

**CITY OF STANLEY
PLANNING & ZONING
ORDINANCE**

AMENDED & ADOPTED: MARCH 13, 2018

PREFACE

This plan was initiated to express the community's development plans and will be used as a basis for a city zoning ordinance in accordance with Section 40-48-02 of the North Dakota Century Code.

The community of Stanley has taken full advantage of the planning and zoning rights conferred upon it by the North Dakota Century Code (NDCC). The City Council has established a combined Planning/Zoning Commission pursuant to NDCC 40-47-06 and 40-48-03. The City Council has also recognized its extraterritorial zoning jurisdiction of one mile pursuant to NDCC 40-47-01.1.

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**CHAPTER FIVE
PLANNING AND ZONING**

ARTICLE 1 – Planning and Zoning Commission

- 5.0101 Planning Commission Created:** There is hereby created a Planning Commission consisting of five (5) members to be appointed by the City’s Mayor, with the approval of the City Council. The Mayor, the Public Works Director, and the City Attorney shall be ex-officio members thereof. (Source: NDCC Section 40-48-03)
- 5.0102 Terms, Compensation, Meetings:** The terms of the members, their compensation, and meetings shall be as provided by Chapter 40-48 of the North Dakota Century Code.
- 5.0103 Ex-Officio Zoning Commission:** The Planning Commission shall also serve as the Zoning Commission of the City to hold hearings, make reports and recommendations as to the boundaries of the various original districts and appropriate regulations to be enforced therein, and for changes in or supplements thereto. (Source: NDCC Section 40-47-06)

ARTICLE 2 – Introduction

- 5.0201** **Title:** This ordinance shall be known as the “Zoning Ordinance, City of Stanley, North Dakota.”
- 5.0202** **Purpose:** The purpose of this ordinance is to promote the health, safety, morals, and general welfare as well as provide for the orderly development of the City of Stanley, North Dakota.
- 5.0203** **Authority:** This ordinance is adopted under the authority of Chapter 40-47 and 40-48 of the North Dakota Century Code.
- 5.0204** **Repeal:** All other ordinances or parts of ordinances that are in conflict with this Ordinance are hereby repealed.
- 5.0205** **Severability:** If any provision or section of this ordinance is found invalid by a court or competent jurisdiction, the remainder of the ordinance shall not be affected.
- 5.0206** **Effective Date:** This ordinance shall become effective after adoption by the City Council, Stanley, North Dakota.

ARTICLE 3 – General Provisions

5.0301 **Jurisdiction:** This ordinance shall apply to all land within the corporate limits of the City of Stanley and all land falling within the extraterritorial zoning jurisdiction of the City of Stanley and one (1) mile, pursuant to NDCC 40-47-01.1.

5.0302 **Compliance:** Except as stated in this ordinance, no land shall be used and no building or structure shall be erected or repaired except in conformance with these regulations.

5.0303 **Interpretation:** In interpreting and applying this ordinance, the provisions shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than existing law, the provisions of this ordinance shall govern.

5.0304 **Uses:**

Only the following uses and their essential services shall be allowed in any district:

5.0304.1 **Permitted Uses:**

1. Specified for each district.

5.0304.2 **Accessory Uses:**

1. Shall be clearly incidental and customarily associated with the operation of a permitted use.
2. Shall be operated and maintained under the same ownership and on the same zone lot as the permitted use.
3. Shall not contain structures or structural features inconsistent with the permitted use.
4. Shall not include residential occupancy.
5. Shall be allowed once permitted use is present or under construction.

6. Shall not involve the conduct of any business, trade or industry, except for home and professional occupations, as defined herein when accessory to residential district permitted uses.
7. Shall not allow permitted or non-permitted accessory buildings in front yard.

5.0304.3 Conditional Uses:

1. Along with their accessory uses, conditional uses may be allowed in specified districts after review, public hearings, and approval by the Planning and Zoning Commission and the City Council in accordance with district regulations and procedures established in Section 5.0707 of this ordinance.

5.0304.4 Temporary Uses:

1. May be allowed in districts with the approval of the Planning and Zoning Commission and in accordance with procedures established in Section 5.0604 and 5.0605 of this ordinance.

5.0304.5 Uses Not Specified:

1. May be allowed in district with the approval of the Planning and Zoning Commission following careful review and provided that such uses are similar in character to the permitted uses in the district.

5.0304.6 Nonconforming Uses:

1. Lawful, nonconforming uses of land or buildings existing at the date of adoption of these regulations may continue provided no structural alterations, except for normal maintenance, are made. Such nonconforming uses shall not be extended to occupy a greater area of land than occupied at the time of adoption.
2. No building or structure where a nonconforming use has been discontinued for a period of two (2) years or has changed to a permitted use shall again be devoted to a nonconforming use.
3. A nonconforming structure destroyed or damaged less than fifty percent (50%) of its fair market value may be reconstructed within one (1) year of such

casualty. If damaged more than fifty percent (50%) of its fair market value, such building shall be reconstructed in conformance with these regulations.

4. The provisions of this section may not be applicable to conditional uses or any use made nonconforming by a change in district regulations.

5.0305 Existing Lots of Record:

1. Any lot record existing at the effective date of this ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its ordinance, except as set forth hereafter.
2. Where two (2) or more adjacent lots of record with less than the needed area and width are held by one owner on or before the effective date of this ordinance, the request for a permit shall be referred to the Planning and Zoning Commission which may first require platting to fewer lots, thereby complying with the minimum requirements of this ordinance.

5.0306 Sewer and Water Regulation:

1. To protect the public health, control water pollution and reduce nuisance and odor, all new developments within the City of Stanley shall be connected to the City sewer and water system.
2. Construction and use of privies and cesspools shall be prohibited within the zoning limits of the City of Stanley without City Council approval and evidence of compliance with State Health regulations.

ARTICLE 4 – Definition of Terms Used in This Ordinance

5.0401 Rules:

1. Words used in the present tense shall include the future; the singular number shall include the plural.
2. The word “person” includes a firm, partnership, association, corporation, or individual.
3. The word “shall” is mandatory.

5.0402 Definitions:

For the purposes of this ordinance article the following terms, phrases, words and their derivations shall have the meaning given herein:

1. **Accessory Use or Accessory Structure:** A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use, such as a garage or tool shed.
2. **Agriculture:** The use of land for agriculture purposes, including necessary buildings or structures for farm or farm labor use, excluding feedlots within city limits. Agriculture shall include farming, dairy, pasturage, horticulture, animal and poultry husbandry, and accessory uses and buildings for packing, treating or storing produce; providing accessory uses are secondary to normal agriculture activities.
3. **Alley:** A minor street providing vehicular service access to the back or side of two or more properties.
4. **Amendment:** Any change, revision or modification of the text of this ordinance or the official zoning map.
5. **Board of Adjustment:** The City Council or a body authorized by them, which hears appeals on the enforcement of the provisions of this ordinance and grants variances.

6. **Building:** Any structure, either temporary or permanent, designed or intended for the enclosure, shelter or protection of persons, animals or property; including tents, awnings or vehicles situated on private property and used for the purpose of a building.
7. **City:** Shall refer to the City of Stanley, North Dakota.
8. **City Council:** Shall refer to the Stanley City Council.
9. **Child care center:** An early childhood program licensed to provide early childhood services to nineteen or more children in accordance with Chapter 50-11.1 of the North Dakota Century Code.
10. **Conditional Use:** A use which would not be appropriate in a particular district but which, if controlled as to the number, location or relation to the neighborhood, would promote the public safety, health, convenience or welfare. A conditional use is allowed in a district only if the regulations for that district specifically permit it subject to the approval of the City Council; and only when the City Council finds that such use meets all of the requirements applicable to it as specified in the ordinance. The Council may choose not to approve the conditional use, but the reasons must be given in writing.
11. **Districts:** The areas of the City of Stanley, North Dakota, for which the regulations governing the use of land and the use, density, bulk, height, and location of structures and buildings are uniform.
12. **Dwelling:** A building or portion of a building occupied exclusively for residential purposes. This does not include hotels, motels or mobile recreational vehicles.
13. **Dwelling, Farm:** A single-family dwelling or mobile home located on a farm, which is occupied by the farm's owner or person, employed thereon.
14. **Dwelling, Non-farm:** A single-family dwelling or mobile home located on a farm or otherwise of which the occupant does not derive at least fifty percent (50% of his income from agricultural activities.

15. **Dwelling, Multi-family:** A residential dwelling designed for the occupancy by two or more families. Each separate building shall be considered one (1) multi-family unit regardless of how many families the building has been designed for.
16. **Dwelling, Single-family:** A single residential structure containing one (1) dwelling unit for the occupancy by one family.
17. **Dwelling, Two-family:** A single residential structure containing two (2) dwelling units for the occupancy by one family per dwelling unit.
18. **Easement:** A vested or acquired right to use land, other than as a tenant, for a specified purpose; such right being held by someone other than the owner who holds title to the land.
19. **Family:** Shall mean one or more individuals as defined herein below living together as members of a single housekeeping unit and doing their cooking in a single kitchen on the premises:
 - A. One or more individuals related by blood, marriage, adoption or legal guardianship, including foster children, living in a dwelling; or
 - B. A group of not more than three (3) individuals not related by blood, marriage, adoption, or legal guardianship living together in a dwelling; or
 - C. Two (2) unrelated individuals and their children living together in a dwelling.
20. **Family Child Care:** A private residence licensed to provide early childhood services for no more than seven children at any one time, except that the term includes a residence licensed to provide early childhood services to two additional school-age children in accordance with Chapter 50-11.1 of the North Dakota Century Code.
21. **Farm or Farming Operation:** A single tract or contiguous tracts of agriculture land containing a minimum of ten (10) acres and which normally provides a farmer, who is actually farming the land or engaged in the raising of livestock or other similar operations normally associated with farming or ranching, with not less than fifty percent (50%) of his annual net income.

22. **Farm Dwelling:** For definition, see **Dwelling, Farm.**
23. **Feedlot:** An enclosure or structure designed or used for the purpose of concentrate feeding or fattening of livestock for marketing or for dairy purposes.
24. **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 the frontage. The depth of the front yard is the least distance between the front lot lines and the front of the principal building.
25. **Ha:** Hectare.
26. **Home Operations:** A gainful occupation conducted solely by members of the family only within the dwelling or on the premises which is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the character thereof; provided that no display other than a nameplate not more than one square foot in area will indicate from the exterior that the building or and is being utilized in part for any purpose other than that of a building.
27. **Junkyard:** A land or building used for the storage, sale or dismantling of obsolete vehicles, junk or other machinery.
28. **Livestock:** Domestic animals customarily raised or kept on farms for profit or other purposes.
29. **Lot:** A tract of land at least sufficient size to meet minimum zoning requirements for use, coverage and area; and which provides such yards and other open space as is herein required.
30. **Lot Coverage:** The total surface area of a lot, which is covered by any type of structure.
31. **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.
32. **M:** Meter.

33. **Manufactured Home:** A factory-built dwelling unit, which is constructed or equipped with a permanent hitch or other device allowing it to be moved to a permanent site and which has permanently attached to its body or frame wheel or axel and bears a label certifying that it was built in compliance with the latest standards adopted by the U.S. Department of Housing and Urban Development.
34. **Mobile Home:** A dwelling unit designed for the transportation after construction and not necessarily on a permanent foundation. A recreational travel trailer is not to be considered a mobile home.
35. **Mobile Home Park:** A place where two or more mobile homes are located on a tract or parcel of land under the same ownership; the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or sue of facilities or to offer space free in connection with securing the trade or patronage of such person.
36. **Modular Home:** A dwelling structure located on a permanent foundation and permanently connected to public utilities. The modular home consists of prefabricated units and is transported and assembled at the site of its permanent location; this is in contradistinction to a mobile home, either singlewide, doublewide or of multiple width. The distinction between a modular home and a mobile home of multiple width shall be determine by the State of North Dakota's building, housing, electrical, and plumbing codes.
37. **Multi-family Dwelling:** For definition, see **Dwelling, Multi-family.**
38. **Nonconforming Use:** Any structure, building or tract of land existing at the time of the adoption or amendment of this ordinance which does not conform to the ordinance.
39. **Outlot:** A plot of land other than subdivision.
40. **Planning and Zoning Commission:** Shall refer to the City of Stanley, Planning and Zoning Commission.
41. **Parking Space:** A parking space shall consist of a separately accessible space twelve (12) feet (3.7 m) wide by twenty-four (24) feet (7.3 m) long for parking a vehicle in all districts that require surface parking.

42. **Plat:** Any map, plan or chart of a tract of land or subdivision indicating the location and boundaries of individual properties.
43. **Setback:** The line within a property defining the required minimum distances between any structure or use and right-of-way, centerlines, section lines, or other designated points. **Setback:** All setbacks that are adjacent to public rights-of-way shall be measured from the edge of right-of-way.
44. **Single-family dwelling:** For definition, see **Dwelling, Single-family.**
45. **Sq:** Square
46. **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.
47. **Structural Alteration:** Any change in the supporting member or any substantial change in the roof or exterior walls of a building.
48. **Subdivision:** The division of a tract or parcel of land into lots or parcels of land for the purpose, whether immediate or future, of sale or of building development. The division of agriculture land for agriculture any new streets, shall not constitute subdivision.
49. **Variance:** The relaxing of the requirements of this ordinance where it can be shown that due to unusual conditions of the property, strict application of the regulations would result in undue hardship. The variance shall not be contrary to the public interest.
50. **Yard:** A space on the same lot with the principle building or structure open, unoccupied and unobstructed by buildings or structures from the ground upward.
- A. **Front:** A yard that extends across the full width of the lot. The depth is measured as the least distance between the front lot line and the front building line. (Front lot line shall be measured from back of the curb.)

- B. **Rear:** A yard that extends across the full width of the lot. The depth is measured as the least distance between the rear lot line and the rear building line.

- C. **Side:** The yard between the front and rear yards. The depth is measured as the least distance from the side lot line and the side of the principle building.

ARTICLE 5 – District Regulations

5.0501 Classes of Districts: For the purpose of this ordinance, the City of Stanley is hereby divided into the following classes of districts:

- AG – Agricultural
- R1 – Single-Family Detached
- R2 – Single-Family
- R3 – Low-Density Multi-Family
- R4 – Medium Density Multi-Family
- R5 – High-Density Multi-family
- R6 – Transitional Housing
- C1 – Neighborhood Commercial
- C2 – General Commercial
- C3 – Corridor-Highway Commercial
- C4 – Downtown-Central Business District
- I1 – Light Industrial
- I2 – Medium Industrial
- I3 – Heavy Industrial
- I4 – Oil Field Industrial
- P – Public-Institutional
- MH – Manufactured Home
- RV – Recreational Vehicle Park
- PUD – Planned Unit Overlay

5.0502 Location of District Boundaries:

1. Where the district boundary lines on the official zoning map are indicated to follow highway, road or railroad right-of-way, such boundary lines shall be construed to be the centerline of said right-of-way unless clearly shown to the contrary.
2. Where any uncertainty exists as to the exact location of the zoning district boundary line, the Planning and Zoning Commission shall determine the location of such boundary lines.

5.0503 **Official Zoning Map**: The boundaries of these districts are established as shown on the map entitled the "Official Zoning Map of Stanley." This map is made part of this ordinance; and it shall be on file with the City Auditor.

5.0504 **Annexed Property:** Property which has not been included within a district and which has become a part of the City by annexation shall automatically be classified as lying and being in the Stanley agricultural or residential district as determined by the Planning and Zoning Commission until such classification has been changed by an amendment to the Zoning Ordinances as prescribed by law.

5.0505 AG – Agricultural District

5.0505.1 Purpose:

1. To establish and preserve areas of agriculture and low intensity development, which do not significantly change the existing character of the area.

5.0505.2 Permitted Uses:

1. Agriculture and agriculture-related buildings and farm dwellings, including one single-family dwelling.
2. One non-farm single-family dwelling.
3. Park and recreational facilities and related buildings for outdoor recreation.
4. Golf course.
5. Public and parochial schools.
6. Family child care.

5.0505.3 Conditional Uses:

1. Junkyards and automobile salvage operations provided all operations are conducted within an area enclosed on all sides with a solid fence or wall not less than eight (8) feet (2.4 m) in height.
2. Temporary farm and garden produce sales.
3. Solid waste disposal facility.
4. Oil and or gas extraction.
5. Small animal veterinary clinic.
6. Animal hospital or kennel.
7. Churches and religious institutions.
8. Cemeteries.
9. Airport.
10. Child care center.

5.0505.4 Minimum Lot Dimensions:

1. Lot Size – Minimum three (3) acres (1.2 ha) for non-farm residences.
2. Setbacks – Fifty (50) feet (15.2 m) from any public right-of-way or property line.

5.0505.5 Maximum Dimensional Standards:

1. Building Height – Non-farm dwellings shall not exceed thirty-five (35) feet (10.7 m).
2. Lot Coverage – Not more than fifteen percent (15%) of the lot shall be covered in impervious surfacing, including roof, concrete, asphalt, gravel, milled asphalt, and crushed concrete.

5.0505.6 Parking Requirements:

1. Off-Street –
 - A. Two parking spaces for each single-family non-farm residence.
 - B. Three parking spaces per two employees for schools, child care facilities, small animal veterinary clinic, animal hospital, or kennel, churches, religious institutions, and places of public assembly.
2. Allowed Surfacing – Gravel, crushed concrete, milled asphalt, recycled asphalt, cement concrete, and asphalt paving.

5.0506 R1 – Single-Family Detached District

5.0506.1 Purpose:

1. To establish and preserve general residential neighborhoods for single-family dwellings on urban lots.
2. To prohibit commercial and industrial use of land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in this district.
3. Density – maximum of five (5) units per gross acre.

5.0506.2 Permitted Uses:

1. Single-family dwelling.
2. Manufactured home.
3. Parks and outdoor public recreation.
4. Public and private schools and educational facilities.
5. Family child care.

5.0506.3 Conditional Uses:

1. Modular home.
2. Child care center.
3. Churches and religious institutions.
4. Multi-Family Dwelling.
5. Bed & Breakfast Inns.
6. Home Occupations.

5.0506.4 Minimum Lot Dimensions:

1. Lot Size –
 - A. Area – seven thousand (7,000) sq. feet (650.3 sq. m) per single-family dwelling.
 - B. Width – fifty (50) feet (15.2 m) per single-family dwelling.

2. Setbacks – All measurements shall be made from the roof line of the building.
 - A. Front yard – twenty-five (25) feet (7.6 m) from back of curb.
 - B. Rear yard – twenty (20) feet (6.1 m) from property line.
 - C. Side yard – five (5) feet (1.5 m) each side (2 sides).
 - D. Carports and/or Arbors – twenty-five (25) feet (7.6 m) from back of curb.

5.0506.5 Maximum Dimensional Standards:

1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.
 - A. Single-family dwelling – thirty-five (35) feet (10.7 m).
 - B. Other permitted use – forty (40) feet (12.2 m).
2. Lot Coverage – The ground area occupied by the principal and any accessory buildings shall not exceed fifty percent (50%) of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, and parking lots) shall be added to the actual area of the buildings, if such space is not furnished within a building.

5.0506.6 Parking Requirements:

1. Off-Street –
 - A. Two parking spaces for each single-family residence.
 - B. Three parking spaces per two employees for schools, child care facilities churches, religious institutions, and places of public assembly.
2. Allowed Surfacing – Cement concrete or asphalt pavement.

5.0506.7 Landscape Requirements:

1. Plant Types – Lawn grass.

2. Schedule – Landscaping shall be completed within twelve (12) months of completion of building construction or receipt of a certificate of occupancy, whichever is earlier.

5.0506.8 Fences:

1. Front yard fences shall not exceed two (2) feet six (6) inches (30 in.) in height.

5.0506.9 Special Provisions:

1. All sidewalks shall be a minimum of five (5) feet (1.5 m) in width or match the existing and shall be constructed directly adjacent to the curb and gutter of a dedicated street, unless there is an existing boulevard.

5.0507 R2 – Single-Family District

5.0507.1 Purpose:

1. To establish and preserve general residential neighborhoods for single-family and two-family dwellings on urban lots.
2. To prohibit commercial and industrial use of land, and to prohibit any other use which would substantially interfere with development or continuation of single-family and two-family dwellings in this district.
3. Density – maximum of ten (10) units per gross acre.

5.0507.2 Permitted Uses:

1. Single-family dwelling.
2. Two-family dwelling.
3. Parks and outdoor public recreation.
4. Public and private schools and educational facilities.
5. Family child care.

5.0507.3 Conditional Uses:

1. Child care center.
2. Churches and religious institutions.
3. Home Occupations.
4. Bed & Breakfast Inns.

5.0507.4 Minimum Lot Dimensions:

1. Lot Size –
 - A. Area – seven thousand (7,000) sq. feet (650.3 sq. m) per single-family dwelling.
 - B. Width – fifty (50) feet (15.2 m) per single-family dwelling.
2. Setbacks – All measurements shall be made from the roof line of the building.

- A. Front yard – twenty-five (25) feet (7.6 m) from back of curb.
- B. Rear yard – twenty (20) feet (6.1 m) from property line.
- C. Side yard – five (5) feet (1.5 m) each side (2 sides).

5.0507.5 Maximum Dimensional Standards:

- 1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.
 - A. Single-family dwelling – thirty-five (35) feet (10.7 m).
 - B. Other permitted use – forty (40) feet (12.2 m).
- 2. Lot Coverage – The ground area occupied by the principal and any accessory buildings shall not exceed fifty percent (50%) of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, and parking lots) shall be added to the actual area of the buildings, if such space is not furnished within a building.

5.0507.6 Parking Requirements:

- 1. Off-Street –
 - A. Two parking spaces for each single-family residence.
 - B. Three parking spaces per two employees for schools, child care facilities, churches, religious institutions, and places of public assembly.
- 2. Allowed Surfacing – Cement concrete or asphalt pavement.

5.0507.7 Landscape Requirements:

- 1. Plant Types – Lawn grass
- 2. Schedule – Landscaping shall be completed within twelve (12) months of completion of building construction or receipt of a certificate of occupancy, whichever is earlier.

5.0507.8 Special Provisions:

1. All sidewalks shall be a minimum of five (5) feet (1.5 m) in width or match the existing and shall be constructed directly adjacent to the curb and gutter of a dedicated street, unless there is an existing boulevard.

5.0508 R3 – Low-Density Multi-Family District

5.0508.1 Purpose:

1. To encourage development and construction of residential dwellings on urban lots.
2. To prohibit commercial and industrial use of land, and to prohibit any other use which would substantially interfere with development or continuation of residential structures in this district.
3. Density – maximum of fifteen (15) units per gross acre.

5.0508.2 Permitted Uses:

1. Two-family dwelling.
2. Parks and outdoor public recreation.
3. Public and private schools and educational facilities.
4. Hospitals.
5. Clinics.
6. Townhomes/Row Houses – Attached single-family dwellings in groups of not more than eight (8) or less than three (3) dwelling units in one building.

5.0508.3 Conditional Uses:

1. Child care center.
2. Churches and religious institutions.
3. Home Occupations.
4. Single-family dwelling.

5.0508.4 Minimum Lot Dimensions:

1. Lot Size –
 - A. Area –
 - 1) Town Homes/Row Houses –

- a) Two thousand three hundred (2,300) sq. feet (214 sq. m) for interior units.
- b) Three thousand two hundred twenty (3,220) sq. feet (299 sq. m) for end units.
- c) Three thousand seven hundred ninety-five (3,795) sq. feet (353 sq. m) for units on the corner of a street intersection.

2) Other permitted use –

- a) Seven thousand (7,000) sq. feet (650.3 sq. m).

B. Width –

1) Town Homes/Row Houses –

- a) Twenty (20) feet (6.1 m) for interior units.
- b) Twenty-eight (28) feet (8.5 m) for end units.
- c) Thirty-three (33) feet (10.1 m) for units on the corner of a street intersection.

2) Other permitted uses –

- a) Fifty (50) feet (15.2 m) per single-family dwelling lots.

2. Setbacks – All measurements shall be made from the roof line of the building.

A. Town Homes/Row Houses –

- 1) Front yard – twenty-five (25) feet (7.6 m) from back of curb.
- 2) Rear yard – twenty-five (25) feet (7.6 m).
- 3) Side yard –
 - a) Ten (10) feet (3.0 m) for end units.
 - b) Fifteen (15) feet (4.6 m) for units on the corner of a street intersection.

B. Other permitted uses –

- 1) Front yard – twenty-five (25) feet (7.6 m).
- 2) Rear yard – twenty-five (25) feet (7.6 m).
- 3) Side yard - Each lot shall have two (2) side yards, one on each side of the principal building. The sum of the widths of the two (2) side yards shall

not be less than twenty percent (20%) of the average width of the lot and in no case shall a side yard be less than ten (10) feet in width. On any lot having an average width of fifty (50) feet or less, each side yard shall not be less than ten percent (10%) of the width of the lot and in no case less than five (5) feet in width. For lots where the average lot width exceeds two hundred (200) feet, the sum of the two (2) side yards shall be no less than forty (40) feet, but in no case shall a side yard in excess of twenty (20) feet be required except as required herein for increased building height. No building on a corner lot shall have a side yard on the side street less than twenty-five (25) feet in width.

5.0508.5 Maximum Dimensional Standards:

1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.
 - A. Single-family dwelling – thirty-five (35) feet (10.7 m).
 - B. Town Homes/Row Houses – forty (40) feet (12.2 m).
 - C. Other permitted use – 40 feet (12.2 m).
2. Lot Coverage – The ground area occupied by the principal and any accessory buildings shall not exceed fifty percent (50%) of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, and parking lots) shall be added to the actual area of the buildings, if such space is not furnished within a building.

5.0508.6 Parking Requirements:

1. Off-Street –
 - A. Two parking spaces for each single-family residence (some or all may be inside the principal or accessory building).
 - B. Three parking spaces per two employees for schools, child care facilities, churches, religious institutions, and places of public assembly, hospitals and all other permitted uses.

C. On-street parking prohibited.

2. Allowed Surfacing – Cement concrete or asphalt pavement.

5.0508.7 Landscape Requirements:

1. Plant Types – Lawn grass.

2. Schedule – Landscaping shall be completed within twelve (12) months of completion of building construction or receipt of a certificate of occupancy, whichever is earlier.

5.0508.8 Special Provisions:

1. All sidewalks shall be a minimum of five (5) feet (1.5 m) in width or match the existing and shall be constructed directly adjacent to the curb and gutter of a dedicated street, unless there is an existing boulevard.

2. Any building(s) deviating from the specified setbacks is required to have a two (2) hour fire-resistance rated wall.

5.0509 R4 – Medium-Density Multi-Family District

5.0509.1 Purpose:

1. To encourage development and construction of residential dwellings on urban lots.
2. To prohibit commercial and industrial use of land, and to prohibit any other use which would substantially interfere with development or continuation of residential structures in this district.
3. Density – maximum of twenty (20) units per gross acre.

5.0509.2 Permitted Uses:

1. Two-family dwelling.
2. Multi-family dwelling – Apartments/condominiums.
3. Parks and outdoor public recreation.
4. Public and private schools and educational facilities.
5. Hospitals.
6. Clinics.
7. Townhomes/Row Houses – Attached single-family dwellings in groups of not more than eight (8) or less than three (3) dwelling units in one building.

5.0509.3 Conditional Uses:

1. Child care center.
2. Churches and religious institutions.
3. Home Occupations.

5.0509.4 Minimum Lot Dimensions:

1. Lot Size –
 - A. Area –
 - 1) Town Homes/Row Houses –

- a) Two thousand three hundred (2,300) sq. feet (214 sq. m) for interior units.
- b) Three thousand two hundred twenty (3,220) sq. feet (299 sq. m) for end units.
- c) Three thousand seven hundred ninety-five (3,795) sq. feet (353 sq. m) for units on the corner of a street intersection.

2) Other permitted use –

- a) Seven thousand (7,000) sq. feet (650.3 sq. m)

B. Width –

1) Town Homes/Row Houses

- a) Twenty (20) feet (6.1 m) for interior units.
- b) Twenty-eight (28) feet (8.5 m) for end units.
- c) Thirty-three (33) feet (10.1 m) for units on the corner of a street intersection.

2. Setbacks – All measurements shall be made from the roof line of the building.

A. Town Homes/Row Houses –

- 1) Front yard – twenty-five (25) feet (7.6 m).
- 2) Rear yard – twenty-five (25) feet (7.6 m).
- 3) Side yard –
 - a) Ten (10) feet (3.0 m) for end units.
 - b) Fifteen (15) feet (4.6 m) for units on the corner of a street intersection.

B. Other permitted uses –

- 1) Front yard – twenty-five (25) feet (7.6 m)
- 2) Rear yard – twenty-five (25) feet (7.6 m)
- 3) Side yard - Each lot shall have two (2) side yards, one on each side of the principal building. The sum of the widths of the two (2) side yards shall not be less than twenty percent (20%) of the average width of the lot and in no case shall a side yard be less than ten (10) feet in width. On any lot having an average width of fifty (50) feet or less, each side yard shall not

be less than ten percent (10%) of the width of the lot and in no case less than five (5) feet in width. For lots where the average lot width exceeds two hundred (200) feet, the sum of the two (2) side yards shall be no less than forty (40) feet, but in no case shall a side yard in excess of twenty (20) feet be required except as required herein for increased building height. No building on a corner lot shall have a side yard on the side street less than twenty-five (25) feet in width.

5.0509.5 Maximum Dimensional Standards:

1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.
 - A. Town Homes/Row Houses – forty (40) feet (12.2 m).
 - B. Other permitted use – forty (40) feet (12.2 m).
2. Lot Coverage – The ground area occupied by the principal and any accessory buildings shall not exceed fifty percent (50%) of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, and parking lots) shall be added to the actual area of the buildings, if such space is not furnished within a building.

5.0509.6 Parking Requirements:

1. Off-Street –
 - A. For multi-family dwellings –
 - 1) One parking space for each efficiency unit.
 - 2) Two parking spaces for each one-bedroom unit.
 - 3) Two parking spaces for each two-bedroom unit.
 - 4) Three parking spaces for each three-bedroom unit and larger.
 - B. Three parking spaces per two employees for schools, child care facilities, churches, religious institutions, places of public assembly, hospitals and all other permitted uses.

C. On-street parking prohibited.

2. Allowed Surfacing – Cement concrete or asphalt pavement.

5.0509.7 Landscape Requirements:

1. Plant Types – Lawn grass.

2. Schedule – Landscaping shall be completed within twelve (12) months of completion of building construction or receipt of a certificate of occupancy, whichever is earlier.

5.0509.8 Special Provisions:

1. All sidewalks shall be a minimum of five (5) feet (1.5 m) in width or match the existing and shall be constructed directly adjacent to the curb and gutter of a dedicated street, unless there is an existing boulevard.

2. Any building(s) deviating from the specified setbacks is required to have a two (2) hour fire-resistance rated wall.

5.0510 R5 – High-Density Multi-Family District

5.0510.1 Purpose:

1. To encourage development and construction of residential dwellings on urban lots.
2. To prohibit commercial and industrial use of land, and to prohibit any other use which would substantially interfere with development or continuation of residential structures in this district.
3. Density – maximum of 30 units per gross acre.

5.0510.2 Permitted Uses:

1. Multi-family dwelling – apartments and condominiums.
2. Group dwelling.
3. Parks and outdoor public recreation.
4. Public and private schools and educational facilities.
5. Hospitals.
6. Clinics.
7. Townhomes/Row Houses – Attached single-family dwellings in groups of not more than eight (8) or less than three (3) dwelling units in one building.

5.0510.3 Conditional Uses:

1. Child care center.
2. Churches and religious institutions.
3. Home Occupations.

5.0510.4 Minimum Lot Dimensions:

1. Lot Size –
 - A. Area –
 - 1) Town Homes/Row Houses –

- a) Two thousand three hundred (2,300) sq. feet (214 sq. m) for interior units.
 - b) Three thousand two hundred twenty (3,220) sq. feet (299 sq. m) for end units.
 - c) Three thousand seven hundred ninety-five (3,795) sq. feet (353 sq. m) for units on the corner of a street intersection.
 - 2) Other permitted use –
 - a) Two thousand three hundred (2,300) sq. feet/unit (214 sq. m) for condominiums.
- B. Width –
- 1) Town Homes/Row Houses –
 - a) Twenty-four (24) feet (7.3 m) for interior units.
 - b) Twenty-eight (28) feet (8.5 m) for end units.
 - c) Thirty-three (33) feet (10.1 m) for units on the corner of a street intersection.
2. Setbacks – All measurements shall be made from the roof line of the building.
- A. Town Homes/Row Houses –
 - 1) Front yard – twenty-five (25) feet (7.6 m).
 - 2) Rear yard – twenty-five (25) feet (7.6 m).
 - 3) Side yard –
 - a) Ten (10) feet (3.0 m) for end units.
 - b) Fifteen (15) feet (4.6 m) for units on the corner of a street intersection.
 - B. Other permitted uses –
 - 1) Front yard – twenty-five (25) feet (7.6 m).
 - 2) Rear yard – twenty-five (25) feet (7.6 m).
 - 3) Side yard - Each lot shall have two (2) side yards, one on each side of the principal building. The sum of the widths of the two (2) side yards shall not be less than twenty percent (20%) of the average width of the lot and in no case shall a side yard be less than ten (10) feet in width. On any lot

having an average width of fifty (50) feet or less, each side yard shall not be less than ten percent (10%) of the width of the lot and in no case less than five (5) feet in width. For lots where the average lot width exceeds two hundred (200) feet, the sum of the two (2) side yards shall be no less than forty (40) feet, but in no case shall a side yard in excess of twenty (20) feet be required. No building on a corner lot shall have a side yard on the side street less than twenty-five (25) feet in width.

5.0510.5 Maximum Dimensional Standards:

1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.
 - A. Town Homes/Row Houses – forty (40) feet (12.2 m)
 - B. Other permitted use – forty (40) feet (12.2 m)
2. Lot Coverage – The ground area occupied by the principal and any accessory buildings shall not exceed fifty percent (50%) of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, and parking lots) shall be added to the actual area of the buildings, if such space is not furnished within a building.

5.0510.6 Parking Requirements:

1. Off-Street –
 - A. Two (2) parking spaces for each single-family detached residence (some or all may be inside the principal or accessory building).
 - B. For multi-family dwellings –
 - 1) One parking space for each efficiency unit.
 - 2) Two parking spaces for each one-bedroom unit.
 - 3) Two parking spaces for each two-bedroom unit.
 - 4) Three parking spaces for each three-bedroom unit and larger.

- C. Three parking spaces per two employees for schools, child care facilities, churches, religious institutions, and places of public assembly, hospitals and all other permitted uses.
- 2. Allowed Surfacing – Cement concrete or asphalt pavement.
- 3. On-street parking prohibited.

5.0510.7 Landscape Requirements:

- 1. Plant Types – Lawn grass.
- 2. Schedule – Landscaping shall be completed within twelve (12) months of completion of building construction or receipt of a certificate of occupancy, whichever is earlier.

5.0510.8 Special Provisions:

- 1. All sidewalks shall be a minimum of five (5) feet (1.5 m) in width or match the existing and shall be constructed directly adjacent to the curb and gutter of a dedicated street, unless there is an existing boulevard.
- 2. Any building(s) deviating from the specified setbacks is required to have a two (2) hour fire-resistance rated wall.

5.0511 **R6 – Transitional Housing District**

5.0511.1 **Purpose:**

1. To allow development and construction of short-term, not to exceed one hundred eighty (180) days unless there are extenuating circumstances, non-permanent residential dwellings on urban lots.
2. To prohibit commercial and industrial use of land, and to prohibit any other use which would substantially interfere with development or continuation of residential structures in this district.
3. Density – maximum of twenty (20) units per gross acre.

5.0511.2 **Permitted Uses:**

1. Non-permanent residential dwelling.

5.0511.3 **Conditional Uses:**

1. Groups of temporary or “skid” units for dwelling on a temporary basis, which are not real property as defined in NDCC 57-02-04, and are not mobile homes as defined in NDCC 57-55-01.

5.0511.4 **Minimum Design Standards:**

1. All transitional housing facilities permitted shall meet the following minimum design standards:
 - A. Provide all ordinary urban services, to include municipal water, municipal wastewater, and urban roads.
 - B. Annexation of all real property containing the transitional housing facility into City limits.
 - C. Provide adequate parking for any and all transitional housing facility residents.
 - D. Adequate trash containers should be provided on-site.
 - E. Provide for adequate fire suppression.
 - F. Provide for adequate access for emergency vehicles.

- G. Provide for adequate security of the transitional housing facility.
 - H. Provide a 911 address for each unit.
 - I. Meet all design standards required by any building code, fire code, subdivision code, or zoning code adopted by the City of Stanley.
 - J. The City Council may further require a minimum lot size or minimum acreage for the transitional housing facility.
 - K. The City Council may further require the land on which the transitional housing facility is located to be platted as a subdivision.
 - L. The City Council may further require any condition or restriction that in the judgment of the City Council is reasonable and necessary for the transitional housing facility.
2. Setbacks – Shall be as follows when transitional housing is adjacent to the respective district:
- A. R1 and R2 Residential districts – fifty (50) feet (15.2 m).
 - B. R3, R4, and R5 Residential districts – thirty-five (35) feet (10.7 m).
 - C. Commercial and Agricultural districts – twenty-five (25) feet (7.6 m).
 - D. Industrial, Public, Mobile Home, RV Park and R6 districts – twenty (20) feet (6.1 m).
 - E. Minimum of fifteen (15) feet (4.6 m) between skid units or any other structure on the property.
 - F. Front and Rear Setbacks – twenty-five (25) feet (7.6 m)

5.0511.5 Permitting Process:

1. Application – The application for a special use permit for a transitional housing facility shall be signed by the owner of the entity desiring the development of a transitional housing facility, as well as by the owner of the land on which the transitional housing facility is to be located. The application shall include the following information:
- A. A complete statement of the type of business contemplated.
 - B. Consent to a background investigation of the owner(s) of the transitional housing facility.
 - C. Identify any vendors who are expected to provide services at the transitional housing facility.

- D. The applicant's history of residency, employment, and business ownership for five (5) years prior to the date of the application. If the applicant is a partnership, this information shall be furnished for all the partners; and, if a corporation, whether such corporation is a subsidiary of any corporation, and, if so, the name of the parent corporation, the purposes for which the corporation was incorporated and the names and addresses of all officers, directors and managing agents and the names and addresses of all stockholders holding more than five percent (5%) of the capital stock of such corporation.
- E. Whether the applicant has ever engaged in the business of owning or operating a transitional housing facility before; and, if so, the dates and locations of such ownership or operation.
- F. Whether during the five (5) years preceding the date of the application, the applicant has ever been convicted of a violation of any law of the United States or of any state; and, if so, the dates, names of places and courts in which such convictions were obtained.
- G. Whether the applicant has any agreement, understanding or intention to have any agreement or understanding with any person to obtain for any other person or to transfer to any other person the license obtained or to use the license for any other purpose other than the specific use of the applicant; and, if so, the names and addresses of such persons and the conditions of such agreements.
- H. A description of the housing units proposed in the development.
- I. A description of how the proposed units are to be set and/or anchored to the ground.
- J. A statement that roads to be constructed within the facility will meet City specifications.
- K. A copy of the applicant's deed and/or lease to the real property on which the transitional housing facility would be located.
- L. A copy of plot plans, drawn to scale, showing the location of housing units, additional structures, setbacks, utilities, drainage, parking, ingress, egress, screens, buffers, and fencing.
- M. A copy of the facility's house rules and regulations.
- N. A copy of the facility's on-site security plan.
- O. A copy of the facility's on-site emergency management plan, to include contingencies for fire, tornado, and other natural disasters.
- P. Any additional information deemed necessary by the City staff, City Engineer, Planning and Zoning Commission, or City Council.

2. Grant of Special Use Permit – Any application for a special use permit as provided under this Article shall be denied to any applicant who, in the determination of the City Council, is a person of questionable character or for any other cause which would, in the opinion of the City Council, render either the applicant or the premises to be licensed, improper or unfit for a transitional housing facility, or which would, in the City Council’s judgment, make the granting of the permit contrary to the best interests of the City of Stanley and its citizens. In granting any special use permit under this Article, the City Council shall have the authority to limit the number of living units or total number of persons to be housed in such units within the transitional housing facility. The City Council shall further have the authority to limit the total acreage or land area that may be used for the transitional housing facility.

3. Revocation of Permit – The City Council may review the status of any permit issued pursuant to this Ordinance and take appropriate action to suspend or revoke the same, as provided herein:
 - A. Suspension and Revocation for Cause. Any permit issued pursuant to this Article may be revoked or suspended for cause by the City Council for cause, which cause may include, among other grounds, the following:
 - a) When the applicant is adjudged bankrupt.
 - b) When the applicant has made any false statement or statements in an application for the issuance of such permit.
 - c) When the applicant, in the case of a corporation or other entity, manager of a licensee has been convicted of a violation of any felony crime under the laws of the United States or of any state.
 - d) When the business of the applicant at the location permitted has been conducted in violation of the health or sanitary regulations of the city or of the state.
 - e) When in the judgment of the City Council, the applicant has conducted his/her business or permitted his/her business to be conducted in a disorderly manner or in a manner that is dangerous or detrimental to the public welfare and morals.
 - f) When the applicant or an agent or employee of the applicant violates any term or condition of the permit or any provision of this Ordinance.

- B. Notice – public hearing. Sanctions or penalties under this section may not be invoked without a public hearing if requested by the applicant. Upon written notification to the applicant by the City of Stanley that a penalty is being sought under this section, the applicant may notify the City office within ten (10) days of the date of such written notification and request a hearing on the proposed penalty. Failure to notify the City within ten (10) days of the date of such written notification will be deemed acceptance of the penalty without hearing. A hearing shall be set before the City Council specifying the time and place of the hearing, and shall be mailed to the applicant. A record of any hearing shall be made by electronic recording device.

- C. If, upon such hearing, it appears to a majority of the City Council that sufficient cause exists for the penalty sanctions, the City Council shall make its order in accordance with the provisions of this Ordinance. The City Council shall further issue its findings, conclusions and order which shall be mailed to the applicant.

5.0511.6 Prohibited Activities

1. No animals are allowed on the premises of a transitional housing facility. Domestic pets are allowed as per City Ordinances.

2. Parking shall be in designated areas only, and no parking shall be allowed between units.

3. The site is to be maintained free of garbage and junk. Adequate trash containers should be provided on-site.

4. The operator of the transitional housing facility shall be responsible for establishing and enforcing any restrictions related to possession or use of alcohol on the transitional housing facility premises.

5. The operator of the transitional housing facility shall be responsible for establishing and enforcing any restrictions related to possession or use of firearms and other weapons on the transitional housing facility premises.

5.0511.7 Posting of Reclamation Bond

1. Prior to the start of any construction on the transitional housing facility, or any occupancy thereof, the applicant shall post with the City of Stanley a valid reclamation bond in an amount to be determined by the City Engineer based upon the engineer's estimate of the costs to return the property to its original condition (with the exception of permanent improvements constructed with the intent for them to remain, and improvements removed with the intent for them to not be replaced) following termination of the use of the property for a transitional housing facility.
2. Minimum reclamation bond shall be one million dollars (\$1,000,000) or Engineer's estimate cost, whichever is higher.

5.0511.8 Additional Conditions and Reporting Requirements

1. The City Council may attach any conditions or reporting requirements to the grant of the special use permit that it deems necessary and prudent.

5.0512 C1 – Neighborhood Commercial District

5.0512.1 Purpose:

1. To encourage development of small, compact, isolated areas for professional or personal service establishments with low-volume traffic patterns to serve frequent and personal service needs of local and nearby residents.
2. To prohibit –
 - A. Major commercial use of land.
 - B. Industrial use of land.
 - C. Automobile fuel service stations.
 - D. “Strip” development, whether detached or attached.
 - E. Adult entertainment establishments.
 - F. Bars, taverns, or any “on-sale” establishment where alcohol is consumed on premises.
 - G. Any other use which would substantially impair the use, enjoyment or value of any property in the district or in any adjacent district.
3. The allowable uses in this district shall not be limited to those enumerated as permitted uses or conditional uses. However, all uses shall be similar in character to those listed as permitted or conditional. Also, uses similar to those specified in the district shall not be dangerous or detrimental to persons living or working in the vicinity, or to the public welfare.

5.0512.2 Permitted Uses:

1. Single- or two-family dwelling when used in conjunction with a commercial or service use by the owners or employees of the permitted or conditional use business, provided that such dwelling shall be located above or attached behind the business in such a way that it does not obstruct or infringe on the business use. Residential dwellings within commercial businesses or service establishments shall be secondary use to the commercial use of the building and shall occupy less than fifty percent (50%) of the total floor area of the building.
2. Business offices.

3. Professional offices, including the following:
 - A. Engineering.
 - B. Surveying.
 - C. Accounting/financial planning.
 - D. Medical/dental/chiropractic/pharmacy.
 - E. Attorney/law/legal.
 - F. Architecture/planning/interior design.
 - G. Real estate sales.
 - H. Insurance.
4. Financial institutions-bank, savings and loan, or credit union.
5. Barber/beauty shop.
6. Dry cleaning/laundry (including self-service laundromats).
7. Bakery/confectionery/delicatessen.
8. Florist.
9. Gift shop.
10. Convenience grocery store, provided no gas pumps or fuel sales are included.
11. Churches and religious institutions.
12. Athletic/fitness clubs.

5.0512.3 Conditional Uses:

1. Child care center.
2. Convenience grocery store with gas pumps.
3. Games of chance, provided no alcohol is sold or consumed on premises.
4. Mortuary/funeral home.
5. Multi-family dwelling located with permitted principle use.

5.0512.4 Minimum Lot Dimensions:

1. Lot Size –
 - A. Area – not less than seven thousand five hundred (7,500) sq. feet (697 sq. m).
 - B. Width – not less than seventy-five (75) feet (22.9 m).

2. Setbacks – All measurements shall be made from the roof line of the building.
 - A. Front yard – fifteen (15) feet (4.6 m).
 - B. Rear yard – twenty-five (25) feet (7.6 m).
 - C. Side yard –
 - 1) Ten (10) feet (3.0 m).
 - 2) Fifteen (15) feet (4.6 m) for side yards on the corner of a street intersection.

5.0512.5 Maximum Dimensional Standards:

1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.
 - A. Residential dwelling – thirty-five (35) feet (10.7 m).
 - B. Other permitted use – forty (40) feet (12.2 m).
2. Lot Coverage –
 - A. Residential use. The ground area occupied by the principal and any accessory buildings shall not exceed fifty percent (50%) of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, and parking lots) shall be added to the actual area of the buildings, if such space is not furnished within a building.
 - B. Commercial use (with or without combined residential). The ground area occupied by the principal and any accessory buildings shall not exceed 75 percent of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, and parking lots) shall be added to the actual area of the buildings, if such space is not furnished within a building.

5.0512.6 Parking Requirements:

1. Off-Street –

- A. Two parking spaces for each single-family residence (some or all may be inside the principal or accessory building).
 - B. For multi-family dwellings –
 - 1) One parking space for each efficiency unit.
 - 2) Two parking spaces for each one-bedroom unit.
 - 3) Two parking spaces for each two-bedroom unit.
 - 4) Three parking spaces for each three-bedroom unit and larger.
 - C. Three parking spaces per two employees for child care facilities, churches, religious institutions, and places of public assembly, hospitals and all other permitted uses.
2. Allowed Surfacing – Cement concrete or asphalt pavement.

5.0512.7 Landscape Requirements:

- 1. Any unused portion of lot(s) is required to be appropriately landscaped.
- 2. Schedule – Landscaping shall be completed within twelve (12) months of completion of building construction or receipt of a certificate of occupancy, whichever is earlier.

5.0512.8 Special Provisions:

- 1. All sidewalks shall be a minimum of five (5) feet (1.5 m) in width or match the existing and shall be constructed directly adjacent to the curb and gutter of a dedicated street, unless there is an existing boulevard.

5.0513 C2 – General Commercial District

5.0513.1 Purpose:

1. To encourage development of commercial and service uses with moderate-volume traffic patterns to serve the residents of the City and the general area.
2. To prohibit –
 - A. Heavy commercial and services use of land.
 - B. Industrial use of land.
 - C. Any other use which would substantially impair the use, enjoyment or value of any property in the district or in any adjacent district.
3. The allowable uses in this district shall not be limited to those enumerated as permitted uses or conditional uses. However, all uses shall be similar in character to those listed as permitted or conditional. Also, uses similar to those specified in the district shall not be dangerous or detrimental to persons living or working in the vicinity, or to the public welfare.

5.0513.2 Permitted Uses:

1. All uses permitted under C-1.
2. Single- or two-family dwelling when used in conjunction with a commercial or service use, provided that such dwelling shall be located above or attached behind the business in such a way that it does not obstruct or infringe on the business use. Residential dwellings within commercial businesses or service establishments shall be secondary use to the commercial use of the building and shall occupy less than fifty (50) percent of the total floor area of the building.
3. Hotel/Motel (Hospitality with food and beverage).
4. Business offices.
5. Professional offices, including the following:
 - A. Engineering.
 - B. Surveying.
 - C. Accounting/financial planning.
 - D. Medical/dental/chiropractic/pharmacy.
 - E. Attorney/law/legal.

- F. Architecture/planning/interior design.
 - G. Real estate sales.
 - H. Insurance.
6. Hospitals or clinics.
7. General retail, including the following:
- A. Clothing/clothing accessories/shoes.
 - B. Sporting goods.
 - C. Hardware.
 - D. Automobile (new or used) sales.
 - E. Auto accessory/parts store.
 - F. Grocery.
 - G. Pharmacy/drug store.
 - H. Appliance, radio, television store.
 - I. Book, magazine, newspaper store.
 - J. Camera store, art supply store.
 - K. Department store.
 - L. Furniture, office equipment store.
 - M. Flower shop.
 - N. Jewelry store.
 - O. Gift shop.
 - P. Notion, variety store.
 - Q. Antique store.
 - R. Hobby, toy store.
 - S. Music store.
 - T. Office supply, stationery store.
 - U. Butcher shop.
 - V. Package liquor store.
 - W. Photographic studio.
 - X. Candy store.
 - Y. Delicatessen.
 - Z. Bakery.
 - AA. Laundromats.
 - BB. Pet shops (with State Health permit), limited to cats, dogs, fish and other small mammals provided all pets are confined within a building and same do not create an odor, noise or nuisance affecting the adjacent occupants.

8. General services, including:

A. A use in this service is one in which the principal activity is the serving of food for consumption on the premises, personal service, household or clothing service, or the repair of small equipment and which:

- 1) Operations are carried on in such a manner as to produce no offensive noise, dust, odor, glare, heat or vibration perceptible or measurable from outside the building in which the use is located.
- 2) All household merchandise for repair, disposal or parts shall be kept within an enclosed building.
- 3) The following uses are declared to be typical uses in this service group:
 - a) Food service establishment, including brewpub.
 - b) Barber/beauty shop.
 - c) Dressmaker, tailor.
 - d) Laundry pickup agency.
 - e) Laundry, self-service.
 - f) Dry cleaning plants.
 - g) Radio and appliance repair.
 - h) Shoe repair.
 - i) Watch, jewelry, camera repair.
 - j) Mortuary or funeral home.
 - k) Financial institutions-bank, savings and loan, or credit union.
 - l) Churches and religious institutions.
 - m) Athletic/fitness clubs.

5.0513.3 Conditional Uses:

1. Child care center.
2. Filling station (except truck stops/travel centers).
3. Games of chance.
4. Drive-in retail or service establishment.
5. Small animal veterinary clinic.
6. Car wash.
7. Retail liquor sales.
8. Microbrewery.
9. Temporary Christmas tree sales.

10. Temporary farm and garden produce sales.
11. Seasonal nursery and bedding stock sales.
12. Multi-family dwelling located with permitted principle use.
13. Public and private schools and educational facilities.

5.0513.4 Minimum Lot Dimensions:

1. Lot Size –
 - A. Area – not less than seven thousand five hundred (7,500) sq. feet (697 sq. m).
 - B. Width – not less than seventy-five (75) feet (22.9 m).
2. Setbacks – All measurements shall be made from the roof line of the building.
 - A. Front yard – thirty-five (35) feet (10.7 m).
 - B. Rear yard – twenty-five (25) feet (7.6 m).
 - C. Side yard –
 - a) Ten (10) feet (3 m).
 - b) Fifteen (15) feet (4.6 m) for side yards on the corner of a street intersection.
 - D. Highways –
 - 1) Sixty (60) feet (18.3 m) from city or county highway right-of-way.
 - 2) Seventy (75) feet (22.9 m) from state, or federal highway right-of-way.

5.0513.5 Maximum Dimensional Standards:

1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.
 - A. Residential dwelling – thirty-five (35) feet (10.7 m).
 - B. Other permitted use – forty (40) feet (12.2 m).
2. Lot Coverage –

- A. Residential use. The ground area occupied by the principal and any accessory buildings shall not exceed fifty percent (50%) of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, and parking lots) shall be added to the actual area of the buildings, if such space is not furnished within a building.
- B. Commercial use (with or without combined residential). The ground area occupied by the principal and any accessory buildings shall not exceed eighty percent (80%) of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, and parking lots) shall be added to the actual area of the buildings, if such space is not furnished within a building.

5.0513.6 Parking Requirements:

- 1. Off-Street –
 - A. Two parking spaces for each single-family residence (some or all may be inside the principal or accessory building).
 - B. For multi-family dwellings –
 - 1) One parking space for each efficiency unit.
 - 2) Two parking spaces for each one-bedroom unit.
 - 3) Two parking spaces for each two-bedroom unit.
 - 4) Three parking spaces for each three-bedroom unit and larger.
 - C. Three parking spaces per two employees for schools, child care facilities, churches, religious institutions, and places of public assembly, hospitals and all other permitted uses.
- 2. Allowed Surfacing – Cement concrete or asphalt pavement.

5.0513.7 Landscape Requirements:

- 1. Any unused portion of lot(s) is required to be appropriately landscaped.

2. Schedule – Landscaping shall be completed within twelve (12) months of completion of building construction or receipt of a certificate of occupancy, whichever is earlier.

5.0513.8 Special Provisions:

1. All sidewalks shall be a minimum of five (5) feet (1.5 m) in width or match the existing and shall be constructed directly adjacent to the curb and gutter of a dedicated street, unless there is an existing boulevard.

5.0514 C3 – Corridor-Highway Commercial District

5.0514.1 Purpose:

1. To encourage development of commercial and service uses with high-volume traffic patterns to serve the wider geographic area, typically along highways, bypasses, and major thoroughfares at the edge of city limits.
2. To prohibit –
 - A. Residential use of land, except when in combination with permitted uses.
 - B. Industrial use of land.
 - C. Any other use which would substantially impair the use, enjoyment or value of any property in the district or in any adjacent district.
3. The allowable uses in this district shall not be limited to those enumerated as permitted uses or conditional uses. However, all uses shall be similar in character to those listed as permitted or conditional. Also, uses similar to those specified in the district shall not be dangerous or detrimental to persons living or working in the vicinity, or to the public welfare.

5.0514.2 Permitted Uses:

1. All uses permitted in C-2.
2. Single- or two-family dwelling when used in conjunction with a commercial or service use, provided that such dwelling shall be located above or attached behind the business in such a way that it does not obstruct or infringe on the business use. Residential dwellings within commercial businesses or service establishments shall be secondary use to the commercial use of the building and shall occupy less than fifty percent (50%) of the total floor area of the building.
3. Hotel/Motel (hospitality with food and beverage).
4. Business offices.
5. Professional offices, including the following:
 - A. Engineering.
 - B. Surveying.

- C. Accounting/financial planning.
 - D. Medical/dental/chiropractic/pharmacy.
 - E. Attorney/law/legal.
 - F. Architecture/planning/interior design.
 - G. Real estate sales.
 - H. Insurance.
6. Hospitals or clinics.
7. Retail, including the following:
- A. Clothing/clothing accessories/shoes.
 - B. Sporting goods.
 - C. Hardware.
 - D. Automobile (new or used) sales.
 - E. Auto accessory/parts store.
 - F. Grocery.
 - G. Pharmacy/drug store.
 - H. Appliance, radio, television store.
 - I. Book, magazine, newspaper store.
 - J. Camera store, art supply store.
 - K. Department store.
 - L. Furniture, office equipment store.
 - M. Flower shop.
 - N. Jewelry store.
 - O. Gift shop.
 - P. Notion, variety store.
 - Q. Antique store.
 - R. Hobby, toy store.
 - S. Music store.
 - T. Office supply, stationery store.
 - U. Butcher shop.
 - V. Package liquor store.
 - W. Photographic studio.
 - X. Candy store.
 - Y. Delicatessen.
 - Z. Bakery.
 - AA. Laundromats.

BB. Pet shops (with State Health permit), limited to cats, dogs, fish and other small mammals provided all pets are confined within a building and same do not create an odor, noise or nuisance affecting the adjacent occupants.

CC. Lumberyard.

DD.Truck stop/travel center.

EE. Implement dealer.

FF. Filling station.

8. Services, including

A. A use in this service is one in which the principal activity is the serving of food for consumption on the premises, personal service, household or clothing service, or the repair of small equipment and which:

- 1) Operations are carried on in such a manner as to produce no offensive noise, dust, odor, glare, heat or vibration perceptible or measurable from outside the building in which the use is located.
- 2) All household merchandise for repair, disposal or parts shall be kept within an enclosed building.
- 3) The following uses are declared to be typical uses in this service group:
 - a) Food service establishment, including brewpub.
 - b) Barber/beauty shop.
 - c) Dressmaker, tailor.
 - d) Laundry pickup agency.
 - e) Laundry, self-service.
 - f) Dry cleaning plants.
 - g) Radio and appliance repair.
 - h) Shoe repair.
 - i) Watch, jewelry, camera repair.
 - j) Mortuary or funeral home.
 - k) Commercial educational facilities.
 - l) Financial institutions-bank, savings and loan, or credit union.
 - m) Churches and religious institutions.
 - n) Athletic/fitness clubs.

5.0514.3 Conditional Uses:

1. Games of chance.

2. Drive-in retail or service establishment.
3. Veterinary clinic.
4. Car/Truck wash.
5. Retail liquor sales.
6. Microbrewery.
7. Wholesale outlet.
8. Temporary Christmas tree sales.
9. Temporary farm and garden produce sales.
10. Seasonal nursery and bedding stock sales.

5.0514.4 Minimum Lot Dimensions:

1. Lot Size –
 - A. Area – not less than seven thousand five hundred (7,500) sq. feet (697 sq. m).
 - B. Width – not less than seventy-five (75) feet (22.9 m).
2. Setbacks – All measurements shall be made from the roof line of the building.
 - A. Front yard – thirty-five (35) feet (10.7 m).
 - B. Rear yard – twenty-five (25) feet (7.6 m).
 - C. Side yard –
 - a) Ten (10) feet (3 m).
 - b) Fifteen (15) feet (4.6 m) for side yards on the corner of a street intersection.
 - D. Highways –
 - 1) Sixty (60) feet (18.3 m) from city or county highway right-of-way.
 - 2) Seventy-five (75) feet (22.9 m) from state, or federal highway right-of-way with the exception of property adjacent to an existing four-lane highway, the setback requirement would be thirty (30) feet (9.1m) from state, or federal highway right-of-way.

5.0514.5 Maximum Dimensional Standards:

1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.
 - A. Residential dwelling – thirty-five (35) feet (10.7 m).
 - B. Other permitted use – forty (40) feet (12.2 m).
2. Lot Coverage – The ground area occupied by the principal and any accessory buildings shall not exceed eighty-five percent (85%) of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, and parking lots) shall be added to the actual area of the buildings, if such space is not furnished within a building.

5.0514.6 Parking Requirements:

1. Off-Street –
 - A. Two parking spaces for each single-family residence (some or all may be inside the principal or accessory building).
 - B. Three parking spaces per two employees for child care facilities, churches, religious institutions, and places of public assembly, hospitals and all other permitted uses.
2. Allowed Surfacing – Cement concrete or asphalt pavement.

5.0514.7 Landscape Requirements:

1. Any unused portion of lot(s) is required to be appropriately landscaped.
2. Schedule – Landscaping shall be completed within twelve (12) months of completion of building construction or receipt of a certificate of occupancy, whichever is earlier.

5.0514.8 Special Provisions:

1. All sidewalks shall be a minimum of five (5) feet (1.5 m) in width or match the existing and shall be constructed directly adjacent to the curb and gutter of a dedicated street, unless there is an existing boulevard.

5.0515 C4 – Downtown-Central Business District

5.0515.1 Purpose:

1. The purpose of the Downtown-Central Business District is to preserve and enhance the mixed-use, pedestrian-oriented nature of the City's downtown area. The district allows a wide range of mutually supportive uses in order to enhance downtown Stanley's role as a commercial, cultural, governmental, entertainment, and residential center. The district standards also facilitate the creation of a strong and distinctive sense of place through the inclusion of open space and public plazas.

2. To prohibit –
 - A. Heavy commercial use of land.
 - B. Industrial use of land.
 - C. Any other use which would substantially impair the use, enjoyment or value of any property in the district or in any adjacent district.

3. The allowable uses in this district shall not be limited to those enumerated as permitted uses or conditional uses. However, all uses shall be similar in character to those listed as permitted or conditional. Also, uses similar to those specified in the district shall not be dangerous or detrimental to persons living or working in the vicinity, or to the public welfare.

5.0515.2 Permitted Uses:

1. Single- or two-family dwelling when used in conjunction with a commercial or service use, provided that such dwelling shall be located above the business in such a way that it does not obstruct or infringe on the business use. Residential dwellings within commercial businesses or service establishments shall be secondary use to the commercial use of the building and shall occupy less than fifty percent (50%) of the total floor area of the building.

2. Mixed-use with residential on floors other than ground level, examples include the following:
 - A. Commercial and residential.

- B. Office and residential.
 - C. Service and residential.
 - D. Commercial, office, and residential.
 - E. Service, office, and residential.
- 3. Business offices.
 - 4. Government offices.
 - 5. Passenger terminals.
 - 6. Professional offices, including the following:
 - A. Engineering.
 - B. Surveying.
 - C. Accounting/financial planning.
 - D. Medical/dental/chiropractic/pharmacy.
 - E. Attorney/law/legal.
 - F. Architecture/planning/interior design.
 - G. Real estate sales.
 - H. Insurance.
 - 7. Hospitals or clinics.
 - 8. General retail, including the following:
 - A. Clothing/clothing accessories/shoes.
 - B. Sporting goods.
 - C. Hardware.
 - D. Automobile (new or used) sales.
 - E. Auto accessory/parts store.
 - F. Grocery.
 - G. Pharmacy/drug store.
 - H. Appliance, radio, television store.
 - I. Book, magazine, newspaper store.
 - J. Camera store, art supply store.
 - K. Department store.
 - L. Furniture, office equipment store.
 - M. Flower shop.
 - N. Jewelry store.
 - O. Gift shop.
 - P. Notion, variety store.

- Q. Antique store.
- R. Hobby, toy store.
- S. Music store.
- T. Office supply, stationery store.
- U. Butcher shop.
- V. Retail liquor store.
- W. Photographic studio.
- X. Candy store.
- Y. Delicatessen.
- Z. Bakery.
- AA. Laundromats.
- BB. Pet shops (with State Health permit), limited to cats, dogs, fish and other small mammals provided all pets are confined within a building and same do not create an odor, noise or nuisance affecting the adjacent occupants.

9. General services, including:

- A. A use in this service is one in which the principal activity is the serving of food for consumption on the premises or carryout, personal service, household or clothing service, or the repair of small equipment and which:
 - 1) Operations are carried on in such a manner as to produce no offensive noise, dust, odor, glare, heat or vibration perceptible or measurable from outside the building in which the use is located.
 - 2) All household merchandise for repair, disposal or parts shall be kept within an enclosed building.
 - 3) The following uses are declared to be typical uses in this service group:
 - a) Food service establishment, including brewpub.
 - b) Bar or tavern.
 - c) Barber/beauty shop.
 - d) Dressmaker, tailor.
 - e) Laundry pickup agency.
 - f) Laundry, self-service.
 - g) Dry cleaning plants.
 - h) Radio and appliance repair.
 - i) Shoe repair.

- j) Watch, jewelry, camera repair.
- k) Mortuary or funeral home.
- l) Commercial educational facilities.
- m) Financial institutions-bank, savings and loan, or credit union.
- n) Athletic/fitness clubs.
- o) Parks/open space.

5.0515.3 Conditional Uses:

1. Child care center.
2. Churches and religious institutions.
3. Filling station (except truck stops/travel centers).
4. Games of chance.
5. Drive-in retail or service establishment.
6. Small animal veterinary clinic.
7. Microbrewery.
8. Temporary Christmas tree sales.
9. Temporary farm and garden produce sales.
10. Parking lots and parking ramps.

5.0515.4 Minimum Lot Dimensions:

1. Lot Size –
 - A. Area – not less than seven thousand five hundred (7,500) sq. feet (697 sq. m).
 - B. Width – not less than fifty (50) feet (15.2 m).
2. Setbacks – All measurements shall be made from the roof line of the building.
 - A. Front yard – There is no minimum front yard setback. If the development site is between two existing buildings which are both setback from the front property line, the front yard setback may not exceed the average setback of the adjoining buildings.
 - B. Rear yard – There is no minimum rear yard setback, unless the rear property line abuts residentially-zoned property, in which case the minimum rear yard setback shall be ten (10) feet (3.0 m).

- C. Side yard – There is no minimum side yard setback, unless the side property line abuts residentially-zoned property, in which case the minimum side yard setback shall be six (6) feet (1.8 m).

5.0515.5 Maximum Dimensional Standards:

- 1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.
 - A. Forty (40) feet (12.2 m)
- 2. Lot Coverage – one hundred percent (100%), except where open space or streetscape can be incorporated onto the site.

5.0515.6 Special Provisions:

- 1. Construction – Any building with zero setbacks is required to be masonry.
- 2. All sidewalks shall be a minimum of five (5) feet (1.5 m) in width or match the existing and shall be constructed directly adjacent to the curb and gutter of a dedicated street, unless there is an existing boulevard.

5.0516 **I1 – Light Industrial District**

5.0516.1 **Purpose:**

1. It is the intent of this district to establish and preserve areas with good public transportation facilities, such as high way and rail, for industrial development in locations not compatible with other zoning districts.
2. To prohibit –
 - A. Residential use of land.
 - B. Any other use which would substantially impair the use, enjoyment or value of any property in the district or in any adjacent district.
3. Light Industrial is generally defined as establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or un-enclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.
4. The allowable uses in this district shall not be limited to those enumerated as permitted uses or conditional uses. However, all uses shall be similar in character to those listed as permitted or conditional. Also, uses similar to those specified in the district shall not be dangerous or detrimental to persons living or working in the vicinity, or to the public welfare.

5.0516.2 **Permitted Uses:**

1. Auto Body shop.
2. Machine shop.
3. Carpentry shop.
4. Radio or television transmitting station and cell towers.
5. Ice manufacturing.
6. Wholesale warehousing and distribution.

7. Retail warehousing.
8. Storage, including the following:
 - A. Interior.
 - B. Exterior.
 - C. Cold.
 - D. Climate-controlled.
9. Food production that does not involve sale or consumption on premises including the following:
 - A. Bakery.
 - B. Candy.
 - C. Dairy products.
10. Modular home/Mobile home/recreational vehicle sales/water craft sales.
11. Industrial business offices.
12. Retail, including the following:
 - A. Lumberyard.
 - B. Truck stop/travel center.
 - C. Implement dealer.
13. Services, including:
 - A. A use in this service is one in which the principal activity is the serving of food for consumption on the premises, personal service, household or clothing service, or the repair of small equipment and which:
 - 1) Operations are carried on in such a manner as to produce no offensive noise, dust, odor, glare, heat or vibration perceptible or measurable from outside the building in which the use is located.
 - 2) All household merchandise for repair, disposal or parts shall be kept within an enclosed building.
 - 3) The following uses are declared to be typical uses in this service group:
 - a) Food service establishment, including brewpub.

- b) Barber/beauty shop.
- c) Dressmaker, tailor.
- d) Laundry pickup agency.
- e) Laundry, self-service.
- f) Dry cleaning plants.
- g) Radio and appliance repair.
- h) Shoe repair.
- i) Watch, jewelry, camera repair.
- j) Mortuary or funeral home.
- k) Adult educational facilities (technical/vocational /business schools/colleges).
- l) Bank, savings and loan, or credit union.
- m) Athletic/fitness clubs.

5.0516.3 Conditional Uses:

- 1. Filling station.
- 2. Drive-in retail or service establishment.
- 3. Veterinary clinic.
- 4. Car/Truck wash.
- 5. Retail liquor sales.
- 6. Microbrewery.
- 7. Temporary Christmas tree sales.
- 8. Temporary farm and garden produce sales.
- 9. Seasonal nursery and bedding stock sales.

5.0516.4 Minimum Lot Dimensions:

- 1. Lot Size –
 - A. Area – not less than seven thousand five hundred (7,500) sq. feet (697 sq. m).
 - B. Width – not less than fifty (50) feet (15.2 m).
- 2. Setbacks – All measurements shall be made from the roof line of the building.
 - A. Front yard – forty-five (45) feet (13.7 m).
 - B. From any Residential zoning district – one hundred (100) feet (30.5 m).

C. From any Commercial zoning district – seventy-five (75) feet (22.9 m).

D. Highways –

1) Sixty (60) feet (18.3 m) from city or county highway right-of-way,

2) Seventy-five (75) feet (22.9 m) from state, or federal highway right-of-way

5.0516.5 Maximum Dimensional Standards:

1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.

A. Forty (40) feet (12.2 m)

2. Lot Coverage – The ground area occupied by the principal and any accessory buildings shall not exceed ninety-five percent (95%) of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, parking lots, equipment yard areas, and equipment and material laydown areas) shall be added to the actual area of the buildings, if such space is not furnished within a building.

5.0516.6 Parking Requirements:

1. Off-Street –

A. Three parking spaces per two employees for schools and all permitted uses.

B. Adequate parking for each piece of rolling equipment.

2. Allowed Surfacing – Cement concrete or asphalt pavement.

5.0516.7 Landscape Requirements:

1. Any unused portion of lot(s) is required to be appropriately landscaped.

2. Schedule – Landscaping shall be completed within twelve (12) months of completion of building construction or receipt of a certificate of occupancy, whichever is earlier.

5.0517 I2 – Medium Industrial District

5.0517.1 Purpose:

1. It is the intent of this district to establish and preserve areas with good public transportation facilities, such as high way and rail, for industrial development in locations not compatible with other zoning districts.
2. To prohibit –
 - A. Residential use of land.
 - B. Any other use which would substantially impair the use, enjoyment or value of any property in the district or in any adjacent district.
3. Medium Industrial is generally defined as establishments engaged in the manufacture or processing of finished products from previously prepared materials with some raw materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution, but do not include handling or storage of bulk quantities of hazardous chemicals. These establishments are characterized by having minimal external environmental effects across property lines and include no unscreened or un-enclosed outdoor storage. Typical uses include grain elevator, grain mill, mechanic repair shop, truck/freight terminal, and brewery/winery/distillery.
4. The allowable uses in this district shall not be limited to those enumerated as permitted uses or conditional uses. However, all uses shall be similar in character to those listed as permitted or conditional. Also, uses similar to those specified in the district shall not be unduly dangerous or detrimental to persons living or working in the vicinity, or to the public welfare.

5.0517.2 Permitted Uses:

1. Mechanic repair shop (diesel/gas, truck/automotive).
2. Tire or battery repair shop.
3. Grain elevator/mill.
4. Truck or freight terminal.
5. Brewery/winery/distillery.
6. Building material sales yard.

7. Public utility service yard.
8. Welding shop.
9. Auto Body shop.
10. Machine shop.
11. Carpentry shop.
12. Radio or television transmitting station and cell towers.
13. Ice manufacturing.
14. Wholesale warehousing and distribution.
15. Retail warehousing.
16. Storage, including the following:
 - A. Interior.
 - B. Exterior.
 - C. Cold.
 - D. Climate-controlled.
17. Food production that does not involve sale or consumption on premises including the following:
 - A. Bakery.
 - B. Candy.
 - C. Dairy products.
18. Modular home/Mobile home/recreational vehicle sales/water craft sales.
19. Retail, including the following:
 - A. Automobile (new or used) sales.
 - B. Auto accessory/parts store.
 - C. Appliance, radio, television store.
 - D. Furniture, office equipment store.
 - E. Package liquor store.
 - F. Establishments where merchandise is customarily taken away by the customer in a truck.
 - G. Lumberyard.
 - H. Truck stop/travel center.
 - I. Implement dealer.

20. Services, including:

A. A use in this service is one in which the principal activity is technical or vocational (either in education or in implementation):

- 1) Operations are carried on in such a manner as to produce some offensive noise, dust, odor, glare, heat or vibration perceptible or measurable from outside the building in which the use is located.
- 2) The following uses are declared to be typical uses in this service group:
 - a) Motor vehicle repair garage.
 - b) Tire or battery repair.
 - c) Outdoor advertising sign/billboard.
 - d) Radio, television, or communication broadcast and receiving facility.
 - e) Laundry.
 - f) Dry cleaning plants.

5.0517.3 Conditional Uses:

1. Filling station.
2. Veterinary clinic.
3. Car/Truck wash.
4. Temporary Christmas tree sales.
5. Seasonal nursery and bedding stock sales.

5.0517.4 Minimum Lot Dimensions:

1. Lot Size –
 - A. Area – not less than seven thousand five hundred (7,500) sq. feet (697 sq. m).
 - B. Width – not less than fifty (50) feet (15.2 m).
2. Setbacks – All measurements shall be made from the roof line of the building.
 - A. Front yard – forty-five (45) feet (13.7 m).

- B. From any Residential zoning district – one hundred fifty (150) feet (45.7 m).
- C. From any Commercial zoning district – one hundred (100) feet (30.5 m).
- D. Highways – ninety (90) feet (27.4 m) from city, county, state, or federal highway right-of-way.

5.0517.5 Maximum Dimensional Standards:

1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.
 - A. Forty (40) feet (12.2 m).
2. Lot Coverage – The ground area occupied by the principal and any accessory buildings shall not exceed ninety-five percent (95%) of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, parking lots, equipment yard areas, and equipment and material laydown areas) shall be added to the actual area of the buildings, if such space is not furnished within a building.

5.0517.6 Parking Requirements:

1. Off-Street –
 - A. Three parking spaces per two employees for all permitted uses.
 - B. Adequate parking for each piece of rolling equipment.
2. Allowed Surfacing – Cement concrete, asphalt pavement, crushed concrete or milled asphalt.

5.0517.7 Landscape Requirements:

1. Any unused portion of lot(s) is required to be appropriately landscaped.
2. Schedule – Landscaping shall be completed within twelve (12) months of completion of building construction or receipt of a certificate of occupancy, whichever is earlier.

5.0518 I3 – Heavy Industrial District

5.0518.1 Purpose:

1. It is the intent of this district to establish and preserve areas with good public transportation facilities, such as high way and rail, for industrial development in locations not compatible with other zoning districts.
2. To prohibit –
 - A. Residential use of land.
 - B. Any other use which would substantially impair the use, enjoyment or value of any property in the district or in any adjacent district.
3. Heavy Industrial is generally defined as establishments engaged in the manufacture or processing of finished products from previously prepared materials or from raw materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having significant potential for external environmental effects across property lines and include unscreened outdoor storage. Typical uses include heavy highway construction shops and yards, junkyards and salvage yards.
4. The allowable uses in this district shall not be limited to those enumerated as permitted uses or conditional uses. However, all uses shall be similar in character to those listed as permitted or conditional. Also, uses similar to those specified in the district shall not be unduly dangerous or detrimental to persons living or working in the vicinity, or to the public welfare.

5.0518.2 Permitted Uses:

1. Cement manufacturing.
2. Concrete batch plant.
3. Precast concrete manufacturing.
4. Asphalt mix plant.
5. Mechanic repair shop (diesel/gas, truck/automotive).
6. Tire or battery repair shop.
7. Grain elevator/mill.

8. Truck or freight terminal.
9. Railroad freight yard or station.
10. Brewery/winery/distillery.
11. Building material sales yard.
12. Public utility service yard.
13. Welding shop.
14. Auto Body shop.
15. Machine shop.
16. Carpentry shop.
17. Radio or television transmitting station and cell towers.
18. Wholesale warehousing and distribution.
19. Storage, including the following:
 - A. Interior.
 - B. Exterior.
 - C. Cold.
 - D. Climate-controlled.
20. Services, including:
 - A. A use in this service is one in which the principal activity is technical or vocational (either in education or in implementation):
 - 1) Operations are carried on in such a manner as to produce some offensive noise, dust, odor, glare, heat or vibration perceptible or measurable from outside the building in which the use is located.
 - 2) The following uses are declared to be typical uses in this service group:
 - a) Motor vehicle repair garage.
 - b) Tire or battery repair.
 - c) Outdoor advertising sign/billboard.
 - d) Radio, television, or communication broadcast and receiving facility.
 - e) Laundry.
 - f) Dry cleaning plants.

5.0518.3 Conditional Uses:

1. Junkyard.
2. Motor vehicle salvage yard.
3. Metal salvage yard.
4. Stockyard.
5. Feedlot.
6. Airport.
7. Vehicular racetrack.
8. Adult entertainment.
9. Hazardous chemical bulk storage plant or distribution center.
10. Car/Truck wash.
11. Temporary fireworks sales.
12. Sand or gravel mining or processing plant.
13. Anhydrous or other hazardous chemical bulk storage or sales.

5.0518.4 Minimum Lot Dimensions:

1. Lot Size –
 - A. Area – not less than ten thousand (10,000) sq. feet (929 sq. m).
 - B. Width – not less than seventy-five (75) feet (22.9 m).
2. Setbacks – All measurements shall be made from the roof line of the building.
 - A. Front yard – forty-five (45) feet (13.7 m).
 - B. From any Residential zoning district – three hundred (300) feet (91.4 m).
 - C. From any Commercial zoning district – two hundred (200) feet (61.0 m).
 - D. Highways – one hundred (100) feet (30.5 m) from city, county, state, or federal highway right-of-way.

5.0518.5 Maximum Dimensional Standards:

1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.
 - A. Forty (40) feet (12.2 m).

2. Lot Coverage – The ground area occupied by the principal and any accessory buildings shall not exceed ninety-five percent (95%) of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, parking lots, equipment yard areas, and equipment and material laydown areas) shall be added to the actual area of the buildings, if such space is not furnished within a building.

5.0518.6 Parking Requirements:

1. Off-Street –
 - A. Three parking spaces per two employees for all permitted uses.
 - B. Adequate parking for each piece of rolling equipment.
2. Allowed Surfacing – Cement concrete, asphalt pavement, crushed concrete, milled asphalt, or gravel.

5.0518.7 Landscape Requirements:

1. Any unused portion of lot(s) is required to be appropriately landscaped.
2. Schedule – Landscaping shall be completed within twelve (12) months of completion of building construction or receipt of a certificate of occupancy, whichever is earlier.

5.0519 **I4 – Oil Field Industrial District**

5.0519.1 **Purpose:**

1. It is the intent of this district to establish and preserve areas with good public transportation facilities, such as high way and rail, for industrial development in locations not compatible with other zoning districts.

2. To prohibit –
 - A. Residential use of land.
 - B. General retail, general commercial or general business use of land.
 - C. Any other use which would substantially impair the use, enjoyment or value of any property in the district or in any adjacent district.

3. Oil Field Industrial is generally defined as establishments engaged in the manufacture, processing, handling, or storage of raw or finished products or materials used in the extraction, transportation, handling, or refining of petroleum oil or gas products, including processing, treatment, and packaging of such products, and incidental storage, sales, and distribution, and includes handling or storage of bulk quantities of hazardous chemicals. These establishments are characterized by having significant potential for external environmental effects across property lines and include unscreened outdoor storage. Typical uses include pipe or material laydown yards, chemical dealers/suppliers, transload facilities, refineries, and oil and gas handling or storage.

4. The allowable uses in this district shall not be limited to those enumerated as permitted uses or conditional uses. However, all uses shall be similar in character to those listed as permitted or conditional. Also, uses similar to those specified in the district shall not be unduly dangerous or detrimental to persons living or working in the vicinity, or to the public welfare.

5.0519.2 **Permitted Uses:**

1. N/A

5.0519.3 Conditional Uses:

1. Material laydown yards for oil field supplies.
2. Load out-unload facilities including truck and rail.
3. Processing, handling, or storage of bulk nonhazardous material for oil field work.
4. Petroleum oil and gas refining.
5. Petroleum oil and gas processing, handling, or storage.
6. Processing, handling, or storage of bulk petroleum or other hazardous material for oil field work.
7. Sand or gravel mining or processing plant.
8. Anhydrous or hazardous chemical bulk storage or sales.
9. Privately Owned/Privately Operated Sewage Treatment Plant.
10. Privately Owned/Privately Operated Solid waste disposal facility.

5.0519.4 Minimum Lot Dimensions:

1. Lot Size –
 - A. Area – not less than ten thousand (10,000) sq. feet (929 sq. m).
 - B. Width – not less than seventy-five (75) feet (22.9 m).
2. Setbacks – All measurements shall be made from the roof line of the building.
 - A. Front yard – forty-five (45) feet (13.7 m).
 - B. From any Residential zoning district – three hundred (300) feet (91.4 m).
 - C. From any Commercial zoning district – two hundred (200) feet (61.0 m).
 - D. Highways – one hundred (100) feet (30.5 m) from city, county, state, or federal highway right-of-way.

5.0519.5 Maximum Dimensional Standards:

1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.
 - A. Fifty (50) feet (15.3 m)

2. Lot Coverage – The ground area occupied by the principal and any accessory buildings shall be one hundred percent (100%) of the total area of the lot. In computing lot coverage, off-street parking areas (including driveways, parking slabs, parking lots, equipment yard areas, and equipment and material laydown areas) shall be added to the actual area of the buildings, if such space is not furnished within a building.

5.0519.6 Parking Requirements:

1. Off-Street – Adequate parking for employees, guests, visitors and each piece of rolling equipment.
2. Allowed Surfacing – Cement concrete, asphalt pavement, crushed concrete, milled asphalt, or gravel.

5.0519.7 Landscape Requirements: None

5.0520 P – Public-Institutional District

5.0520.1 Purpose:

1. General description. The Public - Institutional District is established as a district in which the predominant use of land is for public uses.
2. To encourage the continued use of the land for public recreation, education and other government services.
3. To prohibit –
 - A. Residential use of land.
 - B. Commercial use of land.
 - C. Industrial use of land.
 - D. Any other use which would substantially impair the use, enjoyment or value of any property in the district or in any adjacent district.

5.0520.2 Permitted Uses:

1. Water treatment plant.
2. Government office buildings and facilities.
3. Parking lots.
4. Sewage treatment plant and facilities.
5. Municipal landfill.
6. Public recreation, including the following:
 - A. Golf course.
 - B. Tennis court.
 - C. Ball field/diamond.
 - D. Parks/outdoor space.
 - E. Skating rink.
 - F. Swimming pool.
7. Hospitals or clinics.
8. Schools and educational facilities.

5.0520.3 Conditional Uses:

1. Airport.
2. Cemetery.

5.0520.4 Minimum Lot Dimensions:

1. Lot Size –
 - A. Area – not less than seven thousand five hundred (7,500) sq. feet (697 sq. m).
 - B. Width – not less than fifty (50) feet (15.2 m).
2. Setbacks – All measurements shall be made from the roof line of the building.
 - A. Front yard – There is no minimum front yard setback. If the development site is between two existing buildings which are both setback from the front property line, the front yard setback may not exceed the average setback of the adjoining buildings.
 - B. Rear yard – There is no minimum rear yard setback, unless the rear property line abuts residentially-zoned property, in which case the minimum rear yard setback shall be ten (10) feet (3.0 m).
 - C. Side yard – There is no minimum side yard setback, unless the side property line abuts residentially-zoned property, in which case the minimum side yard setback shall be six (6) feet (1.8 m).

5.0520.5 Maximum Dimensional Standards:

1. Building Height – as measured from the highest point of immediately adjacent ground to the highest point of the roof line, excluding chimneys, flues, belfries, or steeples.
 - A. Forty (40) feet (12.2 m)
2. Lot Coverage – The ground area occupied by the principal and any accessory buildings shall not exceed eighty percent (80%) of the total area of the lot. In

computing lot coverage, off-street parking areas (including driveways, parking slabs, and parking lots) shall be added to the actual area of the buildings, if such space is not furnished within a building.

5.0520.6 Parking Requirements:

1. Off-Street – Three parking spaces per two employees for schools, child care facilities, hospitals, treatment plants and all other permitted uses.
2. Allowed Surfacing – Cement concrete or asphalt pavement.

5.0520.7 Landscape Requirements:

1. Any unused portion of lot(s) is required to be appropriately landscaped.
2. Schedule – Landscaping shall be completed within twelve (12) months of completion of building construction or receipt of a certificate of occupancy, whichever is earlier.

5.0521 MH – Manufactured Home District

5.0521.1 Purpose:

1. The Manufactured Home District (MH) is established as a district in which the principal use of land is for single-family mobile home and manufactured home dwellings located within manufactured home parks. For the MH residential district the specific intent of this section is:
 - A. To encourage the placement of and the continued use of land for single-family mobile and manufactured home dwellings located within manufactured home parks.
 - B. To encourage suitable and proper development of manufactured home parks. Value of MH to be determined by nationally recognized valuation sources and shall not be more than two (2) years old.
 - C. To prohibit commercial and industrial use of land, and to prohibit any other use which would substantially interfere with development or continuation of single-family and two-family dwellings in this district.
 - D. Density – the maximum allowable density for all manufactured home parks shall be seven (7) families per net acre.

5.0521.2 Permitted Uses:

1. Single-family mobile home or manufactured home dwelling with permitted foundation.
2. Community recreational facilities.
3. Parks.
4. Playgrounds.
5. Self-serve laundry facilities.
6. Accessory uses to the above.

5.0521.3 Minimum Dimensions:

1. Minimum park size – One (1) acre (4 ha).

2. Minimum lot size for single-wide mobile/manufactured home dwelling unit:

- A. Minimum width – fifty (50) feet (15.2 m).
- B. Minimum area – five thousand (5,000) sq. feet (464.5 sq. m).

3. Minimum lot size for double-wide mobile/manufactured home dwelling unit:

- A. Minimum width – sixty (60) feet (18.3 m).
- B. Minimum area – six thousand (6,000) sq. feet (557 sq. m).

4. Yards –

- A. Front yard – Each mobile/manufactured home lot or premises shall have a front yard not less than twenty-five (25) feet (7.6 m) in depth. The setback line shall be uniform for all mobile/manufactured homes facing the same street. Lots having double frontage must provide the requirement yard on both frontages.
- B. Side yards – No mobile/manufactured home shall be located less than seven (7) feet (2.1 m) from a side lot line.
- C. Rear yard – Each mobile/manufactured home lot or premises shall have a rear yard with a depth of not less than ten (10) feet (3 m).

5.0521.4 Maximum Dimensions:

- 1. No mobile/manufactured home or other structure shall exceed thirty-five (35) feet (10.7 m) in height.

5.0521.5 Special Mobile Home Park Regulations:

- 1. Dedicated Streets – Where mobile/manufactured homes in a mobile home park district are served by dedicated public streets, those public streets shall be plotted, dedicated, and constructed according to the applicable standards of City of Stanley.
- 2. Private Streets – Private streets or roadways shall be at least thirty (30) feet (9.1 m) from curb-to-curb in width if automobile parking is limited to one side; and

forty (40) feet (12.2m) from curb-to-curb if automobile parking is allowed on both sides. Dead end streets shall not exceed one hundred seventy-five (175) feet (53.3m) in length. Turning circles shall be at least eighty (80) feet (24.4) in diameter.

3. There shall be provided within each manufactured home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of four thousand (4,000) sq. feet (372 sq. m) plus one hundred (100) sq. feet (9.3 sq. m) for each manufactured home space in said park. The recreation sites shall be approved by the Planning and Zoning Commission and provided with adequate recreational equipment.
4. Buffer Strip – All manufactured home parks must provide a completely and permanently landscaped buffer area of at least twenty (20) feet (6.1 m) in width around those portions of the park perimeter which border public rights-of-way or adjoining residential property. Such area may contain trees, shrubbery, grass, ground cover, hedges, other live planting materials in healthy growing condition, benches, statuary, and decorative fences, etc., provided that at least eighty percent (80%) of the buffer area is comprised of live plant materials.
5. Walkways. Manufactured home parks shall be provided with walkways at least four (4) feet (1.2 m) wide adjacent to streets or accessways.
6. Lighting. All entrances, exits, lanes and driveways between rows of manufactured homes shall be lighted to provide an intensity of at least five foot-candles, measured at ground level.
7. Water and Sewer – All manufactured home park lots shall be served by an approved central water and sewer system.
8. Safety – all provisions of water supply, laundry, sewage, and fire protection to be provided in any manufactured home park shall have been approved by the appropriate county and state departments.
9. Electrical Service – At least one electrical service outlet supply at least one hundred twenty (120) volts, and at least one electrical service outlet supply at

least two hundred forty (240) volts shall be provided for each mobile/manufactured home space.

10. Business Uses. No business shall be conducted in any manufactured home park except manufactured home sales and management of the manufactured home park.

5.0521.6 Community Storage Buildings.

Private garages or storage buildings located within manufactured home parks but not located on individual lots may be allowed, provided:

1. Height Limits. No community storage building sidewall shall exceed fourteen (14) feet in height. The maximum roof pitch of such buildings shall not exceed 3:12.
2. Activities. No activities other than storage of vehicles and household goods by residents of the manufactured home park shall be allowed.
3. Dimensions. No single building dimension shall exceed one hundred-twenty (120) feet and no individual building shall exceed a total of three thousand (3,000) square feet in size. All such buildings must be separated by a minimum of twelve (12) feet. No more than four (4) storage buildings may be grouped together in one location within a manufactured home park. All such groups of buildings must be separated by a minimum of five hundred (500) feet.
4. Accessways. Accessways to community storage buildings shall be hard-surfaced, either Portland cement concrete or asphalt.
5. Floors. All floors in community storage buildings shall be hard surfaced.
6. Site Plan. No community storage building or buildings shall be constructed until a site plan has been approved by the City of Stanley.

5.0521.7 Parking Requirements:

1. Off-Street – Two (2) parking spaces for each single-family residence.
2. Allowed Surfacing – Cement concrete or asphalt pavement.

5.0521.8 Landscape Requirements:

1. Plant Types – Lawn grass.
2. Schedule – Landscaping shall be completed within twelve (12) months of completion of building construction or receipt of a certificate of occupancy, whichever is earlier.

5.0522 RV – Recreational Vehicle Park District

5.0522.1 Purpose:

1. To allow development and construction of land areas for non-permanent placement of recreational vehicles on a per-day, or per-week basis.
2. To prohibit temporary housing, transitional housing, and industrial use of land, and to prohibit any other use which would substantially interfere with development or continuation of residential structures in this district.
3. Density – maximum of twenty (20) units per gross acre. The distance between pads/spaces shall be no closer than fourteen (14) feet.

5.0522.2 Permitted Uses:

1. Recreational vehicle parking.
2. Parks and outdoor public recreation.

5.0522.3 Conditional Uses:

1. Single-family dwelling.

5.0522.4 Minimum Design Standards:

1. All recreational vehicle park facilities permitted shall meet the following minimum design standards:
 - A. Provide all ordinary urban services, to include municipal water, municipal wastewater, and surfaced roads.
 - B. Annexation of all real property containing the recreational vehicle park facility into city limits.
 - C. Provide adequate parking for each recreational vehicle and accessory vehicles.
 - D. Provide for adequate fire suppression.
 - E. Provide pump-out stations and trash containers.
 - F. Provide for adequate access for emergency vehicles.

- G. Meet all design standards required by any building code, fire code, subdivision code, or zoning code adopted by the City of Stanley.
- 2. Setbacks – Shall be as follows when Recreational Vehicle Park is adjacent to the respective district:
 - A. R1 and R2 Residential districts –
 - 1) Fifty (50) feet (15.2 m).
 - B. R3, R4, and R5 Residential districts –
 - 1) Thirty-five (35) feet (10.7 m).
 - C. Commercial, and Agricultural districts –
 - 1) Twenty-five (25) feet (7.6 m).
 - D. R6, Industrial, Public, and Mobile Home –
 - 1) Twenty (20) feet (6.1 m).

5.0522.5 Permitting Process:

- 1. Application: The application for a special use permit for a recreational vehicle park facility shall be signed by the owner of the entity desiring the development of the facility, as well as by the owner of the land on which the facility is to be located. The application shall include the following information:
 - A. A complete statement of the type of business contemplated.
 - B. Consent to a background investigation of the owner(s) of the recreational vehicle park facility.
 - C. Identify any vendors who are expected to provide services at the recreational vehicle park facility.
 - D. The applicant’s history of residency, employment, and business ownership for five years prior to the date of the application. If the applicant is a partnership, this information shall be furnished for all the partners; and, if a corporation, whether such corporation is a subsidiary of any corporation, and, if so, the name of the parent corporation, the purposes for which the

corporation was incorporated and the names and addresses of all officers, directors and managing agents and the names and addresses of all stockholders holding more than five percent of the capital stock of such corporation.

- E. Whether the applicant has ever engaged in the business of owning or operating a recreational vehicle park facility before; and, if so, the dates and locations of such ownership or operation.
- F. Whether during the five (5) years preceding the date of the application, the applicant has ever been convicted of a violation of any law of the United States or of any state; and, if so, the dates, names of places and courts in which such convictions were obtained.
- G. Whether the applicant has any agreement, understanding or intention to have any agreement or understanding with any person to obtain for any other person or to transfer to any other person the license obtained or to use the license for any other purpose other than the specific use of the applicant; and, if so, the names and addresses of such persons and the conditions of such agreements.
- H. A statement that roads to be constructed within the facility will paved and will be designed to allow emergency vehicle access through the facility.
- I. A copy of the applicant's deed and/or lease to the real property on which the recreational vehicle park facility would be located.
- J. A copy of plot plans, drawn to scale, showing the location of parking spots, additional structures, setbacks, utilities, drainage, guest/visitor parking, ingress, egress, screens, buffers, and fencing.
- K. A copy of the facility's house rules and regulations.
- L. A copy of the facility's on-site emergency management plan, to include contingencies for fire, tornado, and other natural disasters.
- M. Any additional information deemed necessary by the Planning and Zoning Commission, City Council or their designee.

2. Grant of Special Use Permit: Any application for a special use permit as provided under this Article shall be denied to any applicant who, in the determination of the City Council, is a person of questionable character or for any other cause which would, in the opinion of the City Council, render either the applicant or the premises to be licensed, improper or unfit for a recreational vehicle park facility, or which would, in the City Council's judgment, make the granting of the permit contrary to the best interests of the City of Stanley and its citizens. In granting any special use permit under this Article, the City Council shall have the authority to limit the number of recreational vehicle parking spots or total number of persons to be housed in such units within the recreational vehicle park facility.

3. Revocation of Permit: The City Council may review the status of any permit issued pursuant to this Ordinance and take appropriate action to suspend or revoke the same, as provided herein:
 - A. Suspension and Revocation for Cause. Any permit issued pursuant to this Article may be revoked or suspended for cause by the City Council for cause, which cause may include, among other grounds, the following:
 - 1) When the applicant is adjudged bankrupt.
 - 2) When the applicant has made any false statement or statements in an application for the issuance of such permit.
 - 3) When the applicant, in the case of a corporation or other entity, or manager of a licensee has been convicted of a violation of any felony crime under the laws of the United States or of any state.
 - 4) When the business of the applicant at the location permitted has been conducted in violation of the health or sanitary regulations of the City or of the State.
 - 5) When in the judgment of the City Council, the applicant has conducted his/her business or permitted his/her business to be conducted in a disorderly manner or in a manner that is dangerous or detrimental to the public welfare and morals.
 - 6) When the applicant or an agent or employee of the applicant violates any term or condition of the permit or any provision of this Ordinance.

- B. Notice –public hearing. Sanctions or penalties under this section may not be invoked without a public hearing if requested by the applicant. Upon written notification to the applicant by the City of Stanley that a penalty is being sought under this section, the applicant may notify the City office within ten (10) days of the date of such written notification and request a hearing on the proposed penalty. Failure to notify the City within ten (10) days of the date of such written notification will be deemed acceptance of the penalty without hearing. A hearing shall be set before the City Council specifying the time and place of the hearing, and shall be mailed to the applicant. A record of any hearing shall be made by electronic recording device.

- C. If, upon such hearing, it appears to a majority of the City Council that sufficient cause exists for the penalty sanctions, the City Council shall make its order in accordance with the provisions of this Ordinance. The City Council shall further issue its findings, conclusions and order which shall be mailed to the applicant.

5.0522.6 Prohibited Activities

- 1. No parking shall be allowed on the roads in the recreational vehicle park unless they have been designed to accommodate such.

- 2. No parking shall be allowed between units.

- 3. The site is to be maintained free of garbage and junk.

- 4. The operator of the recreational vehicle park facility shall be responsible for establishing and enforcing any restrictions related to possession or use of alcohol on the recreational vehicle park facility premises.

- 5. The operator of the recreational vehicle park facility shall be responsible for establishing and enforcing any restrictions related to possession or use of firearms and other weapons on the premises.

5.0522.7 Additional Conditions and Reporting Requirements

- 1. The City Council may attach any conditions or reporting requirements to the grant of the special use permit that it deems necessary and prudent.

2. Prior to the start of any construction on the recreational vehicle park facility, or any occupancy thereof, the applicant shall post with the City of Stanley a valid reclamation bond in an amount to be determined by the City Engineer based upon the engineer's estimate of the costs to return the property to its original condition (with the exception of permanent improvements constructed with the intent for them to remain, and improvements removed with the intent for them to not be replaced) following termination of the use of the property for a recreational vehicle park facility.

3. Minimum reclamation bond shall be one hundred thousand dollars (\$100,000.00) or Engineer's estimate cost, whichever is higher.

5.0523 **PUD – Planned Unit Overlay District**

5.0523.1 **Purpose:**

1. The Planned Unit Development (PUD) Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this Ordinance. The PUD District, which is adopted by the City Council with the recommendation of the Planning and Zoning Commission, assures specific development standards for each designated project.

5.0523.2 **Permitted Uses:**

1. Uses permitted in a PUD Overlay District are those permitted in the underlying base district.

5.0523.3 **Site Development Regulations:**

1. Site Development Regulations are developed individually for each Planned Unit Development District but must comply with minimum or maximum standards established for the base district, with the following exceptions:
 - A. Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded.
 - B. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or sixty percent (60%).

5.0523.4 **Access to Public Streets:**

1. Each PUD District must abut a public street for at least fifty 50 feet (15.2 m) and gain access from that street.

5.0523.5 Application Process:

1. Development Plan. The application for a Planned Unit Development District shall include a Development Plan containing, at a minimum, the following information:
 - A. A tract map, showing layout and dimensions of site boundaries, street lines, lot lines, easements, and proposed dedications or vacations.
 - B. A land use plan designating specific uses for the site and establishing site development regulations, including setback distances, building heights, building coverage, impervious coverage, density, and floor area ratio requirements.
 - C. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans.
 - D. A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities.
 - E. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design.
 - F. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

5.0523.6 Adoption of District:

1. The Planning and Zoning Board and City Council shall review and evaluate each Planned Unit Development application. The City may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.

2. The Planning and Zoning Board, after proper notice, shall hold a public hearing and act upon each application.
3. The Planning and Zoning Board may recommend amendments to PUD district applications.
4. The recommendation of the Planning and Zoning Board shall be transmitted to the City Council for final action.
5. The City Council, after proper notice, shall act upon any Ordinance establishing a PUD Planned Unit Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
6. An Ordinance adopting a Planned Unit Development Overlay Zoning District shall require a favorable simple majority of the City Council for approval.
7. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the PUD District. All approved plans shall be filed with the Zoning Administrator.

5.0523.7 Amendment Procedure:

1. Major amendments to the Development Plan must be approved according to the same procedure set forth in this section for Application Procedure.

ARTICLE 6 – Supplementary Regulations

5.0601 **Fences:**

1. Building permits are required for fences enclosing the perimeter of the property or a section thereof.
2. Property lines must be located prior to installing the fence.
 - A. Property owners of property adjacent to where the fence is to be installed must all be in agreement as to the location of property lines prior to installation of the fence. When the property owners are all in agreement as to the location of property lines, the parties must execute a consent form that can be obtained from the City Auditor's office. This consent form must be submitted to the Planning and Zoning Department prior to installation of the fence.
3. No fence shall be built on a utility easement unless the fence is immediately removable in sections, including posts, so that there may be immediate access by the utility company or city as needed.
4. No fence located in any residential area may be higher than six (6) feet (1.8 m).
5. For fences that are placed between lots that have adjacent driveways, the maximum height of the fence shall be two (2) feet six (6) inches (30 in.) for the twenty-five (25) feet from the back of the curb to account for visibility of traffic on public streets.
6. Front yard fences shall not exceed two (2) feet six (6) inches (30 in.) in height
 - A. Front yard fences shall be a minimum of two (2) feet (.6 m) from the property line but in no instance closer than twelve (12) feet (3.66 m) from the back of the curb.
 - B. Fences extending across the front yard and along the side yard up to the front corner of the house shall not exceed two (2) feet six (6) inches (30 in.) in height and shall be at least fifty percent (50%) open space for the passage of air and light.

- C. Front yard fences shall be a decorative fence.
7. All fences must be placed two (2) feet (.6 m) from the lot line to the center of the fence or on the lot line if both adjoining landowners agree to placement of the fence on the shared lot line.
 - A. For adjoining landowners who agree to placement of the fence on the shared lot line, the parties must execute a consent form that can be obtained from the City Auditor's office. This consent form must be submitted to the Planning and Zoning Department prior to installation of the fence.
 8. Fences can be made of wood, steel or plastic.
 - A. No fence erected in a residentially or commercially zoned area shall have metal prongs or spikes, or barbed ware. Barbed wire may be permitted on the top of chain link fences in Industrial and Public Facilities. No fence other than an invisible fence shall have an electrified portion.
 9. Use of corrugated or pro-rib steel type of roofing or siding in the construction, erection, or installation of any fence is prohibited.
 10. Wind-break material of any type is prohibited for use in fences.
 11. Fences in all zoning districts must be a minimum of five (5) feet (1.5 m) from the edge of the alley. The five (5) feet (1.5 m) requirement is the minimum as the location of any fence near an alley must be constructed far enough from the edge of the alley to allow for snow removal equipment, emergency services vehicles, and other necessary municipal services to navigate the alley without issue.
 12. Any fence in residentially or commercially zoned area shall be designed, constructed and finished so the supporting members thereof shall face the property of the owner of the fence.
 13. Fences shall be maintained in good condition, be structurally sound, safe and aesthetically pleasing finished at all times.

5.0602 Automotive Traffic, Cyclist, Fence and Pedestrian Visibility: No material that is an impediment to visibility more than three (3) feet (.9 m) above curb level shall be created or maintained at the intersection of any street as follows: beginning at the intersection of the edges of the right of way (projected if corners are rounded), then twenty-five (25) feet (7.6 m) in the direction of oncoming traffic along the right-of-way line of the street, then to a point twenty-five (25) feet (7.6 m) toward the interior of the corner lot along the intersecting right of way line, and then to point of beginning. Ex: fence

5.0603 Signs

5.0603.1 **Intent:**

1. It is the intent of this ordinance to promote the health, safety and welfare of the residents and visitors of the city by regulating and controlling the size, location, type, quality of materials, height, maintenance and construction of all signs and sign structures and to prohibit signs of a commercial nature from districts in which commercial activities are not permitted in this ordinance; to limit signs in the more restricted commercial districts, except as otherwise permitted in this ordinance, to those of an on-site variety and to control the number and area of signs in certain other districts.

5.0603.2 **Signs Not Requiring Permit:**

1. The following types of signs are allowed and are exempt from permit requirements but must in conformance with all requirements of these standards:
 - A. Signs used by religious institutions, libraries, non-profit public service organizations, museums or civic organizations.
 - B. Construction and neighborhood identification signs, provided they do not exceed thirty-two (32) square feet in size, one construction sign per contractor, and one neighborhood identification sign per entrance.
 - C. Directional/Information signs less than four (4) feet in overall height and maximum of twelve (12) square feet in area per face.
 - D. Holiday decorations and signs, and seasonal banners and pennants erected by authorized entities.
 - E. Nameplates and address signs.
 - F. Political signs provided they do not exceed ten (10) square feet in residential districts or thirty-two (32) square feet in other districts. Such signs shall not be erected more than forty-five (45) consecutive days prior to the pertinent election or referendum and shall be removed within fourteen (14) days following such election or referendum unless federal or state laws would

require an earlier removal. Political signs may be placed only on private property.

- G. Real estate signs provided they do not exceed ten (10) square feet for residential properties and thirty-two (32) square feet for all other structures or properties for sale, lease or rent, and are removed within one (1) week after closing.
- H. Window signs, displays, and painted/vinyl or other substance window lettering.
- I. Signs that cannot be read from the public right-of-way (e.g., a menu board at drive thru)
- J. Temporary banners, pennants, balloons, tethered objects, strings of flags, streamers, inflated objects or any device intended as an attractant and that may be affected by the movement of the air. Such signs shall not be displayed for a period of more than six (6) weeks.
- K. Portable signs including but not limited to sandwich boards, A-frame and tire or tire rim.
- L. Holiday decorations and community signs, banners and pennants for events of city-wide, civic, or public benefit as authorized by the City Council.
- M. Signs identifying private property or hazards.
- N. Barber pole signs not exceeding six (6) feet in height and six (6) square feet in area, attached to a building.
- O. Temporary signs advertising a special, one-time event such as a garage sale, not to exceed four (4) square feet, and must be removed within two (2) days of the event.

5.0603.3 Prohibited Signs:

1. The following types of signs are prohibited in all districts:

- A. New signs that exceed the limitations of these standards.
- B. Signs imitating or resembling official traffic or government signs or signals.
- C. Any sign attached to a utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench or other location on public property except as otherwise provided. This prohibition is not intended to include any tags, signs or other information signs required by utility companies.
- D. Any sign placed in any public right-of-way except for signs erected by the City or other authorized entity.
- E. Signs which have been unlawfully or illegally erected and/or maintained.
- F. Any strobe lights or searchlights, animated, rotating, flashing, blinking signs or signs displaying video.
- G. Signs that constitute a traffic hazard or nuisance that are detrimental to the health, safety and welfare of the public.
- H. Any sign which emits audible sound, odor, smoke, steam, laser, or hologram light.

5.0603.4 Residential, RV Parks and Manufactured Homes:

1. The following listed signs will be permitted in Districts "R1", "R2", "R3", "R4", "R5", "R6", "MH", and "RV", except as otherwise provided in this ordinance.
 - A. Unilluminated "For Sale" and "For Rent" single or double-faced business signs subject to the following regulations:
 - 1) Only one (1) sign shall be permitted per lot.
 - 2) No sign shall exceed four (4) square feet in area.
 - 3) Signs shall be located no closer than five (5) feet from any property line and shall not obstruct traffic.
 - 4) When said sign is affixed to a building, it shall not project higher than ten (10) feet above ground level.

- 5) Ground signs shall not project higher than three (3) feet above ground grade.
- B. Bulletin boards and signs for churches and other public institutions subject to the following regulations:
- 1) One (1) sign or bulletin board shall be permitted on each street side if located on the same site as the principal building.
 - 2) If sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses.
 - 3) No sign or bulletin board shall exceed twenty-four (24) square feet in area.
 - 4) No sign shall be located closer than eight (8) feet from any side or rear property line.
 - 5) A sign or bulletin board located in the front yard shall be no closer to the street line than one-half ($\frac{1}{2}$) the front yard.
 - 6) A sign or bulletin board, affixed to a building, shall not project higher than ten (10) feet above the ground level.
 - 7) Ground signs shall be permanently anchored to the ground and shall not exceed a height of six (6) feet above normal grade.
 - 8) Buildings constructed on the property line prior to the effective date of this ordinance, as defined in the definitions of this ordinance, shall be allowed one (1) identification sign providing said sign is a flat wall sign and permanently attached to the building.
 - 9) On corner lots, no sign shall be constructed or located that will obstruct the view of traffic approaching the street intersection.

5.0603.5 Commercial, Agriculture, Industrial and Public:

1. In Districts "C1", "C2", "C3", "C4", "AG", "I1", "I2", "I3", "I4" and "P", single or double-faced business signs shall be permitted subject to regulations set forth in the Building Code and in this ordinance.
 - A. Nonflashing signs shall be permitted providing said sign is illuminated only during business hours or until 11:00 p.m., whichever is later, when said sign is located adjacent a residential district; providing that where the sign is illuminated by a light or lights reflected upon it, direct rays of light shall not beam upon any residential building, or into any residential district or into any

street. Clocks and/or thermometers installed for public convenience and information are exempt from the time limitation.

- B. Lighted signs in direct vision of a traffic signal shall not be in red, green or amber illumination.
- C. The gross surface area, in square feet, on one (1) side of any business sign on a lot shall not exceed three (3) times the lineal feet of frontage of the building; each side of a lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a structure shall not exceed three (3) times the lineal feet in the separate frontage. The total surface area shall not exceed four hundred (400) square feet for each face of the sign. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letters or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.
- D. No sign shall project over any alley right-of-way line.
- E. Any sign located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of two (2) or more streets shall have its lowest elevation at least ten (10) feet above curb level.
 - 1) In a unified shopping center, one (1) additional sign may be erected to identify the center. The sign may be free standing or attached to the building wall. Said sign shall display no more than the name of the shopping center and the business located on the lot. The sign shall not exceed thirty-five (35) feet in height and sixteen (16) feet in width and its bottom edge shall be at least eight (8) feet above ground level.
 - 2) In a unified shopping/business center; directional signs shall be permitted for common parking lots. Signs shall be no more than six (6) square feet with maximum width of three (3) feet and maximum height of two (2) feet. Maximum height above grade shall be five (5) feet to top of sign. Sign shall display no more than the tenants that do business on said property. All signs shall be placed so as not to create a traffic hazard. Refer to line 6 for all other signs in regards to the height requirements.

- F. Signs within fifty (50) feet of a residential district shall be affixed to or be part of the building.
- G. A maximum of two (2) signs (one (1) on a facade with road frontage) shall be allowed for a business or profession conducted on the premises.
- H. No sign shall be permitted in the road or highway right-of-way and no sign shall be located in a manner to constitute a traffic hazard, EXCEPT AS SPECIFIED IN PARAGRAPH K BELOW.
- I. Sandwich board signs may be allowed providing said sign is permanently affixed to the surface on which it sits.
- J. Where buildings or structures are established or are hereafter established on the property line, advertising and business signs shall conform with the following requirements, providing they are constructed and maintained in accordance with the Building Code of the City.
 - 1) In Districts "C1", "C2", "C3", "C4", "AG", "I1", "I2", "I3", "I4" and "P", the advertising or business sign shall be affixed flat against the face of the building or the front edge of a marquee. The front edge of the marquee shall be considered that portion of the marquee which is parallel to the street.

The sign can be mounted perpendicular to the building and overhang the sidewalk provided the following conditions are met:

- a) The area is zoned "C4".
- b) The gross surface area in square feet does not exceed the linear feet of frontage of the lot occupied by the building.
- c) The sign does not project any closer than three (3) feet from the front of the curb. The sign shall have a minimum setback of three (3) feet from the front face of the curb to the outside edge of the sign.
- d) The sign provides a minimum height clearance of seven and one-half (7.5) feet above the walking surface.
- e) The sign complies with all other provisions of this ordinance.

- 2) Where a sign is illuminated by light directed upon it, the direct rays of light shall not beam upon any part of any existing residential district.
 - 3) Lighted signs in the direct vision of traffic shall not be in red, green or amber illumination.
 - 4) The gross surface area, in square feet, on one (1) side of any sign of an advertising or business sign shall not exceed three (3) times the lineal feet of separate frontage of the lot occupied by the building; each side of the lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a building shall not exceed three (3) times the lineal feet in the separate frontage. The total surface area shall not exceed four hundred (400) square feet for each face of the sign. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letters or by a combination of rectangles as are necessary to encompass letters of irregular dimension.
 - 5) Any sign located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of two (2) or more streets shall have the lowest elevation at least ten (10) feet above the curb level.
 - 6) Where signs are affixed to canopies and marquees, the canopy or marquee shall be constructed and maintained in accordance with the Building Code of the City.
- K. Where buildings have observed a setback of twenty-five (25) feet or more from the property line, signs may be erected in a required front yard but no sign shall overhang the public sidewalk, street or street right-of-way line and said sign shall conform with the following requirements:
- 1) All signs shall be permanently affixed to the ground, pole or building or other permanent structure.
 - 2) Only one (1) sign shall be allowed for each street frontage.
- L. Signs hereafter erected, constructed or reconstructed, which are supported by the ground, shall have all posts or supporting structure embedded in concrete.

M. Free standing signs shall be constructed to withstand a pressure of thirty (30) pounds per square foot of sign area.

5.0603.6 Billboards:

1. In the interest of preserving the aesthetics of the City, and with the understanding that the City is not great in size or population, and the general physical makeup of the City is that of residential and smaller buildings, billboards, as defined herein, are not allowed within the City limits or the ETA. Any existing billboards at the time of the entrance of this ordinance shall be allowed to remain in the City limits or the ETA for the remainder of the lease or agreement allowing the billboard. However, the time in which the billboard may remain within the City limits or the ETA shall not exceed ten (10) years. After the expiration of the lease or agreement or after the expiration of ten (10) years, whichever occurs first, the sign must be removed. If the City annexes any property, this ordinance shall apply. A billboard is defined, for purposes of this ordinance, as any sign referring to a product or carrying a message that is not related to the property where the sign is located and is not in compliance with the restrictions set forth in this Article.
2. Billboards shall be allowed in only C3 – Corridor-Highway Commercial District as permitted uses and only if they conform to the following provisions:
 - A. The owner shall agree, at the time issuance of the permit, to place and maintain on such billboard the name of the persons owning, in charge of, or in control of, said billboard.
 - B. No billboard shall be erected, altered, constructed, reconstructed, or moved until an application and plans shall have been filed with and approved by the Building Official as to size, location and construction.
 - C. Billboards shall not exceed forty-five (45) feet in height above ground.
 - D. There shall be a minimum of one thousand (1,000) feet between billboards.

- E. The owner, lessee or manager of such billboard, and the owner of the sign shall maintain and keep the ground area around the sign free and clean of weeds and debris.
- F. No billboard shall exceed seven hundred (700) square feet in area (on a single face).
- G. It shall be unlawful to construct or maintain, or cause to be constructed or maintained, any billboard in such a manner as to:
 - 1) Obstruct the view of street or railroad crossings.
 - 2) Be unable to stand a pressure of at thirty (30) pounds per square foot of advertising surface.
 - 3) Be dangerous to the public by falling or blowing down.
 - 4) Increase the danger or loss by fire or to increase fire insurance rates.
- H. Billboards hereafter erected, constructed, reconstructed, altered, or moved in the City shall be constructed in accordance with the requirements of the Uniform Sign Code, 1997 or later editions, except as amended by this ordinance.

5.0603.7 Application and Permit

- 1. An application for a sign and/or billboard shall be made on forms provided by the planning and zoning department. The application shall contain sufficient information and plans to permit review pursuant to this article, including, but not limited to, building elevations, photographs, proposed locations of signs on building elevation, sign design layout showing number, types and dimensions of all signs and a site plan showing proposed location of all signs.
- 2. The permit fee for signs shall be one hundred dollars (\$100.00) and shall be submitted with the application. Said permit fee may be changed from time to time by resolution of the City Council.
- 3. The permit fee for billboards shall be a minimum of five hundred dollars (\$500.00) or ½ of 1% of the estimate of the billboard and shall be submitted with the application. Said permit fee may be changed from time to time by resolution of the City Council.

4. After an application is deemed to contain the required elements and information, it shall be reviewed for compliance by the planning and zoning department. Once approved by the reviewing authority a permit shall be issued by the Planning & Zoning Administrator/Building Inspector.

5.0604 Mobile Food Units and Temporary Restaurants

5.0604.1 Definitions:

1. **Mobile Food Unit** means any vehicle-mounted food establishment designed to be readily moveable.
2. **Person** means natural person, partnerships, associations, and all other bodies, corporate or public.
3. **Temporary Restaurant** means any public or private market where food intended for human consumption is kept, prepared, held, or carried for sale or other disposition to the end consumer that operates at a location on a temporary basis. The term may include a temporary setup at a location, a Mobile Food Unit operating temporarily at a location, or temporary use of a fixed facility.

5.0604.2 Purpose:

1. The purpose of this ordinance is to establish a permitting process for the operation of Mobile Food Units, Temporary Restaurants and similar units for dispensing food and other products safely and in a sanitary manner. This ordinance shall not apply to bake sales or other similar events.

5.0604.3 Administration:

1. Administrative Official. The Building Inspector is designated by the City Council to enforce this ordinance. The Planning and Zoning Administrator is designated by the City Council to administer this ordinance. The Planning and Zoning Administrator is hereby authorized to adopt such rules, regulations, policies and procedures relating to applications, permitted locations, and food and operational safety for Mobile Food Units and Temporary Restaurants. The Building Inspector and the Planning and Zoning Administrator may be provided with the assistance of such other persons as the City Council may direct.

If the Building Inspector finds that any provision of this section is being violated, the Building Inspector shall notify in writing the person responsible for such violations. Said notice shall indicate the nature of the violation and order the action(s) necessary to correct the violation. The Building Inspector shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes;

discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provision.

2. Adoption of State Administrative Code. The City Council for the City of Stanley hereby adopts and incorporates Chapter 33-33-04 of the North Dakota Administrative Code, as well as all other applicable chapters or sections of the North Dakota Century Code, as if fully set out at length herein for the purpose of prescribing regulations governing standards relative to Mobile Food Units and Temporary Restaurants.

5.0604.4 Regulations

1. Mobile Food Units. All Mobile Food Units shall comply with the following requirements:
 - A. The building(s) or vehicle(s) in which the Mobile Food Unit is to be operated from must meet local and state requirements for sanitation and safety.
 - B. All Mobile Food Units are subject to inspection and approval by police officers, health officers, or other agent of the City of Stanley or State of North Dakota.
 - C. No Mobile Food Unit shall be parked within thirty (30) feet of an intersection for purposes of doing business except as otherwise authorized by the City Council.
 - D. No Mobile Food Unit shall be parked in such a manner as to create a traffic hazard to the public right of way.
 - E. All Mobile Food Units shall comply with all applicable ordinances governing the operation of motor vehicles.
 - F. All Mobile Food Units shall arrange to be on the City garbage route for regular trash pick-up.
2. Temporary Restaurants. All Temporary Restaurants shall comply with the following requirements:

- A. All Temporary Restaurants must meet local and state requirements for sanitation and safety.
- B. All Temporary Restaurants are subject to inspection and approval by police officers, health officers, or other agent of the City of Stanley or State of North Dakota
- C. All Temporary Restaurants shall arrange to be on the City garbage route for regular trash pick-up.

5.0604.5 Licensure:

1. License Required. Any person desiring to operate a Mobile Food Unit or Temporary Restaurant within the city limits of Stanley shall make and present a written application to the City of Stanley, North Dakota, filed with the Planning and Zoning Administrator, obtaining the following information:
 - A. The name, address, and birth date of the applicant; if the applicant is a partnership, the name, address, date of birth, and place of residence of each member of said partnership; if the applicant is a corporation, the name, date of birth, and address of the officers of the corporation and manager of the licensed operation, date of incorporation, state where incorporated, and proof of authorization to do business in the State of North Dakota
 - B. Whether the applicant has ever had a license revoked, suspended, or cancelled by any municipal, state, or federal authority and, if so, the date of such cancellation, the place and authority cancelling the same, and the reason for such cancellation.
 - C. The name and address for a period of one (1) year prior to the date of application of any person who will have charge, management, or control of the business for which the license is sought.
 - D. A statement that the applicant consents to the inspection of the equipment and premises on which business is conducted or inventory is stored at any time by a police officer, health officer, or other agent of the City of Stanley or State of North Dakota.

- E. The proposed primary location of the Mobile Food Unit or Temporary Restaurant. All location requests must be approved by the City Council before the Mobile Food Unit or Temporary Restaurant shall be permitted to operate on the requested location.
2. Term. All licenses issued under this Section shall be for a period of not more than one (1) year.
3. Fee. The fees for each Mobile Food Unit or Temporary Restaurant license shall one hundred dollars (\$100.00). Said fee may be changed from time to time by resolution of the City Council.

5.0604.6 Special Event Permits:

1. Mobile Food Units and/or Temporary Restaurants shall be eligible to apply for a Special Event Permit authorizing the business's operation for seven (7) consecutive days or less. The fee for a Special Event Permit shall be ten dollars (\$10.00). Said permit fee may be changed from time to time by resolution of the City Council. Applicants may obtain a Special Event Permit application from the Planning and Zoning Administrator.

5.0604.7 Violations:

1. Penalty for Violation. Any person(s) operating a Mobile Food Unit and/or Temporary Restaurant in violation of any provision of this Section, or without first having obtained a license, shall be subject to a penalty not to exceed one thousand dollars (\$1,000.00) per offense. Each day that the Mobile Food Unit and/or Temporary Restaurant operates in violation of this Section shall constitute a separate offense.

5.0605 Campers and RV Vehicles (Use as Residence Within City Prohibited.)

5.0605.1 Definitions:

For the purposes of this article the following terms, phrases, words and their derivations shall have the meaning given herein:

1. **Camper Vehicle** means a vehicle, whether factory or home built, whether on or off wheels, whether towed or carried on a motor vehicle or self-propelled, including, but not limited to, recreational vehicles, hitch mount pull behind trailers, pop up tent trailers, campers meant to be affixed to the bed of trucks and converted vehicles such as buses, trucks, or trailers. Such vehicles may be with or without complete kitchen and toilet facilities, self-contained water and sewage systems and designed to be used as a temporary dwelling for travel, recreation, or vacation use. Camper Vehicles do not include mobile homes, manufactured homes, and Park Models, as defined below
2. **Person** means natural person, partnerships, associations, and all other bodies, corporate or public.
3. **Within the City of Stanley** includes, but is not limited to, city streets, commercial and/or industrial sites, private property, established residential neighborhoods, construction sites, and extraterritorial jurisdiction of the City of Stanley.
4. **Occupy** means to take residence in.
5. **Other Nonpermanent Structure** includes, but is not limited to, mobile homes, manufactured homes, and park models.
6. **Park models** means recreational homes primarily designed as temporary living quarters for recreation, camping or seasonal use. These homes are built on a single chassis and mounted on wheels. Each park model home is certified by the Recreational Park Trailer Industry Association member manufacturer as complying with ANSI A119.5, an RV building code.

5.0605.2 Purpose:

1. The purpose of this Section is to limit the use of Camper Vehicles and Other Nonpermanent Structures for permanent human habitation because the City

Council has determined that the use of Camper Vehicles in the City for permanent human habitation is deleterious to the health, safety, and welfare of the citizens of the City and the public at large. Portable heating devices, nonstandard electrical connections, a lack of approved sanitary facilities including, but not limited to, bathrooms with toilets, sinks or showers or bathtubs and standard kitchen facilities, among other facilities associated with safe places of permanent human habitation, all lend themselves to unhealthful, unsanitary and hazardous living conditions, if utilized for extended periods of time, occasioned in part because Camper Vehicles and Other Nonpermanent Structures are not intended for use as places of permanent human habitation and do not adequately provide for the needs associated with human habitation.

2. Notwithstanding the foregoing, this Section allows for safe, comfortable, and sanitary use of Camper Vehicles and Other Nonpermanent Structures for short term, temporary use for human habitation purposes so as to facilitate enjoyment of camping, hunting, and other outdoor pursuits.

5.0605.3 Violations:

1. The use of any Camper Vehicle or Other Nonpermanent Structure for human habitation within the City of Stanley, with the exception of those in construction sites described herein and areas zoned R-6, is prohibited. Use of a Camper Vehicle or Other Nonpermanent Structure in violation of this Section shall result in the City of Stanley issuing a warning directed to the owner of the Camper Vehicle or Other Nonpermanent Structure used for human habitation purposes, if ascertainable, informing that person or persons to cease and desist from using the Camper Vehicle or Other Nonpermanent Structure for human habitation. If the owner of the Camper Vehicle or Other Nonpermanent Structure cannot be identified, the City of Stanley shall issue a warning to the owner of the parcel of real estate upon which the Camper Vehicle or Nonpermanent Structure is situated, informing the owner of said parcel of the need to cease and desist from making use of the Camper Vehicle or other nonpermanent structure used for human habitation purposes.
2. Any person who violates, disobeys, neglects, omits, willfully attempts to circumvent the intent of the Section, refuses to comply with this Section, or resists enforcement of any of its provisions shall be guilty of a Class B

misdemeanor, unless that person has met the approved guidelines set below for construction sites, as set by the Planning and Zoning Department of Stanley.

- A. The allowance is for recreational vehicles only.
- B. There will be a maximum of ten (10) units allowed, unless otherwise approved by the city building official. The following are the number of units allowed, per site, up to ten (10) units.
 - 1) Single-family residential projects: one (1) unit per six thousand (6,000) square feet of lot area
 - 2) Multi-family residential projects: one (1) unit per six (6) apartment units
 - 3) Commercial projects: one (1) unit per ten thousand (10,000) square feet of lot area
 - 4) Industrial projects: one (1) unit per ten thousand (10,000) square feet of lot area
- C. The occupants of the Camper Vehicle or Other Nonpermanent Structure must obtain a permit issued by the Building Inspector. Each permit is valid for thirty-one (31) days and must be renewed at the next regular Planning and Zoning meeting scheduled to take place after the permit's expiration date. Each permit must provide the make and model of the Camper Vehicle or Other Nonpermanent Structure, the license plate number, and the legal description of the property the Camper Vehicle or Other Nonpermanent Structure is located at the time the permit is issued. The cost of the monthly permit shall be fifty dollars (\$50.00) per permit. Said permit fee may be changed from time to time by resolution of the City Council. The application for the permit must be approved by the Planning and Zoning Commission.
- D. The holder of the permit shall abide by the following rules, or the holder will be found in violation of this article:
 - 1) Portable restroom facilities must be provided on site.

- 2) Sites must be kept clean of trash and litter. Wastewater, including all liquid wastes, gray water, black water, and mop water must be discharged into the city wastewater sewer system; or into an approved on-site sewage disposal or holding system, or other approved disposal site. Dumping or disposal of waste at other than approved specific sites shall result in fines or removal of the facility.
 - 3) The location of the Camper Vehicles or Other Nonpermanent Structures on site must be approved by the City of Stanley Planning and Zoning Commission, with screening if required by the Building Inspector.
 - 4) The occupants of the Camper Vehicles or Other Nonpermanent Structures must be construction workers for that particular site.
 - 5) The units must be removed if legitimate written complaints are received by the City of Stanley Building Inspector and/or the City of Stanley Planning and Zoning Commission. If the units are not removed when requested, the City of Stanley Planning and Zoning Commission will have them removed and the cost of removal shall be assessed to the property.
 - 6) Recreational vehicles must be removed and the site must be cleaned up before a certificate of occupancy for the residential units being constructed will be issued by the City of Stanley Building Inspector.
- E. The fine for violation of this ordinance is five hundred dollars (\$500.00) per day, per Camper Vehicle or Other Nonpermanent Structure.

5.0605.4 Exceptions

1. Residents and family or friends who come to visit may temporarily occupy a Camper Vehicle or Other Nonpermanent Structure on developed property within the City of Stanley, but may only do so for a period of seven (7) days without a permit. Every person residing in a Camper Vehicle or Other Nonpermanent Structure under this exception cannot exceed a total of twenty-eight (28) days of occupancy in a calendar year. Applicants may petition for a hearing before the Planning and Zoning Commission to determine eligibility for the issuance or renewal of a permit on a case-by-case basis.

5.0606 Subdivision Regulations

5.0606.1 Purpose

1. For the purpose of this ordinance, the City of Stanley has set forth the following procedures, requirements, and standards for the division of land and subdivision approval. These regulations are intended to provide for the proper arrangement of streets in relation to other existing and planned streets and to the master plan, and for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, for the avoidance of congestion of population, and for easements for building setback lines of for public utility lines.

5.0606.2 Compliance Required

1. No plat of a subdivision or re-subdivision of land within the City of Stanley or within the city's extraterritorial jurisdiction shall be filed or recorded until it has been reviewed by the Township and approved by the Planning and Zoning Commission and the Stanley City Council.

5.0606.3 Penalty, Injunction, Civil Action

1. Any owner, or the agent of any owner, of land located within the territory of a subdivision that is subject to the approval by the Planning and Zoning Commission and the Stanley City Council who transfers, sells, agrees to sell, or negotiates to sell any land by reference to or exhibition of a plat of a subdivision, or by any other use thereof, before such plat has been approved by the Planning and Zoning Commission and the Stanley City Council and recorded in the Mountrail County Recorder's Office shall forfeit and pay the maximum penalty allowed by law for each lot transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section. The City of Stanley may enjoin such transfer, sale, or agreement by an action for injunction, or it may recover the penalty by a civil action.

5.0606.4 Master Plan Required

1. A master plan is required when only a portion of contiguous land under single ownership is proposed for subdivision. A master plan shall also be used for phased development, as described in Section 5.0606.9.

5.0606.5 Exemptions

1. Lot line adjustments, aggregations of lots, court ordered division of land and any other land division exempted from subdivision review requirements under North Dakota law shall be exempt from the subdivision review requirements of this chapter, except as follows:
 - A. All plats and surveys exempt from subdivision review shall be reviewed and approved by the Planning and Zoning Commission and City Council prior to transfer of title and the resulting lots shall comply with the zoning requirements of this ordinance unless expressly authorized.
 - B. All development on lots exempt from subdivision review shall comply with the zoning and development standards of this ordinance.
 - C. Lands transferred to governmental entities such as the City of Stanley and Mountrail County, utility companies such as R&T Water Supply, and power and telephone companies are also exempt from the pre-application and preliminary plat application requirements of this chapter provided the transfers are for the purpose of public roadway and utility expansion, and provided the parcels are of a strip-like nature not to exceed 200 feet in width.

5.0606.6 Procedures for Subdivision Approval

1. Pre-application procedure:
 - A. The developer shall file a pre-application, site plan, supplementary information and review fee with the City Auditor. Within 30 days of receiving the pre-application and supporting documents, the P&Z Administrator and developer shall meet in person or by telephone or video conference to discuss the proposed subdivision.

- B. At the pre-application meeting, the P&Z Administrator and developer shall discuss the subdivision, zoning, comprehensive plan, annexation, development standards and construction requirements that apply to the subdivision.
 - C. Within 30 days of the pre-application meeting, the P&Z Administrator shall provide the developer with:
 - 1) A letter summarizing the information discussed at the meeting;
 - 2) A list of information that will be required to be submitted for the preliminary plat application to be considered for approval, as described in 2 and 3 in this section; and
 - 3) A list of agencies and service providers that the developer will be required to contact prior to submittal of the preliminary plat application and that the P&Z Administrator may also contact during the review period. Information to be sent to the agencies and service providers includes a preliminary plat, a written description of the type(s) of development, timing of the project, and additional information the agency will need to determine whether it can provide adequate service to the subdivision.
 - D. Unless the developer submits a preliminary plat application within one year of the date of the pre-application meeting, a new pre-application is required.
2. Information that may be required in a Preliminary Plat Application. The P&Z Administrator may require the following information to be included in a preliminary plat application:
- A. Application form signed by the developer and all property owners (if different from the developer)
 - B. Review fee
 - C. Vicinity map
 - D. Phasing plan
 - E. Copies of all correspondence with public agencies and service providers identified in the pre-application letter

- F. Title abstract (or title report)
- G. Consent to platting from lien holders and mortgagees
- H. Documentation of legal and physical access to the subdivision
- I. Copies of existing easements
- J. Description of proposed easements
- K. A map that includes current names and addresses of all adjacent property owners
- L. Typical proposed street cross section and preliminary street plans
- M. Existing and proposed road approach locations
- N. Existing water rights
- O. Existing mineral rights
- P. Traffic impact assessment
- Q. Grading and drainage plan
- R. Re-vegetation and noxious weed control plan
- S. Landscaping and maintenance plan
- T. Building elevations
- U. Signage plan
- V. Dust control plan
- W. Draft developers agreement (if bonding is proposed)
- X. List of improvements proposed to be dedicated to the City of Stanley and improvements that are proposed to be managed privately
- Y. Plans for ownership, use, management and development guidelines for open space and common facilities (parking areas, garbage collection areas, etc.)
- Z. Existing and proposed covenants, conditions and restrictions and deed restrictions
- AA. Draft engineering plans for all public improvements, **including:**
 - 1) Contours at vertical intervals suitable for evaluating the grades of municipal improvements
 - 2) Sidewalks, boulevards, paths, curbs, gutters, culverts and other improvements on and adjacent to the parcel
 - 3) Utilities on and adjacent to the parcel – locations, sizes, invert elevations of sanitary and storm sewers; locations and sizes of water mains; locations of gas lines; fire hydrants, electric and telephone lines, poles and street lights, and railroad lines. If water mains and sewers are not on or adjacent to the tract, indicate the directions and distances to, and sizes of the nearest ones, and invert elevations of sewers.

- BB. Information necessary to demonstrate compliance with zoning and development standards
 - CC. Variance request
 - DD. FEMA floodplain map and/or analysis
 - EE. Geotechnical soils analysis and development suitability study
 - FF. Such additional relevant information as identified by the P&Z Administrator during the pre-application meeting that is pertinent to the review of the subdivision proposal
3. Information that is required on a preliminary plat. The preliminary plat shall be based upon a survey, may consist of one or more sheets, shall be submitted in three copies at a scale of not more than 200 feet to one inch, and shall show correctly on its face:
- A. The name, address and telephone number of the person to be contacted regarding the plat and also the names of all landowners and the name of the developer
 - B. Date, graphic scale and north point
 - C. Name of the proposed subdivision (names cannot be duplicated)
 - D. Location of the proposed subdivision by government lot, quarter section, section, township, range, city and county
 - E. A scaled drawing of the exterior boundaries of the proposed subdivision referenced to the corner established in the US Public Land Survey and the total acreages encompassed thereby
 - F. Names and locations of adjacent subdivisions, parks, cemeteries and other developments
 - G. Location, right-of-way widths and names of any existing or proposed streets, alleys or other public ways, easements and railroad and utility right-of-ways, included within or adjacent to the proposed subdivision
 - H. Location of existing property lines, buildings, streams or water courses, marshes or wetlands, wooded areas and other similar significant features within the parcel being sub-divided
 - I. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, open space, drainage ways or other public uses
 - J. Existing and proposed land use and zoning included within or adjacent to the proposed subdivision
 - K. Approximate dimensions of all lots and proposed lot and block numbers

- L. Subsurface conditions on the parcel. If required by the P&Z Administrator and City Engineer, location and results of test made to ascertain subsurface soil, rock, and groundwater conditions including depth to groundwater if less than 6 feet during high groundwater season.

4. Preliminary Plat Procedure

- A. The developer shall file with the P&Z Administrator a written application form, 2 paper copies and 1 digital copy of the preliminary plat (24 x 36" and 11 x 17), review fee adopted by the Stanley City Council and all information required to be submitted in the pre-application letter. If any items required in the pre-application letter are not submitted, the developer shall provide a written explanation.
- B. After receiving the application, plat, fee and supplementary materials, the P&Z Administrator shall determine whether the submittal is complete and sufficient for review.
 - 1) When a plat and application are determined incomplete or insufficient, the P&Z Administrator shall provide written notice to the developer indicating what information must be submitted for the review to proceed.
 - 2) The day the P&Z Administrator determines the plat and application are complete and sufficient, the application shall be officially considered submitted for the purposes of review.
 - 3) Following a public hearing on the preliminary plat application, the Planning and Zoning Commission shall, within 60 days from the date the application is deemed to be submitted, approve, conditionally approve or disapprove the preliminary plat by making a recommendation to the Stanley City Council. The Planning and Zoning Commission may attach conditions to a recommendation for preliminary approval intended to ensure compliance with this ordinance and to mitigate anticipated impacts of the subdivision. The Planning and Zoning Commission shall state the grounds upon which any plat is approved or disapproved, and written findings upon which the decision is based must be included in the Commission's record.
 - 4) If the Planning and Zoning Commission does not recommend that the City Council approve or disapprove the plat within 60 days of the application

being deemed to be submitted, the plat shall be deemed to have been approved by the Planning and Zoning Commission, and a certificate to that effect shall be issued upon demand. The developer, however, may waive the requirement that the Planning and Zoning Commission act within 60 days and may consent to an extension of the period.

- 5) A notice of hearing shall be published twice, before the date of the public hearing, in a newspaper of general circulation in the City of Stanley giving the time and location of the hearing and the character of the subdivision.
- 6) At least 15 days before the date of the public hearing, a notice of the time and location of the hearing shall be sent by registered mail by the owner and/or developer to all adjacent landowners.
- 7) Following the public hearing, the Planning and Zoning Commission shall transmit a report, findings, and recommendation to the Stanley City Council.

C. Stanley City Council Preliminary Plat Review

- 1) Following a public hearing and at the next regular meeting of the Stanley City Council for which notice may be posted and during which time is available for consideration, the Council shall approve, conditionally approve or deny the preliminary plat application. The Council may attach conditions to a preliminary approval intended to ensure compliance with this ordinance and city policies, and to mitigate anticipated impacts caused by the subdivision. The Council shall state the grounds upon which any plat is approved or denied, and written findings upon which the decision is based must be included in the Council's record.
- 2) Within 14 days of the Council rendering its decision, written notice of the decision shall be mailed to the owner and/or developer.

D. Preliminary Plat Decision

- 1) Prior to a decision on a preliminary plat application, the P&Z Administrator, Planning and Zoning Commission and the Stanley City Council shall take into consideration the prospective character of the development of the area included in the plat and of the surrounding territory.
- 2) The decision to approve, conditionally approve or deny the preliminary plat application shall be based on compliance of the plat and application

materials with the comprehensive plan, this ordinance and any other applicable ordinances and policies of the City of Stanley that were in effect when the application was deemed to be submitted for review.

- 3) During the preliminary approval period the developer shall meet and demonstrate compliance with any conditions of approval and apply for final plat approval.
- 4) The preliminary approval for all subdivisions is valid for three (3) years unless part of a phased development, as described in Section 5.0606.9, or the developer submits an extension request that is approved prior to expiration.
- 5) If the developer fails to obtain an extension or demonstrate compliance with all conditions, the developer will be required to re-apply for preliminary plat approval subject to the regulations then in effect.

E. Effect of Preliminary Plat Approval

- 1) Approval of the preliminary plat is not an acceptance of the subdivision plat for record but is rather an expression of approval of the general plat as a guide to preparation of the subdivision for final approval and recording upon fulfillment of the requirements of this ordinance and any conditions of approval.
- 2) No building permit shall be issued until a final plat is filed and all public improvements plans are approved.

5. Final Plat Procedure

- A. After preliminary approval but prior to expiration, the owner and/or developer shall submit a final plat application and review fee, three copies of the final plat or a certified survey map prepared by a registered land surveyor or engineer, a developers agreement (if applicable), a current abstract of title with title opinion, consent to platting from all lien holders and mortgagees, and information demonstrating compliance with all conditions of approval.
- B. The Planning and Zoning Commission shall hold a public hearing in accordance with the North Dakota Century Code before action on the final plat is taken by the Stanley City Council. At least 15 day before the date of the public hearing, notice of the time and location of the hearing shall be

sent by registered mail by the owner and/or developer to all adjacent landowners. Notice of the hearing shall be published twice, prior to the public hearing, in a newspaper of general circulation in the City of Stanley indicating the time and location of the hearing and the character of the subdivision.

- C. The final plat of the proposed subdivision shall be prepared by a registered land surveyor or engineer and shall conform to the requirements of the preliminary plat approval and any conditions attached thereto by the Planning and Zoning Commission and Stanley City Council.
- D. If the final plat meet the requirements of this ordinance and has been submitted within the preliminary plat approval period and all conditions have been met, the Stanley City Council shall approve the final plat of the subdivision.
- E. The Stanley City Council must expressly accept any and all streets, sidewalks, utilities and other improvements, as well as any land, easements or right-of-ways and any other dedications.

5.0606.7 Required Improvements, Developers Agreements

- 1. Prior to approval of the final plat, the developer shall have installed all improvements required by the Stanley City Council or have entered into a developers agreement guaranteeing the construction, installation and maintenance of all required improvements:
 - A. Street and alley grading and compaction;
 - B. Rough drainage;
 - C. Water mains; and
 - D. Sewer facilities
- 2. A developer's agreement for the all required improvements shall be guaranteed through performance bond, joint certificate of deposit or other security that has been approved by the Stanley City Council.
- 3. The developer's agreement shall include a licensed engineer's itemized estimate, which includes supporting documentation, the costs of installing all required

improvements, as well as a schedule for the developer to install the improvements. The Stanley City Council reserves the right to reject the engineer's estimate.

4. The amount of the guarantee shall be 150% of the engineer's estimate.
5. As the public improvements are installed, certified by the developer's engineer and approved by the City Engineer, the developer may request and the Stanley City Council may grant a reduction in the financial security that is commensurate with the costs of the improvements that have been installed, inspected and approved. The financial security release of funds is not intended to be a construction cash account. The release of funds shall only occur after major construction milestones have been reached.
6. Upon final installation of all improvements, the developer shall submit 2 copies and 1 digital copy of as-built plans, stamped by a licensed engineer, to the City Auditor within 60 days.

5.0606.8 Subdivision Variances

1. A variance from the development standards of this ordinance may be granted by the Stanley City Council after public hearing and recommendation by the Planning and Zoning Commission when the following criteria are met:
 - A. Strict compliance with the design standards will result in unnecessary hardship to the developer based on conditions that are unique to the property (e.g., lot configuration, physical conditions, etc.). Unnecessary hardship shall not be strictly financial in nature;
 - B. Granting of the variance will not be detrimental to the public health, safety or general welfare or injurious to other adjoining properties;
 - C. The variance will not cause a substantial increase in public costs; and
 - D. The variance will not place the subdivision in nonconformance with any adopted zoning standards.
2. In granting variances, the Stanley City Council may impose reasonable conditions to secure the purpose and objectives of this ordinance.

5.0606.9 Phased Development

1. The developer may propose to file final plats or develop in phases over time according to the following standards:
 - A. Each phase must be fully capable of functioning with all the required improvements in place in the event future phases are not completed or are completed at a much later time.
 - B. A phasing plan must be submitted for review and approval that includes:
 - 1) A plat or site plan delineating each phase that includes the general timeframe for platting and development of each phase and,
 - 2) A public facilities improvement plan showing which improvements will be completed with each phase.
 - C. The governing body may require that the parkland dedication for the entire development be met prior to final approval of the first phase.
 - D. The first phase shall final platting or developed within 3 years of permit approval (preliminary approval for subdivisions). Each successive phase shall be final platting or developed within 3 years of the previous phase.
 - E. Modifications to an approved phasing plan which do not materially change the impacts on adjoining property may be approved or denied by the P&Z Administrator in consultation with the Planning and Zoning Commission and Stanley City Council.

5.0606.10 Modifications and Vacations of Plats

1. Modifications and vacations of recorded plats shall require a new application, subject to review and approval by the Planning and Zoning Commission and Stanley City Council.

5.0606.11 Open Space Requirements

1. General: Residential subdivisions, other than those simple lot splits meeting the requirements of this ordinance, shall be required to provide open space.

Developed open space shall be designed to provide active recreational facilities to serve the residents of the development. Undeveloped open space shall be designed to preserve important site amenities and environmentally sensitive areas as well as to provide passive recreational opportunities. Each area set aside shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned by the developer and Planning and Zoning Commission and Stanley City Council. The area shall be shown and marked on any tentative and final map.

2. Minimum Requirements:

- A. Amount of open space required. Open space shall be required in the amount of two and one-half (2 ½) acres per one thousand (1,000) residents expected to reside in the subdivision. Number of residents per dwelling unit shall be calculated using the most recent population estimate for the City of Stanley divided by the most recent total of occupied housing units for the same year used for the population estimate as determined by the U.S. Census Bureau. For the 2018 year, the following calculation shall be used: 2016 estimated population equals 2,328; 2016 estimated occupied housing units equals 908; average persons per dwelling unit equals 2.56.
- B. Location of Open Space Parcels: Open space parcels shall be convenient to the dwelling units they are intended to serve. However, because of noise generate by certain recreational activities, they shall be sited with sensitivity to surrounding development.

3. Improvement of Open Space Parcels:

- A. Developed Open Space: The Planning and Zoning Commission may require the installation of recreational facilities, taking into consideration:
 - 1) The character of the open space land;
 - 2) The estimated age and the recreation needs of persons likely to reside in the development;
 - 3) Proximity, nature, and excess capacity of existing municipal recreation facilities; and
 - 4) The cost of the recreational facilities.

- 5) Land reserved for developed open space shall be relatively level and dry, and shall have frontage on one (1) or more streets. The Planning and Zoning Commission shall refer any subdivision proposed to contain developed open space to Stanley City Council.
- B. Payment in Lieu of Open: In lieu of providing open space within its development, developer may request that the Stanley City Council allow the developer to make payment to the City of Stanley, in an amount equal to any required reservation, for development or acquisition of open space at some other mutually agreed upon area. Such funds shall be used by the City of Stanley for the agreed upon purpose only.
 - C. Undeveloped Open Space: As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements such as cutting of trails for walking or jogging, equestrian use or the provision of picnic areas, etc. In addition, the Planning and Zoning Commission and Stanley City Council may require a developer to make other improvements, such as removing dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, and grading and seeding.
4. Exceptions to the Standards: The Planning and Zoning Commission and Stanley City Council may permit minor deviations from open space standards when it can be determined that:
 - A. The objectives underlying these standards can be met without strict adherence to them; and/or
 - B. Because of peculiarities in the tract of land or the facilities proposed, it would be unreasonable to require strict adherence to these standards.
5. Deed Restrictions: Any lands reserved for open space purposes shall contain appropriate covenants and deed restrictions approved by the City of Stanley Attorney ensuring that:
 - A. The open space area will not be further subdivided in the future;
 - B. The use of the open space will continue in perpetuity for the purpose specified;

- C. Appropriate provisions will be made for the maintenance of the open space; and common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.
6. Open Space Ownership: The type of ownership of land dedicated for open space purposes shall be selected by the owner and/or developer, subject to the approval of the Planning and Zoning Commission and Stanley City Council. Type of ownership may include, but is not necessarily limited to, the following:
- A. The City of Stanley
 - B. Quasi-public organizations, subject to their acceptance
 - C. Property-owner, condominium, or cooperative associations or organizations
 - D. Shared, undivided interest by all property owners in the subdivision
7. Property-Owners Association: If the open space is owned and maintained by a property-owner association or condominium association, the developer shall file a declaration of covenants and restrictions or other suitable document that will govern the association, to be submitted with the application for the final plat approval. The provisions shall include, but are not necessarily limited to, the following:
- A. The property-owners association shall be established before any lots are sold;
 - B. Membership shall be mandatory for each property owner;
 - C. The open space restrictions shall be permanent, not just for a period of years;
 - D. The association shall be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities;
 - E. Property owners shall pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the property-owners association; and
8. Maintenance of Open Space Areas: The person or entity identified as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and property maintenance.

ARTICLE 7 – Administration and Enforcement

5.0701 City Council – Duties:

1. Upon recommendation by the Planning & Zoning Commission, the City Council shall review and take action on all proposed amendments to this Ordinance.
2. Upon recommendation by the Planning & Zoning Commission, the City Council shall review and take action on all applications for zoning amendments, conditional uses permits, variance permits, plats, and any other business pertaining to the zoning ordinance which requires action by the City Council.
3. The City Council shall act as the Board of Adjustment and shall hear and decide all appeals of decisions of the Planning and Zoning Commission or Planning and Zoning Administrator; the appeals process outlined as follows:
 - A. Any person who feels they have been aggrieved by a decision of the Planning & Zoning Commission or the Planning and Zoning Administrator may petition for a hearing to the Board of Adjustment.
 - B. The appeal shall be presented in writing to the City Council and it shall specify the grounds for appeal
 - C. The hearing shall be held within a reasonable time of the filing of the appeal.
 - D. Within fifteen (15) days after the hearing, the City Council, shall take action and send their decision by registered mail to the petitioner.
 - E. It requires a majority vote to reserve any order, requirement or decision made by the Planning and Zoning Commission, Planning and Zoning Administrator or Building Inspector.

5.0702 Planning & Zoning Commission – Duties:

1. Maintain records of the regulations and permits.
2. Interpret district boundaries on the zoning district map.

3. Establish rules, regulations and procedures for the purpose of administering this ordinance.
4. The Planning & Zoning Commission shall hold public hearings and make written recommendation to the City Council with respect to all proposed amendments to this Ordinance.
5. The Planning & Zoning Commission shall hold public hearings and make written recommendation to the City Council on applications for zoning amendments, conditional use permits, variance permits, plats and any other business pertaining to the zoning ordinance which requires action by the City Council.

5.0703 Administrative Official – Duties and Authority:

1. The Building Inspector is designated by the City Council to enforce this ordinance. The Planning and Zoning Administrator is designated by the City Council to administer this ordinance, including the receiving of applications, the inspection of premises, the issuing of certificates of occupancy, and the issuing of building permits and other permits as authorized within this ordinance. These individuals may be provided with the assistance of such other persons as the City Council may direct.
2. If the Building Inspector finds that any provision of this chapter is being violated, the Building Inspector shall notify in writing the person responsible for such violations. Said notice shall indicate the nature of the violation and order the action(s) necessary to correct the violation. The Building Inspector shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provision.

5.0704 Building or Demolition Permit:

1. No building or structure shall be erected, added to or structurally altered or moved until a permit therefore has been approved by the Planning & Zoning Administrator and issued by the City Council.

2. A building permit is required for new fences and concrete work, such as sidewalks unless such work is considered replacement or maintenance as determined by the Planning & Zoning Administrator.
3. Any permit issued shall be in accordance with this ordinance.
4. No permit is required for maintenance of any building or structure which does not structurally alter the building as determined by the Planning & Zoning Administrator.
5. Any permit issued is valid for one (1) year from date of issuance of a permit. If work is not completed within one (1) year from issuance, application must be resubmitted.
6. A permit shall not be issued to any party that does not have a licensed contractor with the State of North Dakota doing the contract work for construction over the amount of four thousand dollars (\$4,000.00). A person may provide his or her own labor when doing work on property in which he or she holds recorded title. (Source: NDCC Chapter 43-07-02)
7. The application and permit process is outlined below:
 - A. All applicants who wish to build, alter, or move any structure as defined in this ordinance must apply to the Planning & Zoning Administrator for a permit. An application for a building permit shall be made by the owner(s) of the property and shall be accompanied by a fee as set forth in Section 5.0709.
 - B. The application shall be made on forms provided by the Planning and Zoning Department. Applicant shall provide all plans and information as required within the application and such other information as may be necessary to act on the application. The permit fee shall be submitted with the application.
 - C. If the applicant's plans meet district regulation as prescribed in this ordinance and all other applicable codes and ordinances, the Planning & Zoning Administrator issues the permit.

- D. If the applicant's plans do not comply with district regulations as prescribed this this ordinance or any other applicable codes and ordinances, the amendment, variance, conditional use or the appeals procedures shall be implemented.
- E. The City Council has the power of reversing wholly or partly or may modify any decision of the Planning & Zoning Administrator so long as such action is in conformity with the terms of this ordinance.

5.0705 Certificate of Occupancy:

1. It shall be unlawful to use, occupy, or permit the use or occupancy of any building, structure, land, water, or combination or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure, until a Certificate of Occupancy is issued by the Building Inspector stating that the proposed use of the building, structure, or land conforms to the requirements of this ordinance.
2. It is required that landscaping and/or seeding of grass be completed within a period of twelve (12) months from the date of issuance of a Certificate of Occupancy, and a copy shall be furnished upon request to any person.
3. Failure to obtain a Certificate of Occupancy is a violation of this ordinance and is punishable under Section 5.0710 of this ordinance.

5.0706 Amendments/Rezone:

1. Should the need arise for an amendment to the zoning ordinance or zoning district map, the applicant submits the proposed change to the Planning and Zoning Commission. An application for an amendment shall be made by the owner(s) of the property for which the change is sought and shall be accompanied by a fee as set forth in Section 5.0709.
2. The Planning & Zoning Commission will publish a notice for a public hearing in the official city newspaper once a week for two (2) successive weeks prior to the set time for said hearing. A notice shall also be posted in a conspicuous of a public building.

3. If the zoning map is proposed to be changed, the applicant is responsible for notifying the adjacent property owners by certified mail with return receipt at least (15) days prior to the public hearing and providing proof of such notification to the City Auditor before action can be taken by the Planning and Zoning Commission. Adjacent property owners are all property owners within one hundred fifty (150) feet (45.7 m) radius of the property in question.
4. At the hearing held by the Planning and Zoning Commission, the applicant and/or representative must be in attendance and presents the proposal for amending the zoning ordinance or zoning map. Also, at the hearing the public may comment and the adjacent property owners may state their opinions for the record.
5. The Planning and Zoning Commission then presents its findings and recommendations to the City Council. A second public hearing is held by the City Council. The City Council will publish a notice for a public hearing in the official city newspaper once a week for two (2) successive weeks prior to the set time for said hearing. The City Council may either approve or disapprove the amendment to the zoning ordinance or zoning map. If the City Council disapproves, the applicant may appeal to a court of law.
6. If there is a written protest to the amendment by more than twenty percent (20%) of the adjacent property owners, a three-quarter (3/4) vote of approval is required by the City Council prior to passing the amendment.

5.0707 Conditional Uses:

1. The applicant for a conditional use permit applies to the Planning and Zoning Commission. An application for a conditional use shall be made by the owner(s) of the property and shall be accompanied by a fee as set forth in Section 5.0709.
2. Every application for a conditional use shall include:
 - A. A scaled or engineered site plan showing:
 - 1) Legal dimensions of the tract to be used.
 - 2) Location of all structures and all existing and proposed improvements.
 - 3) Building setback from all property lines.

- 4) Location and type of planting, screening or walls.
 - 5) A timing schedule indicating the anticipated and completion dates of the development.
 - 6) Names and addresses of adjacent property owners.
 - 7) Any additional information the Zoning Commission deems necessary to review the application.
3. The Planning and Zoning Commission will publish a notice for a public hearing in the official city newspaper once a week for two (2) successive weeks prior to the set time for said hearing. A notice shall also be posted in a conspicuous place of a public building.
 4. The applicant is responsible for notifying the adjacent property owners by certified mail with return receipt at least (15) days prior to the public hearing and providing proof of such notification to the City Auditor before action can be taken by the Planning and Zoning Commission. Adjacent property owners are all property owners within one hundred fifty (150) feet (45.7 m) radius of the property in question.
 5. At the hearing held by the Planning and Zoning Commission, the applicant and/or representative must be in attendance and presents the proposal for a conditional use permit. Also, at the hearing the public may comment and the adjacent property owners may state their opinions for the record.
 6. The Planning and Zoning Commission then presents its findings and recommendations to the City Council. The presentation shall include how the proposed conditional use complies or does not comply with the rules governing conditional uses. No conditional use shall be granted unless the following conditions have been met:
 - A. Entrance and exit to property with reference to public safety, traffic flow and convenience.
 - B. Parking and loading requirements of the specific use.
 - C. General compatibility with the surrounding property with due consideration for noise, odor or other adverse effects.

- D. Required yards and open space.
 - E. Adequate utilities, access roads, drainage and other necessary site improvements have been made or provided.
7. A second public hearing is held by the City Council. The City Council will public a notice for a public hearing in the official city newspaper once a week for two (2) successive weeks prior to the set time for said hearing. The City Council may either approve or disapprove the conditional use permit. If the City Council disapproves, the applicant may appeal to a court of law.
 8. If there is a written protest to the conditional use by more than twenty percent (20%) of the adjacent property owners, a three-quarter (3/4) vote of approval is required by the City Council prior to passing the amendment.
 9. The issuance of a conditional use permit shall not be deemed to be a change in zoning and the zoning of the property prior to the conditional use permit shall remain unchanged. In the event the use of any property, as permitted by a conditional use permit, is terminated for any reason, the conditional use permit shall expire.
 10. Any conditional use permit granted in accordance with ordinance shall expire in one year unless the use authorized by said conditional use permit shall have commenced. The Planning and Zoning Commission with the approval of the City Council may, upon issuance of a conditional use permit, establish a specific termination for such permit; the permit may be extended by the Planning and Zoning Commission with the approval of the City Council upon written application of the owner of the property provided that such extension is for the same use as specified in the original permit.

5.0708 Variance:

1. The applicant for a variance permit applies to the Planning and Zoning Commission. An application for a variance shall be made by the owner(s) of the property and shall be accompanied by a fee as set forth in Section 5.0709.
2. Every application for a variance shall include:

- A. A scaled or engineered site plan showing:
 - 1) Legal dimensions of the tract to be used.
 - 2) Location of all structures and all existing and proposed improvements.
 - 3) Building setback from all property lines.
 - 4) Location and type of planting, screening or walls.
 - 5) A timing schedule indicating the anticipated and completion dates of the development.
 - 6) Names and addresses of adjacent property owners.
 - 7) Explanation and/or description of reason(s) a variance is needed.
 - 8) Any additional information the Planning and Zoning Commission deems necessary to review the application.
- 3. The Planning and Zoning Commission will publish a notice for a public hearing in the official city newspaper once a week for two (2) successive weeks prior to the set time for said hearing. A notice shall also be posted in a conspicuous place of a public building.
- 4. The applicant is responsible for notifying the adjacent property owners by certified mail with return receipt at least (15) days prior to the public hearing and providing proof of such notification to the City Auditor before action can be taken by the Planning and Zoning Commission. Adjacent property owners are all property owners within one hundred fifty (150) feet (45.7 m) radius of the property in question.
- 5. At the hearing held by the Planning and Zoning Commission, the applicant and/or representative must be in attendance and presents the proposal for a variance permit. Also, at the hearing the public may comment and the adjacent property owners may state their opinions for the record.
- 6. The Planning and Zoning Commission must find that the granting of a variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable or unusual hardship or difficult that was not self-created. The following conditions must exist:
 - A. The property has exceptional, unique or special characteristics different from other property, particularly adjacent property.

- B. Enforcement of the ordinance with regards to properties having said characteristics result in unnecessary and undue hardship.
 - C. Granting of a variance would have no adverse effect on the public interest, safety, health or welfare.
 - D. Granting of a variance would have no adverse effect on adjacent property owners.
7. The Planning and Zoning Commission then presents its finding and recommendations to the City Council. A second public hearing is held by the City Council. The City Council will public a notice for a public hearing in the official city newspaper once a week for two (2) successive weeks prior to the set time for said hearing. The City Council may either approve or disapprove the conditional use permit. If the City Council disapproves, the applicant may appeal to a court of law.
8. The City Council may authorize a variance from the term of this ordinance. The City Council must find that granting of such a variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable or unusual hardship or difficult. The following conditions must exist:
- A. The property has exceptional, unique or special characteristics different from other property, particularly adjacent property.
 - B. Enforcement of the ordinance with regards to properties having said characteristics result in unnecessary and undue hardship.
 - C. Granting of a variance would have no adverse effect on the public interest, safety, health or welfare.
 - D. Granting of a variance would have no adverse effect on adjacent property owners.
9. If there is a written protest to the variance by more than twenty percent (20%) of the adjacent property owners, a three-quarter (3/4) vote of approval is required by the City Council prior to passing the amendment.

5.0709 Schedule of Non-Refundable Fees and Charges:

1. A non-refundable fee of five hundred dollars (\$500.00) shall be paid by the applicant upon filing an application for any amendment/rezone to the zoning ordinance or zoning map.
2. A non-refundable fee of one hundred dollars (\$100.00) shall be paid by the applicant upon filing an application for a conditional use permit, variance permit or a demolition permit.
3. A non-refundable fee as follows shall be paid by the applicant upon filing an application for a building permit:
 - A. Minimum of fifty dollars (\$50.00) or $\frac{1}{2}$ of 1% of the estimated improvement with no maximum with the exception of a single family dwelling.
 - B. Minimum of one hundred dollars (\$100.00) or $\frac{1}{2}$ of 1% of the estimated improvement with a five hundred dollar (\$500.00) maximum for a single family dwelling only.
4. Any fees not listed in this section are listed in the section for which the permit fee pertains.
5. All fees and charges set forth in this chapter may be changed from time to time by resolution of the City Council.

5.0710 Penalties for Violation:

1. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a verbal or written complaint with the Building Inspector. Such complaint shall fully state the cause and basis of the alleged violation. The Building Inspector shall maintain records of such complaints. The Building Inspector shall immediately investigate each complaint and take action thereon as provided by this ordinance.
2. If any building or structure is erected, reconstructed, repaired, altered, enlarged, converted, maintained, or moved; or if any building or structure or land is used

in violation of this ordinance, the Building Inspector shall order, in writing, the correction of such violation.

3. If, within three (3) working days or such longer time as the Building Inspector may authorize in writing, any such conditions have not been corrected, the Building Inspector shall cause appropriate criminal action to be instituted against the property owner and/or any individuals violating the ordinance.
4. The Building Inspector, City Attorney, or other official designated by the City Council may institute appropriate action or proceedings for the purpose of:
 - A. Prosecuting any violation;
 - B. Restraining, correcting, or abating any violation;
 - C. Preventing the occupancy of any building, structure, or land in violation of this ordinance;
 - D. Preventing any illegal act, conduct, business, or use in or about any buildings, structure, or land in violation of this ordinance.
5. Any person, firm, or corporation violating the provisions of this ordinance shall be guilty of a Class B Misdemeanor. Upon conviction, the person, firm, or corporation found guilty of the violation shall be punished by a maximum fine or penalty of five hundred dollars (\$500.00), thirty (30) days imprisonment, or both, for each violation. Each day any violation exists shall constitute a separate offense. The court has the power to suspend said sentence or revoke suspension of said sentence.