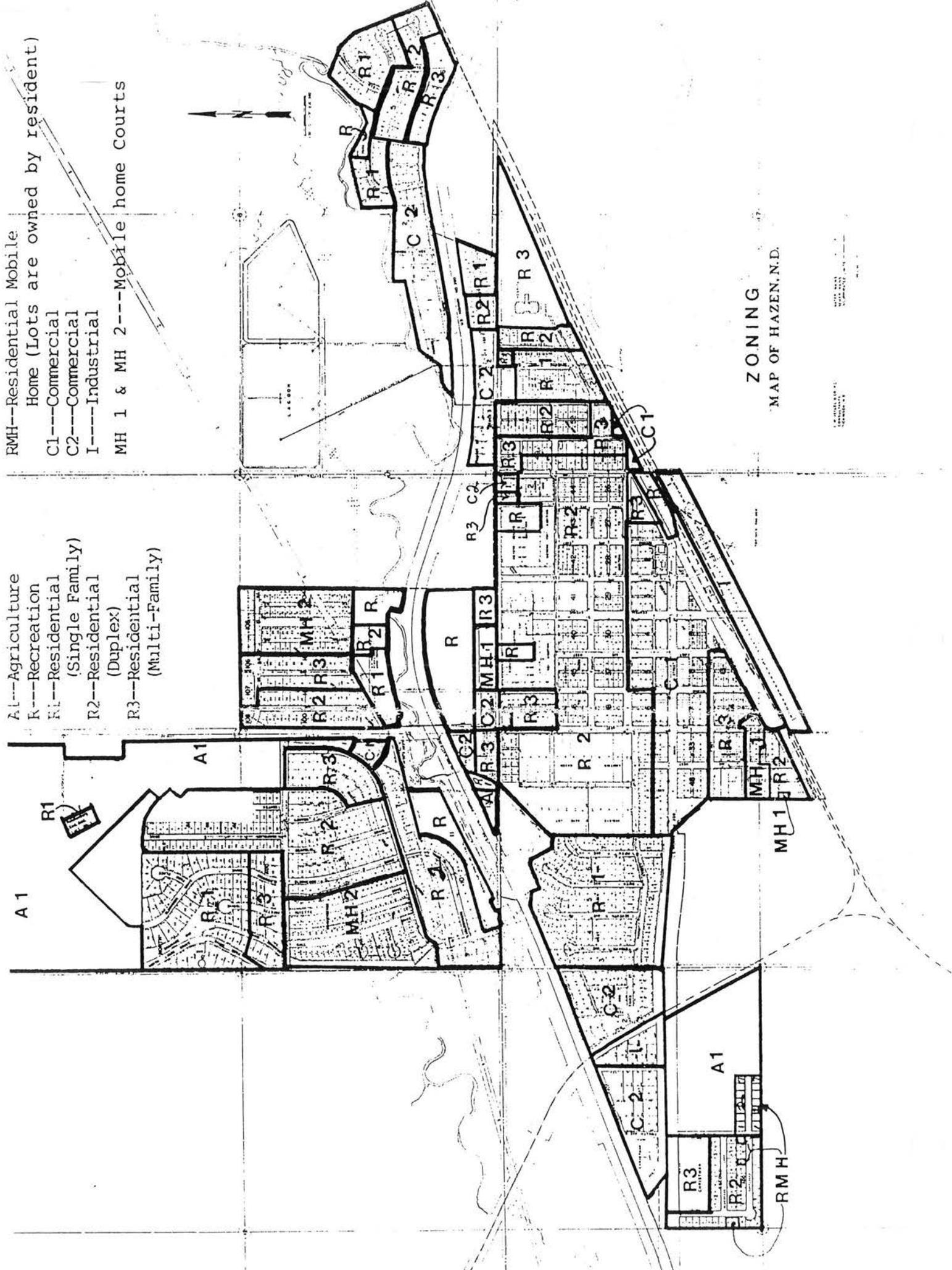
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RMH---Residential Mobile
 Home (Lots are owned by resident)
 C1---Commercial
 C2---Commercial
 I----Industrial
 MH 1 & MH 2---Mobile home Courts

A1---Agriculture
 R---Recreation
 R1---Residential
 (Single Family)
 R2---Residential
 (Duplex)
 R3---Residential
 (Multi-Family)



ZONING
 MAP OF HAZEN, N.D.

PREPARED BY
 HAZEN CITY ENGINEERS

Zoning Ordinance Amendment change Section 5.4

#1 on page 36 of the Zoning Ordinance to read:

It shall be unlawful for any person to build
upon any land or structurely alter any building *with out a building*
permit. A building permit shall not be issued for
a subdivision which has not been approved by the
Hazen Planning & Zoning Commission and the Hazen
City Commission.

Zoning Change

450

P&Z 10 days before hearing
City 2 weeks 15 days from first pub to
hearing date

Cond.

P&Z hearing notice 2 weeks

1.7.2 pg

Kennel - only lot, shed, or building used to shelter, feed or otherwise care for more than 1 dog

Permitted in A-1 as land use 3.2.2 pg 18

vet clinic as land use in C-2 3.6.2.6
Pg 2B

P.E. 2 Ph ratio 1 aWK for 2wKS

**HAZEN CITY COMMISSION
PUBLIC HEARING ON REVISIONS
TO HAZEN ZONING ORDINANCE**

Please take notice:

On August 3, 1981 the Hazen City Commission held a public hearing on proposed revision to the Hazen Zoning Ordinance as proposed by the Hazen Planning and Zoning commission. Lacking any citizen protest the revised Hazen Zoning Ordinance was passed by the Hazen City Commission.

The following were added to the Zoning Ordinance:

Definitions for; Agriculture, Amendment, Block, Boarding/Rooming House, Junk/Salvage Yard, Kennel, Truck Stop.

Sections/Clauses; Zone of coordination, information required in a Public Hearing Notice, Time periods in which the Board of Adjustment will hear appeals, Setback requirements for accessory buildings, permitted uses not listed in C-1, C-2, and I districts may be approved by the Planning and Zoning Commission, Setback in C-1 district if land is used for residential purposes, require a buffer strip in C-1, C-2, and I districts, Building permit requirement.

Permitted land uses, Kennel and Junk/Salvage yard conditional uses in an agricultural district, Earthen and earth sheltered housing as conditional uses in Agricultural and Residential districts, and conditional uses in an Industrial district include cement mixing plant, chemical fertilizer plant, junk/salvage yard, and fuel and explosive material storage tanks and fuel terminals. Dwelling modular unit-mobile home is now a non-conforming use in a R-3 district.

Wording changes were made in the following sections:

Definitions; Board of Adjustment, Commercial Modular Unit, Community Garage, Dwelling-Mobile home, Dwelling-Multi family, Dwelling-Two family, Easement, Home occupation, Parking space, Subdivision and Mobile Home Park.

Sections/Clauses: Severability, City Commission Public Hearing Section and minimum lot size in an Agricultural District.

The purpose of the revision is to reflect the changes in the community and new zoning techniques. Section 5.5.2 penalty states, "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 than one hundred dollars (\$100.00) or by imprisonment in the city jail for not more than ninety (90) days, or by both fine and imprisonment. Each and every day that a violation of this Ordinance shall be continued shall constitute and be considered a separate offense."

A copy of the revised ordinance will be available for inspection and copying in the City Auditors Office during normal business hours.

Dated this 6th day of August 1981

BY: STEVE FROVARP
City Planner for the
Hazen City Commission
(8-6-81)

TABLE OF CONTENTS

		<u>Page</u>
TITLE I	INTRODUCTION	1
	1.1 Title.	1
	1.2 Purpose and Intent.	1
	1.3 Authority.	1
	1.4 Interpretation and Application.	1
	1.5 Severability.	1
	1.6 Repeal.	1
	1.7 Definitions.	2
TITLE II	GENERAL PROVISIONS.	11
	2.1 Jurisdiction.	11
	2.2 Zone of Coordination.	11
	2.3 Compliance and Effective Date.	11
	2.4 Amendment Procedure.	11
	2.5 Non-Conforming Use.	13
	2.6 Conditionally Permitted Uses.	14
	2.7 Temporary Uses.	16
TITLE III	DISTRICTS.	17
	3.1 District Zoning Map.	17
	3.2 Agricultural District.	17
	3.3 Residential District.	19
	3.4 Planned Unit Development.	24
	3.5 Central Commercial District.	29
	3.6 Highway Commercial Service District.	30
	3.7 Industrial District.	31
	3.8 Recreation District.	32
TITLE IV	SPECIAL PROVISIONS.	33
	4.1 Exceptions to Maximum Height Requirements.	33
	4.2 Gasoline Filling Stations and Bulk Stations; Where Prohibited.	33
	4.3 Churches and Schools - Exceptions to Maximum Intensity and Setback Requirements.	33
TITLE V	ADMINISTRATION AND ENFORCEMENT.	34
	5.1 City of Hazen Zoning Commission.	34
	5.2 Board of Adjustment.	34
	5.3 Land Use Administrator.	35
	5.4 Violations and Penalties.	36

I. INTRODUCTION

1.1 Title

This ordinance and the Zoning District Map shall be known as the Zoning Ordinance for the City of Hazen, North Dakota.

1.2. Purpose and Intent

The zoning regulations and districts, as herein set forth, are designated to promote the health safety, and welfare of the people of the City of Hazen and are established for the purpose of promoting the sound and desirable use of land.

1.3. Authority

Code reference is Chapter 40-47 and Section 40-05-02 (13) of the North Dakota Century Code.

1.4 Interpretation and Application

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum for the promotion of the public health, safety, and general welfare. It is not intended by these provisions to interfere with, abrogate, or annul rules or permits previously adopted according to the law relating to the use of buildings or premises; nor is it intended to interfere with abrogate, or annul any easements, covenants, or agreements between parties; provided, however, that where the easement, covenants, or agreements impose greater restrictions as to use or require larger open space or less height than this Ordinance, those provisions shall prevail.

1.5 Severability

If any section, provision or part of this Ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

1.6 Repeal

All regulations, parts of regulations, existing ordinances,

or resolutions in conflict with this Ordinance and its provisions are hereby repealed.

1.7 Definitions

1.7.1 General Terms

Words used in the present tense include the future; the singular number includes the plural, and the plural shall include the singular. The word person includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word shall is mandatory; the word may is permissive.

1.7.2 Specific Terms

Accessory Building, Structure, or Use - a portion of the main building, or building, structure, or use on the same lot with, and of a nature customarily incidental and subordinate to the principle building, structure, or use.

Agricultural- the use of land for producing crops and raising livestock, including the necessary buildings or structures for farm or farm labor use and accessory uses and buildings secondary to normal farming activities.

Alley- a minor street providing vehicular service access to the back or side of two or more properties.

Amendment- any change, revision or modification of the text of the Ordinance, or the Official Zoning District Map.

Block - a segment of the City bounded by rights-of-way, intersecting streets and or railroads.

Board of Adjustment - the body appointed and authorized by the City Commission of Hazen to hear appeals on the enforcement of the provisions of this Ordinance and to grant or deny variances.

Boarding or Rooming House - any dwelling in which three (3) or more but less than ten (10) unrelated persons are accommodated for lodging and or meals for compensation.

Buffer Strip - an area of the lot, usually along the perimeter, provided with trees, shrubbery or fencing, which serves as a sight and or a sound barrier.

Buildable Area - the portion of a lot remaining after required yards have been provided.

AMENDMENT REGARDING BULK STORAGE PLANTS & FUEL STORAGE TANKS

ADDITION TO SECTION 1.7.2

Bulk storage plant shall be defined as any tank(s), building or land used for the storage and distribution of flammable, combustible or hazardous materials in a liquid, gaseous or solid state via tank trucks.

AMENDMENT TO SECTIONS 3.5.2 (n) and 3.6.2 (t)

The ordinance now states Filling stations are permitted uses in C-1 (Central Business District) and C-2 (Highway Commercial District). The proposed amendment would state:

Filling Stations with EPA and ND State Health Department approved underground storage tanks.

Building - any structure designed, or intended, for the enclosure, shelter, or protection of persons, chattels, or property.

Building Height - the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

Certificate of Zoning Compliance - a certificate stating compliance with zoning district regulations.

Clear Sight Triangle - an area of unobstructed vision at a street intersection defined by lines of sight between points at a given distance for the intersecting street right-of-way lines.

Commercial District - the areas designated by the City Commission of Hazen on the District Zoning Map which provides for the grouping of retail merchandising, light industry, and service activities.

Commercial Modular Unit - a fabricated portable structure, designed as a unit, or to be incorporated with a similar unit or units at a site, and to be used with a permanent foundation as a commercial building when connected to required utilities.

Community Garage - a group of private garages located jointly on a lot or lots for the purpose of providing storage space.

Conditional Use - any use of which the City sets specific conditions as required by the appropriate zoning district in this Ordinance.

Curb Level - the level established for curb in front of a building measured at the center of such front, and where no curb level has been established, the City Engineer shall establish such curb level or its equivalent for the purpose of this Ordinance.

District - a section or sections of the City of Hazen and the designated area for which the regulations governing the use of buildings and premises, the height of building, the size of yards, and the intensity of use are uniform.

Amend Definition:

Dwelling-Single-family: A building containing only one dwelling unit designed to be located on a permanent perimeter foundation and, if site built, constructed in accordance with the provisions of the applicable City codes governing construction; or, if manufactured off site, constructed in accordance with the City codes governing construction.

Each single-family dwelling shall have a minimum overall front width of twenty four (24) feet, minimum overall depth of twenty four (24) feet, a minimum main floor living space square footage of nine hundred (900) square feet, and a minimum ceiling height of seven (7) feet, six (6) inches.

Add Definition:

Permanent Perimeter Foundation – Consists of a footing, set below the frost line, and is at least twice as wide as the thickness of the foundation wall, a permanent and continuous foundation wall that extends from the footing to the structure, around the perimeter of the structure, and is capable of accommodating all loads and transmitting the loads to the supporting footing.

Amend the R-2 Regulations to permit

Manufactured Homes - provided the home complies with the HUD Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280), is located on a permanent and continuous perimeter foundation, complies with the minimum dimensions, square footage, ceiling height for single family dwellings and has all wheels, axles, transporting lights, towing apparatus removed and uses siding and roofing materials customarily used on site built homes.

Approved Planning and Zoning April 5, 2009

Approve City Commission May 4, 2009

District Zoning Map - the map showing the zoning districts of Hazen officially adopted by the City Commission.

Dwelling - a building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, recreational vehicle, or a room in a hotel or motel.

Dwelling - Mobile Home - a vehicular, portable structure, which is ten (10) feet or more in width and is thirty two (32) feet or more in length and which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities. All mobile home dwellings are titled by the motor vehicle division of the State Highway Department.

Dwelling Modular Unit - Mobile Home - a portable structure built on a chassis designed as a unit, to be incorporated with a similar unit or units at a site, to be used with or without a permanent foundation as a dwelling when connected to require utilities.

Dwelling Modular Unit - Sectional Home - a factory fabricated transportable building, designed to be used by itself or to be incorporated with similar units at a building site, put on a permanent foundation and joined to required utilities to make a single dwelling.

Dwelling Multi-Family - a residential building other than a mobile home designed for and occupied by more than two families.

Dwelling - Single-Family - a detached residential living unit, other than a mobile home, designed for and occupied by one family.

Dwelling - Two-Family - a detached residential living unit, designed for and occupied by two families.

Easement - the right granted by deed, reservation, dedication or contract entitling its holder to specific use and enjoyment of a part or all of a parcel of land which is owned by another, person, firm, corporation, or unit of government.

Extra Territorial Jurisdiction - the unincorporated area within $\frac{1}{2}$ mile of the municipal limits.

Family - one or more persons occupying the premises and living as a single housekeeping unit.

Floor Area - the gross floor area of the several floors in a building.

Frontage - see Lot, Frontage.

Frontage Road - see Marginal Access Street.

Garage, Private - a garage used for storage purposes only and having a capacity of not more than three (3) automobiles or not more than two (2) automobiles per family housed in the building to which such a garage is accessory whichever is greater. Space therein may be used for not more than one (1) commercial vehicle and space may be rented for not more than two (2) vehicles of others than occupants of the building to which such garage is accessory.

Garage, Public - any premises except those described as a private garage operated for gain, and which is used for storage of care of power driven vehicles, or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Grade - the surface of the ground court, lawn, yard, or sidewalks adjoining a building; the established grade is the grade of the street, curb lines fixed by the City of Hazen; the natural grade is the undisturbed natural surface of the ground court, lawn, or yard after filling or grading to desired elevation or elevations around a building or structure; but where the finished grade is below the level of the adjoining street, the established grade shall be deemed the finished grade.

Home Occupations - any occupation which is caused on solely by members of the family residing on the premise, is secondary to the use of the dwelling for residential purposes, and does not create excess noise, traffic, or other disturbances.

Hotel/Motel - a building where lodging with or without meals is provided and offered to the public for compensation and which has more than ten (10) sleeping rooms. Hotels include motels and motor courts.

Improvements - street grading and surfacing with or without curbs and gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets, and landscaping.

Industrial Districts - the areas designated by the City Commission of Hazen on the District Zoning Map which provide for the grouping of manufacturing, assembly, and heavy commercial activities.

Industrialized Housing - a detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels, or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities or the like.

Junk/Salvage Yard - any land or building used for the storage and or sale of old, used, stripped, junked and other automobiles(s) not in good, safe operation condition, and of any other vehicles(s), machinery, implement(s) and or equipment and personal property of any kind which is no longer safely usable for the purpose with which it was manufactured for a period of thirty days or more.

Kennel - any lot, shed, or building used to shelter, feed or otherwise care for more than one (1) dog.

Land Use Administrator - the officer appointed by the City Commission of Hazen to administer the zoning affairs of the City of Hazen.

Living Unit - a residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Lot - a tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and open space as are herein required.

Lot, Coverage - the total area of buildings expressed as a percentage of the total lot, plot, or tract.

Lot, Depth of - the mean horizontal distance between the front and rear lots lines.

Lot, Frontage - the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

Lot, Width - the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the rear of the required front yard.

Lot of Record - a lot which is part of a subdivision, the map of which has been recorded in the office of the County Auditor and Registrar of Deeds of Mercer County, or a parcel of land, the deed of which was recorded in the Office of the Registrar of Deeds prior to the adoption of this Ordinance.

Mobile Home District - an area designated by the City Commission of Hazen on the District Zoning Map for development of mobile home residential dwelling units. The plotting of these lands and utilities shall be such as to permit the development of permanent residential homes and/or living units.

Mobile Home Park - a tract of land designed and developed to accommodate two (2) or more mobile homes, each occupying a portion of the site on a purchase, lease, or rental basis, and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for long-term residential occupancy.

Motor Vehicle - Any vehicle requiring a motor vehicle license by the State of North Dakota.

Non-Conforming Use - any building or tract of land lawfully occupied by a use, at the time of the passage of this Ordinance or amendments, which does not conform with the provisions of this Ordinance or amendments thereto.

Parking Space - one parking space shall be a minimum of two hundred (200) square feet in all residential and mobile home districts and a minimum of 180 square feet in C-1, C-2, and I districts. In computing off-street parking, additional space shall be required off-street for access drives to each parking space.

Permitted Use - any use which complies with the requirements of a zoning district.

Plat - any map, plan, or chart of a tract of land or subdivision indicating the location and boundaries of individual properties.

Plot - a tract of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or meets and bounds.

Public Utility - any business which furnishes the general public telephone, telegraph, electric, natural gas, or water 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.

Residential Districts - the areas designated by the City Commission of Hazen on the District Zoning Map for development of residential dwelling units.

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.

Setback - the line within a property defining the required minimum distances between any structure or use and the adjacent right-of-way or property line of any lot.

Sight Line - see Clear Sight Triangle.

Sign - any outdoor advertising having a permanent location on the ground or attached to or painted on a building, including bulletin boards, billboards, name plates, and poster boards.

Street - a way for vehicular traffic designated as a street, highway, boulevard, thoroughfare, parkway, throughway, avenue, road, or court on the official record and map.

Street, Arterial and Highway - those which are used primarily for fast or heavy traffic.

Street, Collector - those which carry traffic from minor streets to the major system of arterial streets and highways, including a principal entrance streets of a residential development and streets for circulation within such a development.

Street, Marginal Access - minor streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

Street, Minor - those which are used primarily for access to the abutting property.

Structure - anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

Structural Alterations - any change in the supporting members of a building such as bearing walls, partitions, columns, beams, or girders, excepting such alterations as may be required for the safety of the building.

Subdivision - the division of land into two or more lots for the purpose, immediate or future, of sale or lease for building development; however, if a new street is involved, any division or a parcel of land constitutes a subdivision; but, the division of agricultural land for agricultural purposes into lots ten (10) acres or more in size where no new street is created, does not constitute a subdivision.

Tract - a plot, piece, or parcel of land other than a lot which is recorded in the office of the Registrar of Deeds of Mercer County.

Truck Stop - any lot used for the purpose of parking transient trucks while the operator(s) of said truck is eating, sleeping, resting, whether inside or outside of the cab or any portion of the truck.

Use - the specific purpose for which land or a building is used.

Variance - a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, and where the literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Variance - Bulk - a relaxation of the terms of the Zoning Ordinance including height, sideyard, setback requirements.

Variance - Standards - (1) no adverse effect on the public
(2) no adverse effect on neighbors
(3) the property has characteristics,
making it eligible for a variance.

Variance - Use - a relaxation of the terms of the Zoning Ordinance as to the specific purpose for which land or a building is utilized.

Vehicle - see Motor Vehicle.

Yard - a space on the same lot with the principle building or structure, open, unoccupied, and unobstructed by buildings or structures from the ground.

Yard, Front - a yard extending across the full width of the lot from side lot lines, the depth of which is the least distance between the front lot line and the front building line.

Yard, Rear - a yard extending across the full width of the lot from side lot lines, the depth of which is the least distance between the rear lot line and the rear of the principal building.

Yard, Side - a yard extending from the rear line of the required front yard to the rear lot line, the depth of which is the least distance from side of principle building and the side lot line.

Zoning Administrator - the administrative official designated by the City Commission of Hazen to adminster this Ordinance.

Zoning Commission- The body appointed by the City Commission of Hahen to establish the zoning affairs of the City.

II. GENERAL PROVISIONS

2.1 Jurisdiction

This Ordinance shall apply to all incorporated parts of Hazen and shall extend to unincorporated territory within one-half mile of the corporate limits as designated on the official Zoning District Map.

2.2 Zone of Coordination

Municipalities may, by ordinance, extend application of their zoning regulations to unincorporated territory located outside municipal limits. It is the intent of this Ordinance that the area within three (3) miles adjacent to a municipality, or that portion of the area remaining after exercise of municipal extraterritorial zoning authority, shall be a zone of coordination between the Planning Commission of the County and the Municipality with regard to development of residential, commercial, and industrial districts within this zone. However, zoning authority within this zone of coordination shall rest with the County.

2.3 Compliance and Effective Date

The regulations set by the provisions of this Ordinance shall apply uniformly within each district to each class or kind of structure or land.

From this 11th day of August, 1975, each new use shall be in compliance with the provisions of this Ordinance.

2.4 Amendment Procedure

This ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment by following the procedure specified as follows:

- 2.4.1 Proceedings for amendment of this Ordinance shall be initiated by:
- (a) A petition of the owner or owners of the actual property, the zoning of which is proposed to be changed;
 - (b) A recommendation of the Planning Commission; or
 - (c) By action of the City Commission.

- 2.4.2 To defray administrative costs of processing of requests for an amendment to this ordinance, a fee of \$50.00 shall be paid by the petitioner.
- 2.4.3 All applications for changes in the boundaries of any zoning district which are initiated by the petitioner or the owner or owners of property, the zoning of which is proposed to be changed, shall be accompanied by a map or plat showing the lands proposed to be changed, proposed buildings and uses, and all lands within two hundred (200) feet of the boundaries of the property to be rezoned, exclusive of street right-of-ways, together with the names and addresses of the owners of the lands in such area as the same appear on the records of the City of Hazen.
- 2.4.4 Before any amendment is adopted, the Planning Commission shall hold at least one public hearing thereon after a notice of the hearing has been published in the official newspaper at least ten (10) days before the hearing. The notice shall contain the following items:
- (1) Time and place of the hearing
 - (2) A description of any property involved in any zoning 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.
 - (4) A statement of the times in which it will be available to the public for inspection and copy at the office of the City Auditor.

Following the hearing, the Planning Commission shall make a report on its findings and recommendations on the proposed amendment and file it with the City Commission within thirty (30) days.

- 2.4.5 Upon filing of such report, the City Commission shall hold such public hearings upon the amendments as it deems advisable, however, at least one public hearing thereon shall be conducted. Notice of the hearing shall be published in the official City newspaper once a week for two successive weeks prior to the hearing. The notice shall contain the same information as outlined in above section 2.4.4. At least fifteen (15) day period shall laps between the first notice placed in the paper and the date of the public hearing. Following the public hearing

the City Commission shall approve or disapprove the proposed amendment. If approved a certified copy of the amendment shall be filed with the City Auditor. Notice of the change shall be published in the official newspaper of the City and shall describe the nature, scope, and purpose; and the times at which it will be available for inspection and copying at the office of the City Auditor.

If a protest of such amendment is signed by twenty percent of the owners of an area of lots included in such proposed change or of the adjacent area, extending 150 feet from the area to be changed, such amendment shall not become effective except by a favorable vote of three-fourths of the City Commission.

2.4.6 Appeals

Any person aggrieved by the decision of the City Commission may appeal to the Board of Adjustment as provided for in Section 40-47-08 and 40-47-09 of the North Dakota Century Code. Any person aggrieved by any enforcement action of the Zoning Commission or any zoning official may, within sixty (60) days after the action, petition for a separate hearing thereon before the Board of Adjustment. A hearing thereon shall be held by the Board no sooner than ten (10) days, nor longer than forty (40) days, after the filing of the petition with the City Auditor, who shall notify the petitioner of the time and place of the hearing.

2.5 Non-Conforming Use

a. Any use which is lawful at the time of adoption of this Ordinance, but would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments, shall be known as Non-Conforming Use.

b. Non-Conforming Uses shall not be enlarged upon, expanded, or extended.

c. A building in which a Non-Conforming Use is located may be repaired or reconstructed without structural alteration, to the extent not greater than fifty percent (50%) of the assessed value of the building exclusive of foundations.

Intent - "that the City Commission of Hazen review the cost of repairs through building permits issued for repairs or reconstruction issued to non-conforming use buildings since the acceptance date of this Ordinance.

d. if a Non-Conforming Use is discontinued for a period of 60 consecutive days, any future use of such building or property shall conform to the provisions of this Ordinance.

e. If a building, housing a Non-Conforming Use, is destroyed of its assessed value, said use shall be discontinued.

2.6

Conditionally Permitted Uses

The development and administration of this Ordinance is based on the division of Hazen into districts within which the uses of land and buildings are mutually compatible. However, there are certain uses which, because of their unique characteristics, cannot be classified as unrestricted permitted uses in any particular district or districts without consideration in each case of the impact of those uses upon adjoining lands or public facilities. Such uses, nevertheless, may be necessary or desirable in a particular district provided that due consideration is given to location, development and operation of such uses.

- a. No permit pertaining to the conditional use of land or buildings shall be issued by the City Commission unless:
1. An application for a conditional use permit has been submitted to the Land Use Administrator.
 2. The Planning and Zoning Commission has held a public hearing. Notice of time, place and purpose of the hearing shall be placed in the official city newspaper by the applicant, once a week for two successive weeks prior to the hearing.
 3. The Planning and Zoning Commission has made written findings to the City Commission certifying compliance with rules governing conditional uses and that the applicant shall have met all of the following criteria:
 - (a) The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.
 - (b) The conditional use shall not substantially impair the value and enjoyment of other property in the area.
 - (c) The conditional use shall not impede the normal and orderly development of the surrounding property.
 - (d) Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided.

- (e) Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.
 - (f) The conditional use shall conform to all applicable regulations of the district within which it is located.
- b. The Planning and Zoning Commission may recommend conditions and restrictions upon the establishment, location, construction and operation of the proposed use in order to promote and protect public health, safety and general welfare.
- c. Upon receiving the recommendation of the Planning and Zoning Commission regarding an application for a conditional use permit, the City Commission shall consider such application and, upon completion of such consideration, shall deny or approve said conditional use permit. In approving a conditional use permit, the City Commission may attach specific conditions to such use as the Commission deems necessary.
- d. In all cases in which conditional uses are granted, the City Commission shall prior to issuance of Certificate of Occupancy, require evidence of compliance with these provisions and with the conditions set forth.
- e. The City Commission, finding that the conditions or restrictions set forth are not being complied with, may revoke the conditional use permit after a public hearing.
- f. In any case where a conditional use permit has not been instituted within one year of the date of approval the permit shall be null and void.
- g. Any use, for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use of the building or premises shall be in conformity with these regulations.
- h. Every application for a conditional use shall include:
 - 1. An indication of the section of this Ordinance under which the conditional use is sought and stating the reasons for which it is requested.
 - 2. A plot plan showing: Legal dimension of the tract to be used: location of all structures and all existing and proposed improvements including curbcut access, off-street parking and other such facilities; building setback from all property lines; location and type of planting, screening or walls; a timing schedule indicating the anticipated starting and completion dates of the development; names and addresses of adjacent prop-

erty owners; any additional information the Planning and Zoning Commission deems necessary.

2.7

Temporary Uses

The Board of City Commissioners is authorized to grant temporary use permits as follows:

- a. Bazaars, carnivals, or fairs
- b. Musical events
- c. Religious meetings
- d. Temporary building or yard for construction materials and/or equipment incidental and necessary for current construction in the immediate surrounding area.
- e. Temporary office.

Applications for Temporary Use Permits shall be submitted to the City Auditor. The application shall include:

- a. Name and address of applicant
- b. Date of application
- c. Written description of location of the site and/or event
- d. Location of temporary structures
- e. Written statement as to the hours of operation and duration of the event.
- f. Written evidence of approval of landowner of proposed site

Permits shall be valid for such period of time as determined by the City Commission and shall be renewable at the discretion of the City Commission.

ZONING ORDINANCE AMENDMENT

Title II, Section 2.6.1

Be it hereby ordained by the City Commission of the City of Hazen that Title II of the Zoning Ordinances of Hazen be amended to include a new section 2.6.1 as follows:

Recreation vehicle: A unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power, is mounted on, stored in or drawn by another vehicle.

Recreational vehicle park: a platted tract of land at least twenty-five thousand square feet that is used for the parking of individually owned recreational vehicles and/or tents, whether or not a charge is made for the accommodations.

Recreational vehicle parks. a recreational vehicle park may be permitted in any Agriculture, Recreation, Mobile Home 1, Mobile Home 2, Commercial 1 or Commercial 2 district as a conditional use provided all recreational vehicle parks hereinafter erected or altered shall conform to the following:

- a. The minimum total area of the premises shall contain at least 25,000 square feet.
- b. The site shall be well-drained and not exposed to objectionable noise or odors.
- c. Each recreational vehicle space shall contain at least fifteen hundred (1,500) square feet and be at least thirty (30) feet wide. Each space shall be clearly defined on the ground by stakes or markers.
- d. Recreational vehicle spaces shall be so arranged that no recreational vehicle will be parked less than fifteen (15) feet from an adjacent recreational vehicle. Recreational vehicle spaces adjacent to a collector or arterial street, or highway shall provide a setback of at least thirty (30) feet.
- e. Access to recreational vehicle parks shall be directly from a collector or arterial street, or highway and such access shall be of a design that will minimize traffic congestion. The minimum street or roadway within such park shall be twenty (20) feet in width. Dead-end streets shall not exceed one hundred seventy-five (175) feet in length and the turning circle shall be at least eighty (80) feet in diameter.
- f. All entrance and exit lanes within such park shall be lighted to provide an intensity of at least five (5) footcandles.

- g. A recreational area shall be provided in or adjacent to each recreational vehicle park at a ratio of at least two hundred (200) square feet per space, with a minimum of five thousand (5,000) square feet per park.
- h. All provisions for water, laundry, sanitary facilities, swimming facilities, fire protection, and electrical services shall be installed and maintained in accordance with all applicable city ordinances and state regulations.
- i. No recreational vehicle shall be a tenant of a recreational vehicle park for more than 150 days in a calendar year.
- j. Barbecue grills are permitted, however open fire pits are prohibited.
- k. An approved water supply and a refuse disposal site shall be within 150 feet of each campsite.
- l. At a minimum, there shall be one restroom for each sex for each 100 campsites. A restroom shall consist of two toilets, two sinks, two shower stalls and a urinal in the men's room.
- m. There shall be one sanitary flushing station for each 100 campsites.

Zoning Commission Hearing: June 29, 1992

Zoning Commission Recommendation: Approve in present form.

City Commission Hearing: July 27, 1992 (No Protests)

City Commission 1st Reading: July 27, 1992

City Commission 2nd Reading: August 3, 1992

Publication Date: August 13, 1992

ATTEST:

Karen Stiller
Karen Stiller

Lonny Adler
Lonny Adler

ZONING ORDINANCE AMENDMENT
Title V, Section 5.5.2

Be it hereby ordained by the City Commission of the City of Hazen that Section 5.5.2 of the Zoning Ordinances of Hazen be amended and reenacted as follows:

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 than \$500 or by imprisonment in the city jail for not more than 30 days, or by both fine and imprisonment. Each and every day that a violation of this Ordinance shall be continued shall constitute and be considered a separate offense.

Zoning Commission Hearing: June 29, 1992

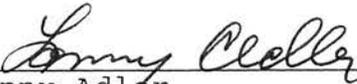
Zoning Commission Recommendation: Approve in present form.

City Commission Hearing: July 27, 1992 (No Protests)

City Commission 1st Reading: July 27, 1992

City Commission 2nd Reading: August 3, 1992

Publication Date: August 13, 1992



Lonny Adler

ATTEST:



Karen Stiller

III. DISTRICTS

3.1 District Zoning Map

The City of Hazen is hereby divided into zones, or districts, as shown on the District Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance. A copy of said map is on file in the office of the City Auditor.

Where uncertainty exists with respect to the boundaries of the various districts hereby established and as shown on the District Zoning Map, the following rules shall apply:

- a. The district boundaries are the center lines of streets or alleys, unless otherwise shown.
- b. Where the district boundaries are not center lines of streets and alleys and where the land has been or may hereafter be divided into lots or blocks and lots, the district boundaries shall be construed to be lot lines.
- c. Where land has not been subdivided into lots or blocks and lots, the district boundary lines on the District Zoning Map shall be determined by the use of the scale of measurement shown on said map.
- d. Where uncertainty may exist as to the exact boundary line of a district, the same shall be determined by the Board of Adjustment and a record kept thereof.

3.2 Agricultural District (A-1)

It is the intent of these district regulations to:

1. Encourage the continued use of land for agricultural uses;
2. Prohibit scattered commercial and industrial uses of the land;
3. Prohibit uses which would interfere with an integrated and efficient development of the land for more intensive urban uses as the city expands;
4. Discourage any use, which because of its character or size, would create unusual requirements and costs for public services before such services could be expanded efficiently in the normal development of the city;

3.2.1

PERMITTED USES-----

1. All types of farming and ranching operations, excluding commercial animal feedlots
2. Churches and schools
3. Golf courses, but not including miniature golf courses
4. Cemeteries
5. Public parks, recreational facilities and conservation areas
6. Public sewage treatment facilities

3.2.2

CONDITIONAL USES -----

1. Single family dwelling units
2. Mobile homes with permanent foundations,
3. Earthen and earth sheltered housing
4. Nurseries, greenhouses and roadside stands for sale of those products which are grown or produced on the premises
5. Animal hospitals and clinics and kennels
6. Home occupations
7. Radio and television towers and accessory buildings
8. Mineral extraction and operations
9. Junk/salvage yards.
10. Industrial and commercial pipelines
11. Utility lines and facilities for public services
12. Grain elevators
13. Livestock auction ring
14. Bulk fuel and chemical storage
15. Railroad, trackage, and spurs

3.2.3

DISTRICT REGULATIONS -----

1. Minimum lot size:

For residential uses the minimum lot size shall be five (5) acre, unless the lot is located within a city or county approved subdivision.

Adopted Amendment City Commission Changes (9-06-11)

Changes to 3.3.1 , 3.3.2, 3.3.3, 3.3.4, 3.3.5, 3.3.6

All accessory buildings 120 square feet or larger (10'x12') shall be of frame construction and have an architectural design compatible with the existing residence. Pole frame construction buildings are prohibited. The siding, roof covering, roof pitch, and eave overhang shall match the residence.

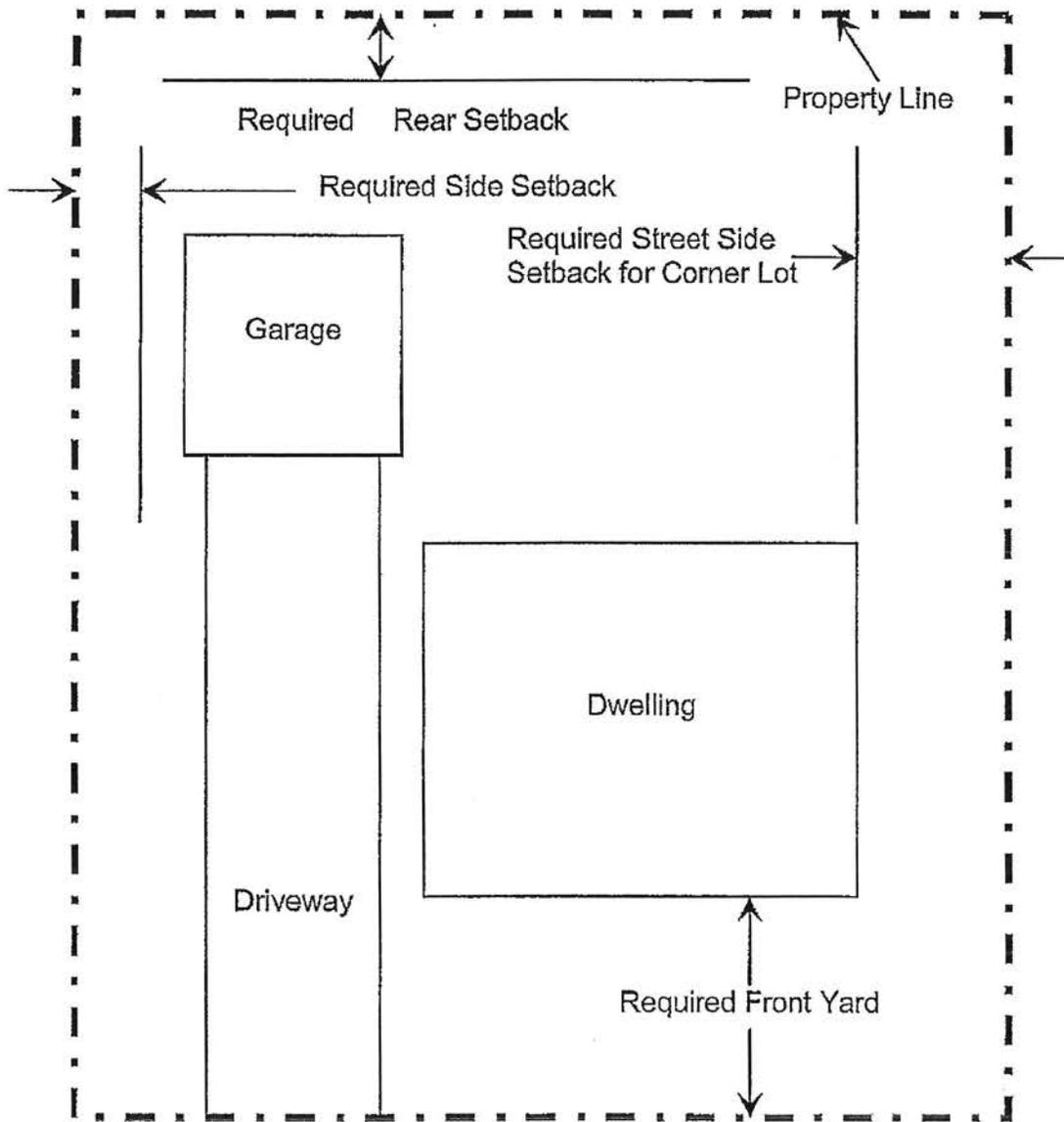
Sidewall height of the accessory building, as measured from the floor to the top plate, shall not exceed the sidewall height of the residence, as measured from the ground to the eave or ten (10) feet whichever is less.

The total square foot area of all detached accessory buildings combined shall not exceed 15% of the lot area or 1,600 square feet whichever is less. All accessory buildings will be counted toward the total area of 15% and/or the 1,600 square foot maximum coverage. The maximum density of lot coverage for the district shall not be exceeded. MH-1 and MH-2 shall not exceed the maximum density as stated for the RMH district. Neither the 15% lot area coverage nor the square footage restrictions shall not apply to multi-stall, row type garages in apartment complexes.

All Vehicular doors shall be of overhead type and shall have a concrete curb for the door to rest on.

Location on Property

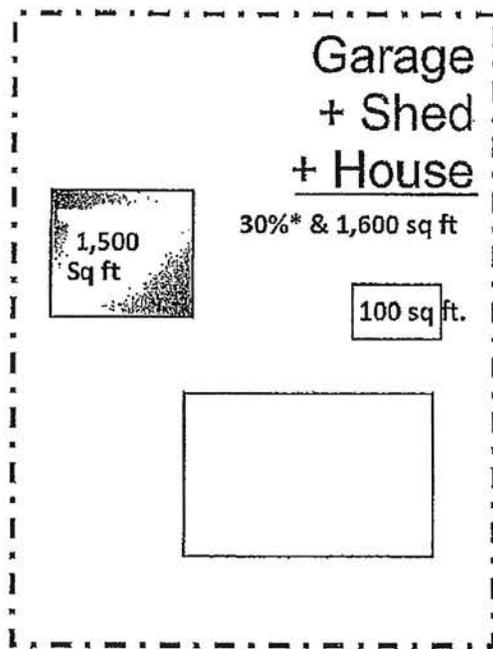
Detached garages and accessory buildings may not be built within the required setback of the rear lot lines. If your property is on a corner you are required to meet the street side setbacks. Construction on easements is prohibited.



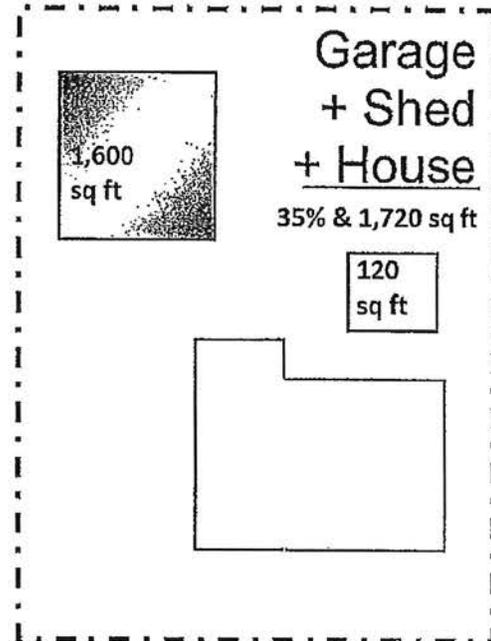
Lot Coverage

Requirements:

Accessory structures shall not take up more than 15% of the lot area, nor shall they exceed 1,600 square feet. All accessory buildings will be counted toward the total area of 15% and/or 1,600 square foot maximum coverage.



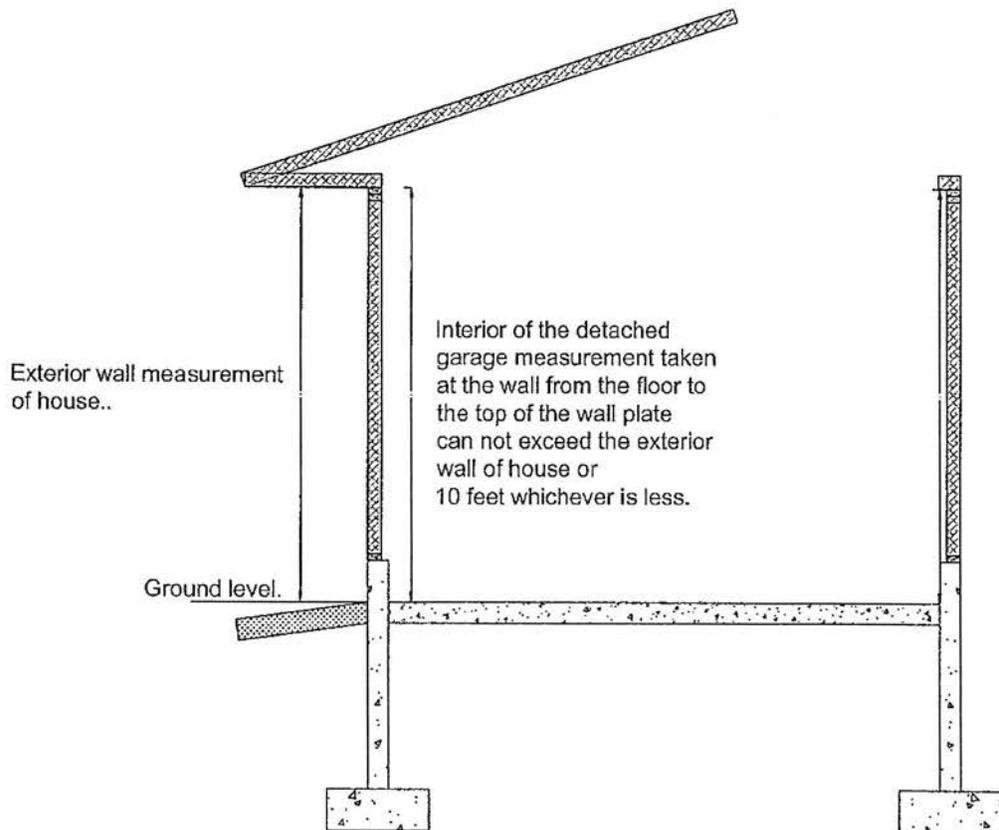
OK



WRONG

* Maximum density for R-1 & R-2 is 30% for an inside lot, 35% for a corner lot. R-3 maximum density is 50%. RMH maximum density is 38%.

SIDE WALL HEIGHT DETACHED ACCESSORY BUILDINGS



The minimum setback from county or city road right-of-way shall be one hundred (100) feet and shall be three hundred (300) feet from federal and state highway right-of-way.

3.3 Residential Districts R-1

3.3.1 Residential District (R-1). It is the intent of these district regulations to provide for low density residential use.

PERMITTED USES -----

1. Single-Family Dwellings
2. Accessory Use
3. Dwelling Modular Unit--Sectional Home

CONDITIONAL USES ---

1. Earthen and Earth Sheltered Housing

DISTRICT REGULATIONS ---

1. Minimum lot size:
 - a. Minimum area - ten thousand five hundred (10,500) square feet
2. Maximum Density
 - a. The principal building and all accessories shall not cover more than thirty (30) percent of an inside lot, nor more than thirty-five (35) percent of a corner lot.
3. Setback Requirements: as measured from the foundation, however, no projection of the structure shall extend beyond two (2) feet into the setback.
 - a. Frontage yard - Minimum depth of thirty (30) feet.
 - b. Rear yard - Minimum depth of twenty-five (25) feet, exclusive of a ten (10) foot alley easement.
 - c. Side yard - Minimum width of ten (10) feet.
 - d. Accessory buildings - Minimum depth of five (5) feet exclusive of a ten (10) foot alley easement and a minimum width of ten (10) feet for accessory building twelve by twelve feet (12'x12') or one hundred forty four (144) square feet or smaller. Accessory buildings larger than 144 square feet shall conform to above mentioned setback, a,b,c.

4. Maximum Height Requirements:
No building shall exceed forty (40) feet or three (3) stories in height.
5. Fences:
None in sight line.
6. Motor Vehicle Parking:
Two (2) parking spaces of off-street motor vehicle parking shall be provided for each residential unit. Motor vehicle parking spaces shall be allowed on yards and/or setbacks. One (1) private garage per dwelling.

3.3.2 Residential District R-2

It is the intent of these district regulations to provide for low density residential use.

PERMITTED USES ---

1. Single-Family Dwellings
2. Two-Family Dwellings
3. Dwelling Modular Unit-Sectional Home
4. Churches
5. Schools
6. Medical and Home Occupations
7. One Private Garage Per Dwelling
8. Accessory Use
9. Park and Recreation Facilities

CONDITIONAL USE-----

1. Earthen and Earth Sheltered Housing

DISTRICT REGULATIONS -----

1. Minimum lot size:
 - a. Minimum width - fifty (50) feet
 - b. Minimum area - seven thousand (7,000) square feet
2. Maximum Density:
The principle building and all accessories shall not cover more than thirty (30) percent of an inside lot, nor more than thirty-five (35) percent of a corner lot.

AMENDMENTS TO THE ZONING ORDINANCE

Sections 3.3.2 #3 and 3.3.3 #3 to read as follows:

Pages 21 & 22

3. Setback requirements: as measured from the foundation however, no projection of the structure shall extend beyond two (2) feet into the setback.
- a. front yard - minimum depth of twenty (20) feet.
 - b. rear yard - minimum depth of seven and one half (7.5) feet exclusive of a ten (10) foot alley right of way. Exceptions see (d) below.
 - c. Side yard - Minimum width of seven and one half (7.5) feet.
 - d. Accessory buildings - minimum depth of seven and one half (7.5) feet exclusive of a ten (10) foot alley right of way.

GARAGES: The front of the garage (the side with the garage door) shall have a minimum setback of twenty (20) feet. The other setbacks may be seven and one half (7.5) feet with the exception of the front yard.

(This also added to the R-1 regulations.)

-----> All accessory buildings larger than 144 square feet, shall be of frame construction.

Section 5.2 Board of Adjustment subsection 5.2.2 Page 35

The Board shall.....contrary to the public interest.

When considering variances, the Board shall make every effort to maintain a minimum spacing of fifteen (15) feet between buildings of adjoining lots for fire protection.

Passed City Oct. 8, 1984

ADOPTED AMENDMENT
item #10 Child and Adult Daycare
Public Hearing September 7, 2004

3.3.2 Residential District R-2

It is the intent of these district regulations to provide for low density residential use.

PERMITTED USES - - -

1. Single-Family Dwellings
2. Two-Family Dwellings
3. Dwelling Modular Unit-Sectional Home
4. Churches
5. Schools
6. Medical and Home Occupations
7. One Private Garage Per Dwelling
8. Accessory Use
9. Park and Recreation Facilities
10. Child and Adult Daycare

AMENDMENT

September 3, 2009

Section 3.3.2

Conditional Use

2. Low vehicular traffic, low customer traffic, low noise, commercial activities.

(INTENT: Because current permitted uses include, churches, schools, medical occupations and day care it is the intent of this section to allow for an expanded use of an existing building should it become available. It is not the intent of this section, to change the use of a structure from residential to commercial nor to permit the construction of a new commercial building on a R-2 Zoned Lot. Conditionally Permitted commercial activities would not negatively impact the residential neighborhood from the stand point of noise or property values any more than the permitted uses of churches, schools or medical occupations.)

3. Setback Requirements: as measured from the foundation however, no projection of the structure shall extend beyond two (2) feet into the setback.
 - a. Frontage yard - Minimum depth of twenty (20) feet
 - b. Rear yard - Minimum depth of twenty-five (25) feet, exclusive of a ten (10) foot alley easement
 - c. Side yard - Minimum width of ten (10) feet
 - d. Accessory buildings - Minimum depth of five (5) feet exclusive of a ten (10) foot alley easement and a minimum width of ten (10) feet for accessory building twelve by twelve feet (12'x12') or one hundred forty four (144) square feet or smaller. Accessory buildings larger than 144 square feet shall conform to above mentioned setback, a,b,c.
4. Maximum Height Requirements:
No building shall exceed forty (40) feet or three (3) stories in height.
5. Fences:
None in sight line
6. Motor Vehicle Parking:
Two (2) parking spaces of off-street motor vehicle parking shall be provided for each residential unit. Motor vehicle parking space shall be allowed on yards and/or setbacks.

3.3.3. Residential District (R-3)

It is the intent of these district regulations to provide for high density residential use.

PERMITTED USES ----

1. All permitted uses in R-1 and R-2
2. Multi-Family Dwellings
3. Community Garages
4. Industrialized Homes
5. Dwelling Modular Unit - Sectional Homes

CONDITIONAL USES ----

1. Earthen and Earth Sheltered Housing

DISTRICT REGULATIONS ----

1. Minimum lot size:
 - a. Minimum width - fifty (50) feet
 - b. Minimum area - seven thousand (7,000) square feet

Proposed amendment to 1.7.2

The existing definition would be deleted and replaced with the following.

Dwelling - mobile home- a structure, either single or multisectional, which is built on a permanent chassis, ordinarily designed for human living quarters, either on a temporary or permanent basis, owned or used as a residence or place of business of the owner or occupant, which is either attached to utility services or is twenty-seven feet [8.23 meters] or more in length. For purposes of this chapter, "utility services" means services purchased by the occupant from a utility company under the jurisdiction of the public service commission, a rural electric cooperative, or a political subdivision of the state.

Existing:

Dwelling -Mobile Home -a vehicular, portable structure, which is ten (10) feet or more in width and is thirty two (32) feet or more in length and which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities. All mobile home dwellings are titled by the motor vehicle division of the State Highway Department.

2. Maximum Density:
The principal building and all accessories shall not cover more than fifty (50) percent of an inside lot, nor more than fifty (50) percent of a corner lot.
3. Setback Requirements: as measured from the foundation however, no projection of the structure shall extend beyond two (2) feet into the setback.
 - a. Frontage yard - Minimum depth of twenty (20) feet
 - b. Rear yard - Minimum depth of twenty-five (25) feet, exclusive of a ten (10) foot alley easement
 - c. Side yards - Minimum width of ten (10) feet
 - d. Accessory buildings - Minimum depth of five (5) feet exclusive of a ten (10) foot alley easement and a minimum width of ten (10) feet for accessory building twelve by twelve feet (12'x12') or one hundred forty four (144) square feet or smaller. Accessory buildings larger than 144 square feet shall conform to above mentioned setback, a,b,c.
4. Maximum Height Requirements:
No building shall exceed forty (40) feet or three (3) stories in height.
5. Fences
None in sight line
6. Motor Vehicle Parking:
Two (2) parking spaces of off-street motor vehicle parking shall be provided for each residential unit. Motor vehicle parking spaces shall be allowed on yards and/or setbacks. For medical, see number 3 of 3.5, where Commercial District shall apply.

3.3.4 Mobile Home District (MH-1)

It is the intent of these district regulations to provide for an area of industrialized housing development with utilities located in such a manner as to permit the development of permanent residential homes.

PERMITTED USES ----

1. All permitted uses in R-3
2. Mobile Homes/Modular Unit-Mobile Homes
3. Industrialized Housing
4. Accessory Uses

DISTRICT REGULATIONS

1. Minimum lot size:
 - a. Minimum width - fifty (50) feet
 - b. Minimum area - six thousand (6,000) square feet
2. Setback Requirements:
 - a. Frontage yard - Minimum depth of twenty (20) feet
 - b. Side yard - Minimum width of fifteen (15) feet
3. Fences;
None in sight line
4. Motor Vehicle Parking:
One and one-half (1.5) parking spaces of off-street motor vehicle parking shall be provided for each residential unit. Motor vehicle parking spaces shall be allowed on yards and/or setbacks.

3.3.5 Mobile Home Park (MH-2)

It is the intent of these district regulations to provide for an area for a mobile home park to be developed for long term residential use.

PERMITTED USES ----

1. All permitted uses in MH-1
2. Mobile Homes/Modular Unit - Homes
3. Industrialized Housing
4. Accessory Uses

DISTRICT REGULATIONS ----

1. Mobile Home Parks shall be a minimum of five (5) contiguous acres and a maximum of seven (7) homes per gross acre.
2. A minimum of twelve (12) percent of the gross site area shall be devoted to open space or recreational facilities.
3. Underground utility hookups shall be provided for each lot. These utilities shall include water, sewer, gas, electricity, and telephone.
4. Minimum lot size:
 - a. Minimum width - fifty (50) feet
 - b. Minimum area - six thousand (6,000) square feet

See P. 24

3.3.5
cont

5. SETBACK REQUIREMENTS:
 - a. Frontage yard - Minimum depth of twenty (20) feet
 - b. Side yard - Minimum width of ten (10) feet
6. Fences:

None in sight line.
7. Motor Vehicle Parking:

One and one-half (1.5) parking spaces of off-street motor vehicle parking shall be provided for each residential unit. Motor vehicle parking spaces shall be allowed on yards and/or setbacks.
8. Streets:

The individual mobile home units in the park shall be served by streets, those streets shall be plotted and constructed according to the applicable street standards for the City of Hazen.

3.4 Planned Unit Development (PUD)

A planned unit development is defined as an area of land under a unified ownership or control to be developed and improved as a whole in a programmed series of development operations for dwelling units and related uses and facilities. The intent of the PUD regulations is to permit greater flexibility; and, consequently more creative and imaginative design for the development of residential areas than generally is possible under conventional zoning and subdivision regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of community amenities, and preservation of natural scenic qualities and open spaces. Recognizing that the objectives of the zoning and the subdivision ordinances have been adopted to insure uniformity in the treatment of land use development, and further recognizing that such uniform treatment is based on the concept of one building on one lot, the governing body recognizes that there have been significant changes in methods of subdivision layout, the design and use of land, and placement of buildings. It is the intent of the PUD to encourage:

It is the intent of these district regulations to provide for low density residential use for an industrialized housing development with utilities located in such a manner as to permit the development of permanent residential homes.

Permitted Uses ---

1. Dwelling modular unit - mobile home
2. Mobile home
3. One private garage per dwelling
4. Accessory uses
5. Park and recreation

District Regulations

1. Minimum lot size:
 - a. Minimum of 7,000 square feet. *min depth 110'*
2. Minimum Dwelling Size: 720 square feet
3. Maximum density:

The principle building and all accessories shall not cover more than 38% of a lot.
4. Setback requirements:

As measured from the foundation. In the case of a mobile home where there may not be a foundation, the set back shall be measured from the side of the outer wall. No projection of the structure shall extend beyond 2' into the set back.

 - a. Front yard: minimum depth of 15'
 - b. Rear yard: minimum depth of 10'
 - c. Side yard: minimum width of 7.5'
5. Fences:

None in sight line.
6. Motor Vehicle Parking:

Two parking spaces of off-street motor vehicle parking shall be provided for each residential unit. Motor vehicles parking shall be allowed on yards and/or set backs.
7. Park and Recreation Space:

Dedication of land for public open space shall be required of all RMH districts. The subdivider shall dedicate to the public an amount of land equal to four (4) percent of the net area.

As an alternative, the subdivider may contribute an amount in cash equivalent to the value of the land required to be dedicated by this Ordinance. The city shall have the option as to whether cash or land be donated to meet this requirement. The cash value shall be determined by the city and subdivider on the basis of full and fair market value of the undeveloped land and by averaging the value of all the acreage in the subdivision. For purposes of this Ordinance, undeveloped land shall be defined as bare, platted land.

Any land to be dedicated as a requirement of this Ordinance shall be reasonably adaptable for use for park and recreation purposes and shall be at a location convenient to the people to be served. Factors used in areas shall include size and shape, topography, hydrology, tree cover, access and location. The determination as to the feasibility shall be made by the Park Board.

AMENDMENT for Section 3.3.6 of the HAZEN ZONING ORDINANCE

It is the intent of these district regulations to provide for low density residential use for an industrialized housing development with utilities located in such a manner as to permit the development of permanent residential homes.

It is further the intent of this district, the lots be sold to individuals for the construction/placement of their personal dwellings. Any lot and/or dwelling rental must be incidental to the lot/dwelling ownership and not a commercial venture.

Land and fees received pursuant to this Ordinance shall be utilized for the purpose of providing park and recreational facilities to serve the area in which the subdivision is located. When land is dedicated for public open space, the land shall be subject to the jurisdiction of the Park Board. Fees paid pursuant to this section shall be deposited in a special fund to be used by the Park Board for acquisition and/or development of park and recreational facilities. Monies spent may be expended on neighborhood or community facilities in reasonable proximity to the subdivision.

1. Innovations in residential development to meet the growing demands for housing at all economic levels; and, provide greater variety in tenure, type, design and siting of dwellings; and, the conservation and more efficient use of land in development;
2. Higher standards of site and building design:
3. The preservation and enhancement of desirable site characteristics such as natural, topography and geologic features and the prevention of soil erosion;
4. A creative use of land and related physical development which allows a phased and orderly transition of land from rural to community uses;
5. An efficient use of land resulting in smaller networks of utilities and streets; thereby lowering housing costs and public investments;
6. A development pattern in harmony with the objectives of the comprehensive plan; and
7. A more desirable environment than would be possible through the strict application of zoning and subdivision regulations of the City.

Review of a PUD is based on the following:

1. Application. An application for approval of a planned unit development may be filed by a party or parties having an interest in the property. Names and signatures of the property owner or owners shall be included.
2. Site plan. A complete site plan showing the major details of the proposed PUD prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the PUD. The site plan must contain the following minimum information:
 - a. The existing topographic character of the land
 - b. Proposed land uses
 - c. The general location of all existing and proposed buildings, structures and improvements
 - d. The density and type of dwelling

- e. The internal traffic and circulation systems, widths of all streets, off-street parking areas, and major points of access to public rights-of-ways.
 - f. Areas which are to be dedicated or reserved as park and recreational areas
 - g. Location and widths of all easements; and
 - h. A legal description of all the land included in the PUD.
3. Building description. The applicant shall submit building sketches and/or blueprints as required.
4. Operation and Maintenance Agreements. Written agreements providing for the operation and maintenance of areas and facilities which will not be operated or maintained at the expense of the city shall be provided by the applicant.
5. Approval/Disapproval. Action shall not be taken by the Planning and Zoning Commission until after a public hearing, at which time, parties of interest and citizens shall have the opportunity to be heard. Notice of the hearing shall be published in the official city newspaper at least five days prior to the hearing. The Planning and Zoning Commission shall either recommend to the governing body approval of the proposed PUD in whole or in part, with or without modifications and conditions, or deny it. The grounds upon which any PUD is disapproved shall be stated in the records of the commission. If the Planning and Zoning Commission recommends approval of the unit development, the site plan shall be submitted to the governing body for their official consideration and action.
6. Changes. PUDs will be reviewed on an annual basis to insure that the area is being developed according to the approved site plan. Building permits and certificates of occupancy will be issued only when consistent with the approved site plan. Revisions to an approved site plan can be made on the following basis:
- a. Minor changes may be authorized by the city administrative staff as required by physical engineering considerations or other circumstances not foreseen at the time the PUD was approved.

- b. Major changes require a recommendation by the Planning and Zoning Commission and approval of the governing body.
7. Standards. The Planning and Zoning Commission must be satisfied that the site plan for the PUD meets each of the following:
- a. Buffer: Structures located on the perimeter of the development must be set back in accordance with the provisions of the zoning ordinance regulating similar development in other districts. If topographical or other barriers within the development do not provide a reasonable buffer for existing uses adjacent to the development, the Planning and Zoning Commission may require that structures located on the perimeter be suitably screened.
 - a. Streets and utilities. Streets and utilities shall be installed according to city specifications unless otherwise agreed to. All utilities shall be installed underground.
 - b. Parking. Two off-street parking spaces shall be provided for each dwelling unit.
 - c. Park and Recreation Space. Dedication of land for public open space shall be required of all PUDs. The subdivider shall dedicate to the public or lease/convey title to a corporation, homes association, or other legal entity, an amount of land equal to eight (8) percent of the net area. The terms of such lease or conveyance must include provisions suitable to the Planning and Zoning Commission for guaranteeing: (i) the continued use of such land for intended purposes; (ii) continuity of proper maintenance; (iii) when appropriate, the availability of funds required for such maintenance; (iv) adequate insurance protection; and (v) recovery for loss sustained by casualty, condemnation, or otherwise.

As an alternative, the subdivider may contribute an amount in cash equivalent to the value of the land required to be dedicated by this Ordinance. The city shall have the option as to whether cash or land be donated to meet this requirement. The cash value shall be determined by the city and subdivider on the basis of full and fair market value of the undeveloped land and by averaging the value of all the acreage in the subdivision. For purposes of this Ordinance, undeveloped land shall be defined as bare, platted land.

Any land to be dedicated as a requirement of this Ordinance shall be reasonably adaptable for use for park and recreation purposes and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size and shape, topography, hydrology, tree cover, access and location. The determination as to the feasibility shall be made by the Park Board.

Land and fees received pursuant to this Ordinance shall be utilized for the purpose of providing park and recreational facilities to serve the area in which the subdivision is located. When land is dedicated for public open space, the land shall be subject to the jurisdiction of the Park Board. Fees paid pursuant to this section shall be deposited in a special fund to be used by the Park Board for acquisition and/or development of park and recreational facilities. Monies spent may be expended on neighborhood or community facilities in reasonable proximity to the subdivision.

AMENDMENTS to HAZEN ZONING ORDINANCE
As adopted by the Hazen City Commission 6/07/04

I. CENTRAL COMMERCIAL DISTRICT (C-1)

Section 3.5(1) General description:

Proposed amendment added language, new section

(g) The placement of cargo shipping or storage containers is prohibited on any lot.

Section 3.5 (2) Uses Permitted. The following uses are permitted.

Proposed amendment added language, new section

(t) privately owned garage for storage of vehicles and/or hobby repairs.

II. HIGHWAY COMMERCIAL SERVICE DISTRICT (C-2)

Section 3.6.1 Highway Commercial Service District (C-2) General description:

Proposed amendment added language, new section

(e) The placement of cargo shipping or storage containers is prohibited on any lot.

Section 3.6 (2) Uses Permitted. The following uses are permitted.

Proposed amendment added language, new section

(z) privately owned garage for storage of vehicles or hobby repairs.

III. NEIGHBORHOOD COMMERCIAL SERVICE DISTRICT (C-3)

Section 3.6.5.1 Neighborhood Commercial Service District (C-3) General description:

Proposed amendment added language, new section

(f) The placement of cargo shipping or storage containers is prohibited on any lot.

IV. DEFINITIONS

Section 1.7.2 Specific Terms

Proposed amendment (~~strikethrough~~ is deleted language, underline is added language).

~~Kennel~~ Animal Boarding Facility - any lot, shed or building used to shelter, feed or otherwise care for more than one (1) dog for a fee.

V. AGRICULTURAL DISTRICT (A-1)

Section 3.2.2 Conditional Uses

Proposed amendment (~~strikethrough~~ is deleted language, underline is added language).

5. Animal hospitals and clinics and ~~kennels~~ animal boarding facilities.

3.5 Central Commercial District (C-1)

In any C-1 commercial district the following regulations shall apply:

1. General description. The C1 commercial district is established as the central core business district of the City of Hazen in which the principal use of the land is for commercial and service uses for the City of Hazen and its regional market area. For the C1 commercial district, in promoting the general purposes of this article, the specific intent of this section is:
 - (a) To encourage the construction of and the continued use of the land for regional commercial and service uses.
 - (b) To provide for the orderly expansion of such uses within the C1 commercial district.
 - (c) To prohibit heavier commercial and industrial use of the land and to prohibit uses which would substantially interfere with the continuation of such uses in the district or with the orderly growth of the district to meet the needs of increased population in the regional market area.
 - (d) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this article.
 - (e) To encourage the development of the district with such uses and in such a manner as to minimize traffic and parking congestion, and in such a manner as to provide for the safety and convenience of shoppers, visitors and other pedestrians in the district.
 - (f) To discourage any use which because of its character and size would create abnormal safety hazards in the district.

- (2) Uses Permitted. The following uses are permitted.
- (a) Retail group A and group B
 - (b) Service group A and group B
 - (c) Public recreation group
 - (d) Commercial recreation group
 - (e) Office-bank group
 - (f) Health-medical group
 - (g) Hotel-motel
 - (h) Commercial parking lot
 - (j) All permitted uses in R-3
 - (k) Residences on second floor and above
 - (l) Church
 - (m) Day care center
 - (n) Filling station
 - (o) Housing for the elderly
 - (p) Utility service group
 - (q) Temporary Christmas tree sales
 - (r) Temporary farm and garden produce sales
 - (s) Convenience Store
- (3) Lot area. Any permitted principal building or structure, together with its accessory buildings shall be located on a lot having an area of not less than seven thousand (7,000) square feet. Provided, however, that such building and accessory buildings may be located on a lot containing not less than three thousand five hundred (3,500) feet if such lot is on a plat recorded prior to 1983.
- (4) Lot Coverage. The entire lot may be covered with commercial buildings if adjacent to a public alley. Residential uses shall not exceed the lot coverage for the R-3 districts.
- (5) Front Yard. No front yard shall be required of any commercial building in a C-1 district. Residential uses shall meet the requirements for R-3 districts.
- (6) Side Yards. No side yard shall be required of a commercial building in a C-1 district. The buildings shall meet or exceed the fire wall ratings established in the Uniform Building Code (1984 and all subsequent amendments). Residential uses shall meet the requirements in a R-3 district.
- (7) Rear Yard. Each lot for commercial uses shall have a rear yard not less than ten (10) feet in depth. Provided, however, that where the rear of the lot adjoins an alley, no rear yard shall be required. Residential uses shall meet the requirements for the R-3 district.

(8) Height Limits. No building shall exceed seventy (70) feet or four (4) stories in height.

(9) Off-Street Parking Space.

Two (2) off-street parking spaces shall be provided for the first two thousand five hundred (2,500) square feet of floor space and one (1) space for each additional five hundred (500) square feet.

Highway Commercial Service District C-2

In any C2 commercial district the following regulations shall apply:

1. General Description. The C2 commercial district is a heavy commercial area located outside the central business district to provide commerce and service to the City of Hazen and surrounding regional market. The C2 commercial district is established to promote the general purposes of this article, the specific intent of this section is:
 - (a) To encourage the continued expansion of the commercial facilities within the city without creating increased vehicular congestion in the existing central business district.
 - (c) to prevent commercial encroachment on existing residential districts.
 - (d) To encourage the development of a conveniently arranged district offering a broad range of commercial and professional services in a relaxed atmosphere and in an area where adequate off-street parking will be provided.
2. Uses Permitted. The following uses are permitted:
 - (a) A single- or two-family dwelling when used in conjunction with a commercial use.
 - (b) Multifamily dwelling
 - (c) Group dwelling
 - (d) Hotel-motel
 - (e) Retail group A
 - (f) Service group A
 - (g) Office-bank group
 - (h) Retail group B
 - (i) Service Group B
 - (j) Commercial recreation group
 - (k) Wholesale group
 - (l) Health-medical group
 - (m) Education group
 - (n) Public recreation group
 - (o) Bus passenger station
 - (p) Commercial greenhouse
 - (q) Commercial parking lot
 - (r) Temporary Christmas tree sales
 - (s) Temporary farm and garden produce sales
 - (t) Filling station
 - (u) Drive-in restaurant
 - (v) Temporary fireworks sales
 - (w) Convenience Store
 - (x) Meat Processing-exclusive of rendering
 - (y) Furniture construction

The following Conditional uses are permitted as per Section 2.6 herof:

- (a) Day care center
- (b) Small animal veterinary clinic
- (c) Golf driving range

(3) Lot Area. Any permitted principal building or structure, together with its accessory buildings shall be located on a lot having an area of not less than seven thousand (7,000) square feet.

(4) Lot Width. Each lot shall have a width of not less than sixty (60) feet, measured along the front building line.

(5) Lot Coverage. The lot coverage of any nonresidential building and its accessory building shall not exceed eighty (80) per cent. In computing the lot coverage, sufficient area shall be added for each off-street parking space as required in #11 below. For the purposes of this section any structure with living units below the second floor shall be considered a residential use. All residential uses shall comply with R-3 residential zone regulations.

(6) Front Yard. A fifteen-foot front yard shall be required of any building in a C-2 commercial district except that all structures located on arterial highways shall have a fifty-foot front yard.

(7) Side Yards. No side yard shall be required of any principal nonresidential building in a C-2 district. However, the buildings shall meet or exceed the fire wall ratings established in the Uniform Building Code.

(8) Rear Yard. Each lot shall have a rear yard not less than ten (10) feet in depth. Provided, however, that where the rear of the lot adjoins an alley, no rear yard shall be required of a principal nonresidential building.

(9) Height Regulations; No building shall exceed seventy (70) feet or four (4) stories in height.

(10) Dwelling Regulations. Each single family, multifamily or group dwelling hereafter erected shall comply with all regulations governing similar uses in an R-3 residential district.

(11) Off-street Parking. Two (2) off-street parking spaces shall be provided for the first two thousand five hundred (2,500) feet of floor space and one (1) space for each additional five hundred (500) square feet.

-U S E G R O U P S-

GROUP DWELLING

Boarding house
Convent, monastery
Fraternity, sorority
house
Rooming house
Halfway house
nursing, convalescent
or orphan's home

RETAIL GROUP A

Antique store
Appliance, radio, TV
store
Auto accessory
Book, Magazine
Butcher shop
Camera, art supply
Candy Store
Clothing & Accessories
Delicatessen
Department Store
Flower shop
Gift Shop
Grocery Store
Hardware
Hobby, Toys
Jewelry
Music
Notion, variety
Office supply,
stationary
Photographic
Shoes
Sporting Goods
Bakery
Pet Shops-animal
supplies, sm. animal
sales:birds, hamsters,
etc.
Auto, truck sales
Drug Store

RETAIL GROUP B

Farm implements
Feed, grain, farm
supply
Trailer sales
Commercial greenhouse
Lumber yard

SERVICE GROUP A

Barber shop
Beauty shop
Dressmaker, tailor
Laundry, pickup &
self-service
Food service
Shoe repair
Watch, jewelry, camera
repair
Dry Cleaning plants
Mortuary, funeral home

SERVICE GROUP B

Car wash
Motor vehicle repairs
Commercial school
Commercial parking lot
Tire & battery repair
Furniture repair
Outdoor advertising
sign
Radio, TV broadcasting

OFFICE-BANK GROUP

Bank
General office

COMMERCIAL RECREATION
GROUP

Bowling Alley
Dance hall
Pool, billiard parlor
Roller, ice skating
Athletic Facility
Tavern, saloon, bar
Theater, auditorium
Coin operated arcade
Private or fraternal
clubs
Miniature golf

WHOLESALE GROUP

Newspaper, mag.
distributor
Wholesale food &
grocery sales
Wholesale material
sales

HEALTH-MEDICAL GROUP

Hospital-human

HEALTH-MED. CONT.

Medical school

EDUCATION GROUP

Private & parochial K-
12 schools & colleges

PUBLIC RECREATION
GROUP

Community theater
Golf course
Museum
Park
Playground, athletic
field
Swimming pool
Ice arena

FARMING GROUP

Field crop farming
Dairy farming
Greenhouse-Commercial
Livestock raising
Farrowing operations
Poultry hatchery &
farming
Riding stable
Roadside stand-produce
sales
Tree, plant nursery

UTILITY SERVICE GROUP

Electric transformer
station &
transmission lines
Water/sewage pumping
stations
Water reservoir
Telephone switching or
exchange station

3.6.5

Neighborhood Commercial Service District C 3

In any C-3 commercial district, the following regulations shall apply:

(1) General Description. The C-3 commercial district is established as a district in which the predominant use of the land is for commercial and service uses to serve the residential district in the general area. The C-3 commercial district, in promoting the general purposes of this article, the specific intent of this section is:

(a) To encourage the continued use of the land for neighborhood commercial and services uses.

(b) To prohibit heavy commercial and service uses and industrial uses of the land, and to prohibit any other uses which would substantially depreciate the values of residential districts surrounding or adjoining the C-3 commercial district.

(c) To encourage the discontinuance of mixed uses and uses that would not be permitted as new uses under the provisions of this article.

(d) To discourage the expansion of the C-3 commercial districts and the encroachment of such districts into surrounding residential districts.

(e) To discourage any use, which because of its character of size, would create requirements and costs for public services, such as police and fire protection, water supply and sewerage substantially in excess of those necessary if the district were developed solely for neighborhood commercial and service uses.

(2) Uses Permitted. The following uses are permitted:

(a) A single or two-family dwelling when used in conjunction with a commercial use.

(b) Multifamily dwelling

(c) Group Dwelling

(d) Row houses/townhouses

(e) Retail group A

(f) Service group A

(g) Office-bank group

(h) Health-medical group

(i) Public recreation group

(j) Temporary Christmas tree sales

(k) Temporary farm and garden produce sales

(l) Seasonal nursery and bedding stock sales

(m) Church

(n) Day care center

(o) Housing for the elderly

(3) Dwelling Regulations. Each single family, two family, multifamily, or group dwelling hereafter erected shall comply with all regulations governing similar uses in an R-3 District.

(4) Lot area. For Commercial uses each principal building hereafter erected, together with accessory buildings, shall be located on a lot having an area of not less than seven thousand (7,000) square feet.

(5) Lot Width. Each lot shall have a width of not less than sixty (60) feet, measured along the front building line.

(6) Lot Coverage. The lot coverage of a commercial building and its accessory buildings shall not exceed seventy (70) per cent of the lot area. In computing the lot coverage, sufficient area shall be added to its ground coverage for each off-street parking space.

(7) Off-street Parking. Two (2) off-street parking spaces shall be provided for the first two thousand five hundred (2,500) square feet of floor space and one (1) space for each additional five hundred (500) square feet of floor space.

(9) Front Yard. Each lot shall have a front yard of not less than fifteen (15) feet in depth.

(10) Side Yard. Each lot shall have a side yard of not less than ten (10) feet in width.

(11) Rear Yard. Each lot shall have a rear yard of not less than ten (10) feet in depth.

(12) Height Limitations. No building shall exceed forty (40) feet in height. No accessory building shall exceed twenty five (25) feet in height.

3.5 Central Commercial District (C-1)

It is the intent of these district regulations to provide for the grouping of retail merchandising, light industry, and service activities into a central area.

3.5.1

PERMITTED USES ----

1. All permitted uses in R-3
2. Commercial Modular Unit
3. Club and lodges
4. Boarding/Rooming House
5. Retail and Wholesale Establishments, Excluding Listing in Industrial District
6. Offices and Halls
7. Gasoline Station for Retail, Garages, and Repair Shops
8. Dry Cleaning, Pressing, and Laundries
9. Uses not specified may be approved by the Planning and Zoning Commission and the Hazen City Commission following careful review and providing that such uses are similar in character to the permitted uses in the district.

3.5.2

DISTRICT REGULATIONS ----

1. Maximum Height Requirements:
No building shall exceed seventy (70) feet or four (4) stories in height.
2. A buffer strip maybe required by either the Planning and Zoning Commission or the City Commission for commercial property abutting a residential district.
3. All buildings located within the fire limits of the city, so defined by Ordinance, shall conform to the construction as prescribed in said Ordinance.
4. Setbacks
 - a. R-3 uses shall conform to setback requirements outlined in the Residential R-3 Section
 - b. Commercial uses - none required unless a vehicular door is incorporated into the design of the building. In such cases a setback shall be required as to permit the operator of the vehicle backing out of said building a clear line of sight before any portion of the vehicle enters a street or alley.

5. Motor Vehicle Parking:

Two (2) off-street parking spaces shall be provided for the first two thousand five hundred (2,500) square feet of floor space and one (1) space for each additional five hundred (500) square feet.

3.6

Highway Commercial Service District (C-2)

It is the intent of these district regulations to provide for the orderly growth of retail establishments, light industry, and service activities in a serviceable area.

PERMITTED USES ---

1. Public Utility structures and Municipal Buildings
2. Clubs and Lodges
3. Hotels and Motels
4. Retail and Wholesale establishments, excluding listing in Industrial District
5. Offices and Halls
6. Gasoline Stations for retail, garages, and repair shops
7. Bowling alleys, laundries, restaurants, furniture stores
8. Automobile sales, machinery sales, excluding junk/salvage yards
9. Theaters
10. Plumbing showrooms and shops
11. Uses not specified may be approved by the Planning and Zoning Commission and the Hazen City Commission following careful review and providing that such uses are similar in character to the permitted uses in the district.

DISTRICT REGULATIONS ----

1. Maximum Height Requirements:
No building shall exceed seventy (70) feet or four (4) stories in height.
2. Setback: Commercial uses: none required unless a vehicular door is incorporated into the design of the building. In such cases a setback shall be required as to permit the operator of the vehicle backing out of said building, a clear line of sight before any portion of the vehicle enters a street or alley.
3. A buffer strip may be required by either the Planning and Zoning Commission or the City Commission for commercial property abutting a residential district.
4. All buildings located within the fire limits of the city so defined by Ordinance, shall conform to the construction as pre-

scribed in said Ordinance.

5. Motor Vehicle Parking:

Two (2) off-street parking spaces shall be provided for the first two thousand five hundred (2,500) square feet of floor space and one (1) space for each additional five hundred (500) square feet.

3.7 Industrial District I

It is the intent of these district regulations to provide for the best location of heavy commercial and industrial uses which would be incompatible with other uses.

3.7.1

PERMITTED USES ----

1. Bottling Plant
2. Grain and Feed Elevator or Mill
3. Heavy Equipment Sales, Services, or Repair
4. Sewage Disposal Plant
5. Solid Waste Landfill and Transfer Stations
6. Trucking or Freight Terminal, Truckstop
7. Vocational Training Schools
8. Warehouses
9. Manufacturing or processing establishments, which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.

3.7.2

CONDITIONAL USES ----

- a. Cement mixing plant
- b. Chemical fertilizer plant
- c. Salvage and junk yards
- d. Fuel and explosive material storage tanks and terminals
- e. Uses not specified may be allowed in Industrial Districts with the approval of the Planning and Zoning Commission and the Hazen City Commission following careful review and providing that such uses are similar in character to the permitted uses in the district

DISTRICT REGULATIONS ----

1. Maximum Height Requirements:
No building shall exceed seventy (70) feet or four (4) stories in height.

2. Setback: none required unless a vehicular door is incorporated into the design of the building. In such cases a setback shall be required as to permit the operator of the vehicle backing out of said building, a clear line of sight before any portion of the vehicle enters a street or alley.
3. All buildings located within the fire limits of the city, as defined by Ordinance, shall conform to the construction as prescribed in said Ordinance.
4. Buffer strip: a buffer strip of trees, other natural growth or fence approved by the Planning and Zoning Commission shall provide a site and sound barrier.
5. Motor Vehicle Parking:
Adequate motor vehicle parking shall be provided off-street for all rolling equipment. Additional parking requirements to be determined by the City Commission of Hazen.
6. Outdoor Storage of Material:
Outdoor storage of material for process or sale shall not be permitted on any front yard or in any sight line.

3.8 Recreation District R

It is the intent of these districts regulations to provide for areas for general recreational activities and public open space.

PERMITTED USES ----

1. Recreational Activities
2. Commercial retail establishments operated only in conjunction with the recreational uses in the district and for the convenience thereof.

3.9 AIRPORT DISTRICT

3.9.1 INTENT

It is the intent of these district regulations to provide for the best location of an airport, aircraft and aviation related commercial/industrial activities and other commercial/industrial activities that do not interfere with the aviation industry. All activity must be in compliance with the airport layout plan and all applicable state and federal aviation regulations. All buildings/structures shall be required to submit FAA form 7460, Notice of Proposed Construction or Alteration and receive permission from the FAA for said building or structure.

These regulations will only apply to land owned by the Mercer County Regional Airport Authority contained within Sections 16, 21 and 22, Township 144 North, Range 86 West, more particularly described as follows:

Starting at the Northeast corner of Section 16, Twp 144 N, R86 W, thence South along the East section line of said Section 16 on a bearing of $S0^{\circ}00'00''W$ a distance of 80.00 feet to the Point of Beginning; thence $S0^{\circ}00'00''W$ 5203.02 feet to the Southeast corner of Section 16; thence $S89^{\circ}21'15''E$ along the north line of Section 22 a distance of 49.84 feet; thence $S26^{\circ}48'35''E$, 2538.04 feet; thence $S63^{\circ}11'25''W$, 1010.00 feet; thence $N26^{\circ}48'35''W$, 90.49 feet to the East-West quarter line of Section 22; thence $N89^{\circ}21'15''W$, 259.76 feet to the West quarter corner of Section 22; thence $N0^{\circ}09'40''E$ along the East Line of Section 21, 508.22 feet; thence $N26^{\circ}48'35''W$, 2391.5 feet to a point on the North line of Section 21; thence $N26^{\circ}48'35''W$, 2973.72 feet to a point on the East-West quarter line of Section 16; thence $N89^{\circ}35'06''W$, 207.57 feet to the center of Section 16; thence $N89^{\circ}35'06''W$ along the quarter line 666.59 feet; thence $N0^{\circ}00'00''W$, 1681.25 feet; thence $N26^{\circ}48'35''W$, 619.41 feet; thence $S61^{\circ}38'35''E$, 190.85 feet; $N28^{\circ}21'25''E$, 368.17 feet to the Highway 200 South right-of-way boundary; thence $S89^{\circ}25'35''E$, 599.40 feet to the North-South quarter line of Section 16; thence $S89^{\circ}25'35''E$, 200.1 feet; thence $N0^{\circ}34'25''E$, 20.00 feet; thence $S89^{\circ}25'35''E$, 500.00 feet; thence $N0^{\circ}34'25''E$, 20.00 feet; thence $S89^{\circ}25'35''E$, 500.00 feet; thence $N0^{\circ}34'25''E$, 20.00 feet; thence $S89^{\circ}25'35''E$, 1433.00 feet along the highway right-of-way to the Point of Beginning.

The above fee land contains 367.34 acres.

3.9.2 DEFINITIONS. Words used in the present tense includes the future, words in the singular number include the plural number and words in the plural number include the singular. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

- (1) "Administrator" The City of Hazen Zoning Administrator.
- (2) "Airport" The Mercer County Regional Airport located in Section 16 Township 144 North, Range 86 West Mercer County, North Dakota.
- (3) "Airport Hazard" Any structure or object, whether man-made or natural, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing and taking off.
- (4) "Construction" The erection or alteration of any structure or objects either of permanent or temporary character.

(5) "Code and Ordinance" For purpose of this ordinance the terms always refers to the City/County/FAA codes and regulations.

(6) "Crew Quarters" as used in this section shall include any stick built or manufactured type housing that is used as an area for an aviation crew for eating, lounging and rest.

(7) "Person" Any individual, firm, partnership, corporation, company, association, joint stock association or body politic and includes any spouse, partner, trustee, receiver, assignee, or other similar representative thereof.

(8) "Preexisting Permitted Use" Any use of land lawfully in existence at the time of this ordinance or amendment thereto becomes effective. Nonconforming structures if destroyed, shall conform to this ordinance if reconstructed. (See detail below)

(9) "Runway" A portion of the airport having a surface specifically developed and maintained for the taxiing, landing and taking off of aircraft.

(10) "Structure" Any object constructed or installed by man.

(11) "Tree" Any objects of natural growth, except farm crops which are cut once a year, and except shrubs and foliage which do not grow to a height of more than twenty (20) feet.

3.9.3 USE RESTRICTIONS. Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any districts established by these zoning regulations in such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft; no use or installation of flashing or illuminated advertising or business signs, billboards or other type of illuminated structure which would be hazardous for pilots because of the difficulty in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off, or maneuvering of aircraft; or use which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

3.9.4 PERMITTED USES

1. Airport
2. Aircraft Hangers
3. Aviation related/support business
4. Aviation related/support industry
5. Crew Quarters as an accessory use for an aviation related activity.
6. Warehouse
7. Trucking or Freight Terminals
8. Transportation and Utility Maintenance Facilities
9. Manufacturing or processing facilities which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.

3.9.5 CONDITIONAL USES

Uses not specified may be allowed with the approval of the Mercer County Regional Airport Authority, Hazen Planning and Zoning Commission and the Hazen City Commission, following careful review and providing that such uses are similar in character to the permitted uses in the district.

3.9.6 PREEXISTING PERMITTED USE.

Nothing contained herein shall require any change in the construction or alteration of any structure, if the construction or alteration of such was begun prior to the effective date of this chapter, if such is diligently prosecuted.

3.9.6.1 Partial destruction. The owner of any preexisting permitted use, building, structure, or tree which, as a result of fire, explosion or other casualty is destroyed, shall be allowed to rebuild, reconstruct or rehabilitate the same preexisting permitted use of the same parcel, provided the preexisting permitted use complies with the height limitation imposed by this chapter and a statement showing such compliance is signed by the Administrator prior to any rebuilding, reconstructing or rehabilitation.

3.9.6.2 Expansion of Preexisting Permitted Uses. Any preexisting permitted uses, as described in this ordinance, may be expanded, altered or otherwise enlarged as long as the following requirements are met:

- a) The expansion alteration or enlarging meets the requirements of height limitation zoning and a statement showing such compliance is signed by the Administrator prior to the expansion alteration or enlargement.
- b) The expansion alteration or enlargement in no way increases or creates any hazard within the airspace required for the flight of aircraft in landing or takeoff or creates or increases any potential hazard to persons assembled within the preexisting permitted use.

Nothing in this section shall interfere with or prevent the removal of preexisting permitted uses by purchase or the use of eminent domain.

3.9.7 DISTRICT REGULATIONS

3.9.7.1 Minimum Lot Size: Minimum lot size 2.5 acres. However, county or state health department regulations may require a larger lot size to accommodate an approved well and septic system. Lot size for hangers adjacent to the apron or taxiways, may be smaller in size if the building is not plumbed or other provisions are made to comply with health regulations.

3.9.7.2 Maximum Height: No building or accessory structure may exceed seventy (70) feet or four (4) stories in height. However, the maximum height may not exceed the height permitted by the Air Space Zoning.

3.9.7.3 Well/Septic System: There shall be a 100 foot separation between the wells and drain fields. Drain fields shall be placed in the 15 foot rear yard easement designated as the drain field placement zone. Wells shall be placed in the front yard, in the well placement zone. However, wells and septic systems serving hangers located adjacent to a taxiway or apron shall only be required to place the well and septic system in such a manner as to comply with health regulations.

3.9.7.4 Setback Requirements: The following set backs apply to all buildings except aircraft hangers that have direct access to an apron or a taxiway. Such hangers may build to the front property line. Side and rear setbacks shall be 10 feet.

Front Yard: 30 feet.

Rear Yard: 30 feet

Side Yard: 10 feet

3.9.7.5 Height Limitations. No structure, tree or growth shall be erected, altered, allowed to grow or be maintained within any zoning district established by this ordinance to a height in excess of the applicable height limitations as shown on the Airport Zoning District Maps. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers shown within the various zoning districts encompassed by this ordinance.

Adopted by City Commission January 21, 2008

IV. SPECIAL PROVISIONS

Purpose --- These provisions shall apply to all districts unless otherwise stated in the district regulations.

This Ordinance recognizes that certain activities, conditions, and uses may affect all districts and may be detrimental in certain districts unless proper safeguards are taken. Therefore, the following regulations have been made to protect the welfare of the people of the City of Haze.

4.1 Exceptions to Maximum Height Requirements

4.1.1 The following shall be exempt from maximum height requirements in all district regulations:

Antennas, belfries, chimneys, flag poles, ventilators, water tanks, or other appurtenances usually required to be placed above roof level and not intended for human occupancy.

4.1.2 Towers may be erected to any height provided the same shall not exceed in area one-quarter ($\frac{1}{4}$) the area of the lot upon which the principle building is located, and shall not exceed two thousand five hundred (2,500) square feet in areas, and shall be a minimum of twenty-five (25) feet at every point from any adjoining property line.

4.2 Gasoline Filling Stations and Bulk Stations: Where Prohibited

Any retail gasoline filling station, bulk oil, or gasoline station shall not be located within three hundred (300) feet of any block whereon there is located a public or parochial school.

4.3 Churches and Schools - Exceptions to Maximum Density and Setback Requirements

Churches and schools shall be permitted to occupy seventy-five (75) percent of corner lots and sixty-five (65) percent of inside lots. Rear yards shall be a minimum depth of six (6) feet. Side yards shall be a minimum width of eight (8) feet.

V. ADMINISTRATION AND ENFORCEMENT

5.1 City of Hazen Zoning Commission

5.1.1 Authority

Authority found in Section 40-47-06 of the North Dakota Century Code.

5.1.2 Duties

1. Recommend the zoning affairs of the City of Hazen
2. Present a report to the City Commission on recommendations
3. Conduct hearings on zoning amendments
4. Issue Certificates of Zoning Compliance

5.1.3 Certificates of Zoning Compliance

1. A Certificate of Zoning Compliance shall be required of all new or altered permitted uses.
2. No non-conforming use shall be maintained, renewed, changed or extended until a Certificate of Zoning Compliance is issued.
 - a. Said Certificate shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance.
 - b. Upon adoption of this Ordinance, or any amendment thereto, owners or occupants of non-conforming uses shall have three (3) months to apply for said Certificate.
3. Failure to obtain a Certificate of Zoning Compliance shall constitute a violation of this Ordinance.

5.2 Board of Adjustment

5.2.1 Authority

Authority found in Section 40-47-07 of the North Dakota Century Code.

5.2.2 Duties

1. The Board shall hear and decide appeals from and shall review any order, requirement, decision, or determination made by the administrative official charged with enforcement of the provisions of this Ordinance.

2. The Board shall grant variances from the terms of this Ordinance when the literal enforcement of the provisions of this Ordinance would result in unnecessary hardship and said variance would not be contrary to the public interest.

Application for a variance shall show:

- a. The special conditions and circumstances which are peculiar to the land or structure and not applicable to other land or structures in the same district.
- b. The special conditions and circumstances do not result from the actions of the applicant.
- c. The literal interpretation of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the district.
- d. The granting of the variance shall not confer any special privilege on the applicant that is denied by the Ordinance to others in the same district.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

5.3 Land Use Administrator

5.3.1 Authority

The City Commission shall appoint a Land Use Administrator to carry out the directives and duties as assigned by said Commission. The Administrator shall be directly responsible to the City Commission

5.3.2 Duties

1. Shall attend all hearings
2. Shall maintain up-dated copies of this Ordinance and the District Zoning Map.
3. Shall keep copies of all records.
4. Shall post notice of amendment hearings on affected site.
5. Shall make inspection of land and/or structures to determine compliance with the provisions of this Ordinance.
6. Shall carry out any other duties assigned by the City Commission.

5.4 Building Permits.

1. It shall be unlawful for any person to build upon any land or structurally alter any building without obtaining a building permit.
2. Any permit issued pursuant to these provisions shall expire six (6) months from the date of issuance.
3. Application for a building permit shall include the following information:
 - a. a site plan drawn to scale either in the space provided on the building permit or on an 8½" by 11" sheet.
 - b. The entire lot as described in the legal description
 - c. Indicate all existing trees to be removed, and those to be retained on the site.
 - d. Land scaped areas
 - e. Proposed off-street parking (number of spaces, dimensions)
 - f. Location of all buildings and structures and gross square footage of each floor.
 - g. Existing right-of-ways.
 - h. Refuse storage
 - i. Such other information required or necessary for the enforcement of this Ordinance

In addition to the above mentioned information, building permits for commercial and industrial uses shall contain the following information.

- a. A comprehensive graphics plan drawn to scale showing the location, size, design, material, color and method of illumination of all exterior signs.
 - b. One exterior lighting plan drawn to scale, showing type, height and area of illumination
4. Building permit fees shall be established by resolution of the Hazen City Commission.
 5. Permits shall be obtained from the building inspector with the approval of the Board of Adjustment in cases where a variance is requested.

5.5 Violations and Penalties

5.5.1 Action to Correct Violations

If any building or structure is erected and constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure, or land is used in violation of this Ordinance, the proper local authorities of the city or any affected citizen or

property owner, in addition to other remedies, may institute any appropriate action or proceedings:

1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use
2. To restrain, correct, or abate such violations
3. To prevent the occupancy of the building, structure, or land
4. To prevent any illegal act, conduct, business, or use in or about such premises

(North Dakota Century Code, Section 40-47-12)

5.5.2 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 than one hundred dollars (\$100.00) or by imprisonment in the city jail for not more than ninety (90) days, or by both fine and imprisonment. Each and every day that a violation of this Ordinance shall be continued shall constitute and be considered a separate offense.

property owner, in addition to other remedies, may institute any appropriate action or proceedings:

1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use
2. To restrain, correct, or abate such violations
3. To prevent the occupancy of the building, structure, or land
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