

LAND DEVELOPMENT CODE
(Adopted December 29, 2014, Amended August 3, 2015)

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CHAPTER 1
INTRODUCTION

SECTIONS:

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1.01. **TITLE.** This chapter shall be known as, referred to and cited as the "Land Development Code," City of Oxbow, North Dakota and hereinafter is referred to as the "Code."

1.02. **AUTHORITY.** These regulations are adopted pursuant to the authority granted by Chapters 40-47, 40-48 and 40-50 of the North Dakota Century Code.

1.03. **PURPOSE.** These regulations are adopted to promote the health, safety, morals, and general welfare of the people of the City of Oxbow in accordance with the provisions of the North Dakota Century Code.

1.04. **INTENT.** These regulations are adopted to implement the plans and policies of the City of Oxbow, regulate the use of land resources and minimize the cost of public services.

- 1. To promote orderly development of Oxbow and to prevent conflict among land uses and structures.
- 2. To secure safety from fire, panic, noxious fumes, and other dangers.
- 3. To facilitate development of water, sewerage, transportation, and other customary municipal services cost effectively.
- 4. To regulate the use and division of land within the City limits and within the Extra-territorial Area, as authorized by North Dakota laws.
- 5. To regulate the proper arrangement of streets, alleys, and roads for convenient and efficient access to the adjoining properties.

6. To protect the value of land and buildings and maintain harmony and consistency among land uses, protecting against incompatible uses that may devalue property over time.
7. To protect the existing properties against nuisances that interfere with the use and enjoyment of property, endanger personal health or safety, or is offensive to the senses, as provided under the City of Oxbow Codes.
8. To regulate the percentages of lots which may be occupied the size of yards and other open spaces, and the density and distribution of population.
9. To provide for safe and efficient pedestrian connectivity with systems that encourages a stroll over a drive.
10. To provide mechanisms within a regulatory environment to encourage more efficient development patterns to reduce construction costs, future maintenance burdens, and reduce consumption of vehicular travel time and energy.
11. To encourage patterns that create more attractive development than possible using a “minimums based” regulatory system, thus improving future resale values while stabilizing Oxbow’s tax base.
12. To separate pedestrian and vehicular traffic as much as practical and provide for safer transportation system without undue roadblocks or restrictions to vehicular flow.
13. To provide architectural recommendations and guidance without undue or overt controls that would create excessive housing and commercial construction costs.
14. To encourage design of housing, floor plans, views, and landscaping in a coordinated effort to maximize value, livability, and efficiency.
15. To minimize monotony, encourage variation, and reward innovative design practices.
16. To maximize exposure and connectivity for commercial entities to aid in the success of the individual businesses.
17. To encourage environmentally sound infrastructure while allowing for invention and innovation for systems or design methods that provide the same of better services with an economic and an environmental advantage.

1.05. **JURISDICTION.** These regulations shall apply to all lands and structures above or below the ground within the corporate limits of the City of Oxbow, North Dakota,

and its Extra-territorial Area authorized by the North Dakota Laws applying to each quarter-quarter section of unincorporated area, the majority of which is located within one mile of its limits in any direction.

1.06. **INTERPRETATION.** These regulations shall be held to be the minimum requirements. Whenever these requirements are at variance with other requirements, rules, regulations, deed restrictions or covenants, adopted by the City of Oxbow, the most restrictive shall govern, unless otherwise specifically stated. The City Council, the governing body of the City of Oxbow, may, from time to time, amend, supplement or repeal any part of this Code after a public hearing.

1.07. **SEVERABILITY.** If any part of these regulations is found invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected.

1.08. **REPEAL.** The existing City Zoning Code together with any amendment thereto are hereby repealed.

1.19. **EFFECTIVE DATE.** This Code shall be effective upon adoption by the City Council of the City of Oxbow, as provided by the North Dakota Century Code.

CHAPTER 2

RULES AND DEFINITIONS

SECTIONS:

- 2.00. Compliance.
- 2.01. Word Use.
- 2.02. Definitions.

2.00. **COMPLIANCE.** No structure, land, or building shall be hereafter used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit and shall be in compliance with this Code.

2.01. **WORD USE.** In the construction of this Code, the following words, rules, and definitions shall be observed and applied except when the context clearly indicates otherwise.

1. Words used in present tense shall include the future.
2. Words used in singular number shall include the plural number and the plural number shall include the singular number.
3. Shall is a mandatory word and not discretionary.
4. May is a permissive word.
5. The word "lot" shall also mean "parcel," "piece" and "plat."
6. The word "building" includes all structures and "structure" includes all buildings.

2.02. **DEFINITIONS.**

1. **"Accessory Building" or "Accessory Structure"** means a detached building or structure on the same lot and of a nature customarily incidental and subordinate to the principal structure
2. **"Accessory Use"** means a subordinate building or portion of the main building the use of which is clearly incidental to and serves exclusively the principal building or principal use and shall be located on the same zoning lot.
3. **"Advertising Sign"** See sign.

4. **"Agriculture"** means the use of land for agricultural purposes, including the necessary building or structure for farm or farm labor use. Agriculture shall include farming, dairying, 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.
5. **"Alley"** means a minor street providing access to the back or side of two or more parcels or lots.
6. **"Alteration"** means any change, enlargement or rearrangement in structural parts of a building or structure.
7. **"Amendment"** means any change, revision or modification to the text of this code and/or the Zoning District Map.
8. **"Animal Hospital" or "Animal Kennel"** means a building or premises set up for treatment and boarding of domestic animals including veterinary facilities.
9. **"Automotive Repair Shop"** means a place where the following services for vehicles may be carried out: general mechanical repair, automotive painting or body repair, or specialized repair shops.
10. **"Base Flood Elevation (BFE)"** means the elevation of the one percent (1%) annual chance flood as defined by the effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).
11. **"Basement"** means a story, partly underground with more than one-half of its height below grade.
12. **"Board of Adjustment"** means a body of citizens appointed by the Oxbow City Council to hear appeals on the enforcement of this code see Section 8.03.
13. **"Building"** means any structure above or below ground designed or intended for shelter, housing, business, office, and accommodation of persons, animals, chattels or property.
14. **"Building Area"** means that portion of the zoning lot that can be occupied by the principal and accessory structures, excluding the front, rear and side yards.
15. **"Building Façade"** means the front or principal face of a building. The total area of the building façade, including windows, doors, trim, etc., should be

used when calculating the percentage requirements of this Code related to building façade.

16. **"Building Height"** means vertical distance from the grade to the highest point of the roof.
17. **"Building Inspector"** means an individual or firm appointed by the City Council to fulfill the duties of Building Inspector, which are described in Chapter 8 of this Code.
18. **"Building Line"** means a line establishing the minimum distance that structures may be placed from the lot lines or street right-of-way within which no part of the principal or accessory building shall be placed. For the purposes of this Code the building line is the same as setback line.
19. **"Building, Principal"** means a building, the main use of which is single family and multi-family dwellings, offices, shops, stores and other uses permitted in the appropriate zoning district in this code.
20. **"Channel"** means a natural or man-made water course for conducting the flow of water including drainage ditches and intermittent water courses.
21. **"Child Care Facility"** means any facility which is licensed as a "group child care home" or "group child care facility" by the Department of Human Services to provide early childhood services on a regular basis, and which facility has eight or more children present, including sons, daughters, related children, and others are determined by the Department of Human Services, or a facility, other than an occupied private residence, which serves fewer than eight children.
22. **"City" or "City Council"** when capitalized, means the governing body of the City of Oxbow, North Dakota.
23. **"City Engineer"**, unless otherwise stated, means the individual engineer or engineering firm employed or retained by the City that has the qualifications required by North Dakota law.
24. **"Club or Lodge"** means a private club or lodge that is a nonprofit association of persons for the purpose of gatherings and entertaining members including consumption of food and beverages.
25. **"Code"** means this Amendment and Complete Restatement of the Revised Ordinances of the City of Oxbow, North Dakota, relating to planning and zoning.

26. **"Comprehensive Plan" or "Oxbow Plan 2034"** means a guide for management of the resources and development of the City of Oxbow.
27. **"Conditional Use"** means a use not automatically permitted in a zoning district and that requires review and approval of the City Council after a public hearing before the Planning Commission. It is a use which would not be appropriate in a particular zoning district, but which if controlled as to the number, location, or relation to the surrounding uses and the area, may be consistent with the purpose and intent of these regulations. A conditional use is permitted in a district specifically allowing it, subject to the approval of the City Council and only when the Council finds that such use meets all of the requirements applicable to it as specified in the City Codes including these regulations.
28. **"Conforming Building or Structure"** means a building or structure that complies with all requirements of this Code and other regulations adopted by the City of Oxbow.
29. **"Day Care Facility"** means a facility licensed by the State of North Dakota that regularly provides one or more persons with care, training, or supervision for periods of less than twenty-four (24) hours, in a place other than the person's own home.
30. **"Developer"** means a land owner or its agent engaged in subdividing land for development for a specific use.
31. **"Development"** means any human-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures, the construction of additions or alternations to buildings or structures, ditching, lagooning, dredging, filling, grading, paving, excavation and drilling operations.
32. **"Development Plan"** means a document including maps and data for physical development of an area as required by this Code or may be required by the City of Oxbow.
33. **"District, Zoning"** means a section or sections of Oxbow for which regulations governing the use of building and premises, the building heights, size of yards, lot area, lot width and the use are uniform, as required by this code.
34. **"Dwelling"** means any building or portion thereof, used exclusively for human habitation, including single family and multiple family units but not including hotels or motels or vehicles designed for camping and other temporary occupancy such as recreational purposes.

35. **"Dwelling, Farm"** means a single family dwelling or manufactured housing located on a farm that is occupied by the farm's owner or person employed thereon.
36. **"Dwelling Unit"** means a part or all of a building that provides complete living facilities for one or more persons including, kitchen, bathroom, living and sleeping areas.
37. **"Dwelling, Multiple Family"** means a single building or portion thereof, containing two (2) or more dwelling units which share common entry and hallway(s).
38. **"Dwelling, Single-story"** means a building containing one level of living space above the ground; a basement is not included to determine the number of stories.
39. **"Dwelling, Single Family House"** means a building containing one dwelling unit only on an individual lot fronting a public street.
40. **"Dwelling, Townhouse Unit"** means a residential building placed in an environment designed for association maintained living. The townhome unit is placed on a common tract with other units with the land area under the perimeter of the unit owned privately with all other land within the common lot owned jointly. Townhomes may be attached with no more than 6 units in a row in a single building.
41. **"Dwelling, Two-Family"** means a detached residential building containing two dwelling units in a single structure, on an individual lot fronting a public street, designed for occupancy by not more than two families. The units may share common walls. This may also be called a twin home or duplex.
42. **"Dwelling, Two-story"** means a building containing two levels of living space above the ground; a basement is not included to determine the number of stories.
43. **"Easement"** means a right to the use of land for a specific purpose, such as utilities or access, such right being held by someone other than the owner who holds the title to the land.
44. **"Efficiency Dwelling Unit"** means a single room unit, with cooking facilities, used for living, dining, and sleeping purposes.
45. **"Encroachment"** means any fill, building, structure or use including accessory uses projecting into the required yard areas or easement areas.

46. **"Essential Services"** means underground or overhead gas, electrical, steam, water, cable television, telephone, sanitary or storm sewer distribution systems, including poles, wires, pipes, conduits, cables & accessory equipment in conjunction with buildings required for protection of the public health, safety and general welfare.
47. **"Establishment"** means a place of business for processing, production, assembly, sales, service of goods and materials.
48. **"Extra-territorial Area"** means areas surrounding the City of Oxbow within one mile of the City corporate limits in all directions, where the City has zoning and platting jurisdiction under the provisions of the North Dakota Century Code.
49. **"Façade, building"** see Building Façade.
50. **"Family"** means an individual or a collective body of persons living together in a domestic relationship based on birth, marriage, guardianship or other domestic bond as distinguished from a group in a boarding house, lodging house, club or a hotel.
51. **"Family Child Care Home"** means an occupied private residence in which early childhood services are provided for no more than seven children at any one time, except that the term includes a residence providing early childhood services to two additional school-age children during the two hours immediately before and after the school day and all day, except Saturday and Sunday, when school is not in session during the official school year.
52. **"Farm"** means any aggregate area operated by one person, family, partnership, corporation, or joint venture for agriculture or farming purposes.
53. **"Feed Lot"** means a parcel of land that contains a commercial operation for feeding or raising of fifty (50) or more animals that is operated as a separate activity and not incidental to farming.
54. **"Final Plat"** means the map, plan, or record of a subdivision and any accompanying material prepared in conformance with this Code.
55. **"Frontage"** means the front part of a lot abutting a public right-of-way, or road or highway.
56. **"Garage, Private"** is a building or part thereof accessory to a main building which provides for the storage of automobiles and in which no business for profit is carried on, except that a permissible home occupation may be

conducted in the garage so long as the home occupation use is secondary to the primary use of storing automobiles.

57. **"Grade, Building"** means the land elevation at the horizontal intersection of the ground and the building.
58. **"Home Occupation"** means any occupation which:
 - (a) is carried on in a dwelling unit or garage by members of the family;
 - (b) is clearly secondary to the use of residential dwelling units; and
 - (c) does not create excessive noise, traffic or conflict with adjoining uses, provided that no articles are sold other than those made on the premises.
59. **"Home for Temporary Lodging and Meals"** means the accessory use of a private residence for the overnight lodging of guests for a fee, such as "bed and breakfast" uses.
60. **"Hotel or Motel"** means a building in which lodging accommodations, with or without meals, are provided for compensation.
61. **"Improvements"** means street grading, surfacing, installations of sidewalks, curb, gutter, water, sanitary and storm sewer systems, culverts, bridges, trees, street lights as may be required by the City of Oxbow.
62. **"Junk or Salvage Yard"** means an open area where waste or scrap material, including parts of used motor vehicles, appliances and farm implements are bought, sold, exchanged, stored, baled, parked, disassembled or handled.
63. **"Landscaping Items"** means plantings, such as: trees, grass, and shrubs; rocks; garden border materials; lamp posts; and lawn ornaments.
64. **"Lot"** means a piece, parcel, or area of land established by survey, plat or deed that meets the yard requirements of this Code and fronts on a public street.
65. **"Lot, Corner"** means a lot abutting two (2) or more public streets at their intersection.
66. **"Lot Coverage"** means building area; the total ground-level surface area of a lot that is covered by any type of structure, excluding roof overhangs, yard areas, landscaping and other impervious surfaces.
67. **"Lot Depth"** means the average horizontal distance between the front lot line and rear lot line.

68. **"Lot Lines"** means the property lines bounding the lot.
69. **"Lot of Record"** means a lot, which is a part of a subdivision or a parcel of land which has been recorded in the office of the Cass County Register of Deeds, prior to adoption of this Code.
70. **"Lot Width"** means the horizontal distance between the side lot lines of a lot, measured at the front building setback line.
71. **"Lot, Zoning"** means a single lot, parcel, or tract of land within a zoning district.
72. **"Manufactured Home," Modular Home," "Mobile Home," or Prebuilt Home"** means factory built dwelling units, transportable in one or more sections, with at least 900 square feet of living space, that are designed as year-round dwelling units and shall be placed on a permanent foundation or basement. The manufactured dwelling units shall bear a label certifying that such units were built in compliance with the latest Manufactured Home Safety Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development for manufactured homes. The Uniform Building Code shall apply to modular homes.
73. **"Manufactured Home Park"** means a parcel of land for which a detailed plan indicating the location of lots, blocks, streets, facilities and utilities is prepared, subject to the requirements of this Code.
74. **"Mobile Home"** means manufactured dwelling unit.
75. **"Neighborhood Commercial Establishments"** means small businesses providing services and products to the immediate residential neighborhood in which they are located.
76. **"Nonconforming Building"** means any building or structure that does not conform with any or all of this Code but existed at the time of adoption of the Code.
77. **"Nonconforming Use"** means any principal use of land or building that does not conform with any or all parts of this Code but existed at the time of adoption of the Code.
78. **"Non-residential Plat"** means a plat whose intended use is other than residential such as commercial or industrial uses.
79. **"Nursing, Elderly Care Facility"** means a residential facility for the aged or infirm in which unrelated persons are accommodated for compensation.

80. **"Open Fence"** means a fence in which openings between the materials of which the fence is constructed represent not more than fifty (50) percent of the total surface of the fence when viewed perpendicular to the face of the fence.
81. **"Ordinance"** means the City of Oxbow's adopted and enacted ordinances and any and all amendments.
82. **"Parking Lot"** means an off-street area designated for parking of automobiles accessible from a public street or alley where each parking space shall be no less than nine (9) feet by twenty (20) feet.
83. **"Parking Space"** means a space adequate for parking an automobile with room for opening doors on both sides together with unimpeded access to a public street or alley and maneuvering room. Minimum width is 9 feet and minimum depth is 20 feet.
84. **"Patio Home"** means a structure housing two separate family units divided by a common party wall and where each owner owns title to the land upon which the owner's unit is located.
85. **"Permanent Foundation"** means an extension of the outer walls of a building or structure made of solid materials such as concrete or treated wood and extended below the ground surface through the frost zone, or other depths as required by the City. Pilings shall not be accepted as permanent foundation.
86. **"Permitted Uses"** means those uses, buildings or structures that comply with the provisions of specific zoning districts because of the similarities in nature and relationship to each other. Permitted uses are distinct from conditional uses that are authorized only if certain requirements of this Code are met.
87. **"Person"** means any individual, firm, corporation, partnership or legal entity.
88. **"Planned Development"** means a plan for grouping of buildings and structures on a site of two (2) or more acres in single ownership that is based on a detailed layout plan and recorded in the Office of Cass County Register of Deeds upon approval by the City of Oxbow.
89. **"Planning Commission"** means a citizen body appointed by the City Council under the authority of North Dakota statute, as an advisory group to the City Council on zoning, development and planning matters.

90. **"Plat"** means a map of a subdivision of land prepared according to the provisions of this Code.
91. **"Playhouse"** means any structure used primarily for children's recreation and that is accessory to a residential use.
92. **"Preliminary Plat"** means the preliminary plan of a subdivision and any accompanying material prepared in accordance with the requirements of this Code.
93. **"Principal Structure or Use"** means one that determines the predominant use as contrasted to accessory use or building.
94. **"Property Owners"** includes their representatives.
95. **"Public Way"** means any dedicated and recorded right-of-way including alleys, bikeways, sidewalks, streets, roads or highways.
96. **"Regional Flood"** means a flood determined by the State and Federal Emergency Management Agency and is representative of large floods known to have occurred in Cass County, North Dakota.
97. **"Replat"** means a change in an approved or recorded plat requiring changes in street layout, lot lines, or blocks.
98. **"Right-of-Way"** means a strip of land designated or dedicated for streets, sidewalks, railroads, electric transmission line, telephone and telegraph lines, oil or gas pipelines, sanitary, storm or water systems. The right-of-way width for street purposes shall be as follows: sixty (60) feet for local streets; eighty (80) feet for connector streets; and one hundred (100) feet for arterial streets.
99. **"Screening"** means a land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances, such as a raised berm and/or a green belt planting with a row of deciduous trees or hedges.
100. **"Service Station"** means any building or premises where automotive fuels, automotive related services, lubricants, parts, and supplies are made available to the motorist.
101. **"Setback Line"** means the minimum horizontal distance between the lot line and the building lines, unless otherwise defined in district zoning regulations below as the line identified by the map for specific setbacks per plat, attached hereto as Figure 5.01, at the end of Chapter 5.

102. **"Sign"** means any emblem, name, identification, description or illustration that is used for outdoor advertising having permanent location on the ground or attached to or painted on a building, including bulletin boards, billboards and poster boards but excluding real estate "for sale" signs, political campaign signs, public information and traffic signs.
103. **"Site Plan"** means a detailed plan for making improvements to parcel(s) of land for the purpose of building and development as provided in this Code.
104. **"Solid Fence"** means a fence so constructed that it completely obstructs the view.
105. **"Street"** means a dedicated public way that affords traffic circulation and is a principal means of access to abutting properties.
106. **"Street, Line"** means the outer boundary of a public way.
107. **"Street, Local"** means a public way intended for a low volume of traffic that provides access to individual properties with a minimum of sixty (60) feet of right-of-way.
108. **"Street, Major"** means a public way, arterial or collector streets, used for carrying a large volume of traffic, with a minimum of eighty (80) to one hundred (100) feet, depending on its functional classification.
109. **"Structural Alterations"** means any change in the supporting elements of a building or structure including bearing elements, partitions, columns, beams, girders, roofs, exterior walls and embankment.
110. **"Structure"** means anything, built, constructed above or below ground, the use of which requires permanent location on or below the ground, such as fences, pools, advertising signs, billboards, power lines and transmission lines, tunnels and pipelines.
111. **"Subdivider"** means any person, group, corporation, entity or agency dividing or proposing to divide land so as to create a subdivision.
112. **"Subdivision"** means the division of a tract or parcel of land into lots for the purpose of sale or building development.
113. **"Sustainability"** means, for the purposes of this Code, a neighborhood designed and constructed with a balance of Economic, Existence, and Environmental benefits. "Economic" is defined as a benefit for the resident, business owner, or City of Oxbow due to design and construction that is above the norm. "Existence" is defined as self-worth or sense of pride that is

enhanced because of the neighborhood that an individual lives within, no matter what price point or social status. "Environment" is defined as viable, non-trendy solutions that reduce environmental impact without undue economic or existence impacts. A balance of Economics, Existence, and Environment will result in more sustainable development than possible by simply following Oxbow regulatory minimums.

114. **"Swimming Pool"** means a structure designed to be used for swimming that has a capacity of one thousand (1,000) gallons or more or that has a depth of over twenty-four (24) inches.
115. **"Use"** means the purpose for which land or a building is arranged, designed, occupied or maintained.
116. **"Variance"** means the relaxation of the terms of this Code in relationship to building height, size of the front, rear and side yards, where the literal enforcement of this Code would create an undue hardship but is not contrary to the purposes of the Oxbow Plan 2034 and this Code. The variance shall not be contrary to the public interest.
117. **"Yard"** means an open space on a lot that is unoccupied or unobstructed by any portion of a structure from the ground upward.
118. **"Yard, Front"** means a yard that extends across the full width of the lot as the least distance between the front lot line and the front building line.
119. **"Yard, Rear"** means a yard that extends across the full width of the lot, as the least distance between the rear lot line and the rear building line.
120. **"Yard, Side"** means a yard between the front and rear yards, as the least distance between each side of the principal building and each side lot line.

Source: Ord. 2015-8-3, Sec. 1 (2015)

CHAPTER 3

GENERAL PROVISIONS

SECTIONS:

- 3.00. Comprehensive Plan, Oxbow Plan 2034.
- 3.01. Non-Conforming Uses.
- 3.02. Land Suitability.
- 3.03. Conditionally Permitted Uses.
- 3.04. Dedication of Land for Streets.
- 3.05. Public Water and Sewer System.

3.00. **COMPREHENSIVE PLAN, OXBOW PLAN 2034.** This Code is administered and enforced to implement the Oxbow Plan 2034 of the City of Oxbow, a document adopted by the City Council as a policy guide to protect the City's resources and accommodate the type of development deemed appropriate including but not limited to the following:

1. To preserve and enhance the taxable value of land and buildings, and to avoid land uses which pose negative impacts on one another.
2. To encourage the most appropriate use of land in the City and its extra-territorial area of one mile around the City.
3. To regulate and restrict the location and intensity of use of buildings and lands.
4. To separate and control unavoidable nuisance producing uses to minimize the adverse impacts on the surrounding areas or uses.
5. To facilitate traffic movement and promote development of compatible uses.

3.01. **NON-CONFORMING USES.** The lawful use of a building or premises existing at the date of adoption of this Code may be continued. Where a non-conforming use is discontinued for a period of more than twelve consecutive calendar months, any subsequent use or occupancy of such premises shall conform to this Code. Whenever a building is destroyed or damaged by fire or other casualty to the extent of more than fifty percent (50%) of its market value, it shall not be restored unless said building, and its foundation and/or basement, shall conform to the provisions of the district in which it is located. Non-conforming uses shall not be expanded to occupy a larger area of land than existed at the date of adoption of this Code unless there is an undue hardship and is approved by the City Council.

Source: Ord. 2015-8-3, Sec. 2 (2015)

3.02. **LAND SUITABILITY.** No land shall be used for a purpose which is held unsuitable for the reason of flooding, soil limitations, inadequate drainage, incompatibility with adjoining uses or any condition likely to be harmful to the health, safety or the welfare of the people in the area. The City Council may require information and data to determine the land suitability. The City may consult with county and state agencies to assist in its determination.

3.03. **CONDITIONALLY PERMITTED USES.** Where a use is classified as a conditional use under this Code and exists at the date of adoption of this Code, it shall be considered a permitted use. Where a use is not allowed as a conditional use or permitted use, under this Code, and exists at the date of adoption of this Code, it shall be considered non-conforming and shall be subject to the non-conforming buildings and use provisions under Section 9.01.

3.04. **DEDICATION OF LAND FOR STREETS.** Whenever a parcel of land to be subdivided as a subdivision contains a street or public way, such a street or alley shall be dedicated to the City at the location and details shown on the final plat.

3.05. **PUBLIC WATER AND SEWER SYSTEM.** To protect the public health, to control water pollution and to reduce nuisance and odor, all new development within the City of Oxbow shall be connected to the City water and sewer system. Construction and use of septic tanks shall not be permitted within the City corporate limits of the City of Oxbow and its extra-territorial jurisdiction unless the proposed use is related to an existing farming operation.

CHAPTER 4

ZONING DISTRICT BOUNDARIES AND MAP

SECTIONS:

- 4.00. Zoning Districts.
- 4.01. Zoning District Map.

4.00. **ZONING DISTRICTS.** The following zoning districts are hereby established to carry out the purposes of this Code:

- 1. A Agricultural District
- 2. SFR-1 Single Family Residential District
- 3. SFR-2 Single Family Residential District
- 4. SFR-3 Single Family Residential District
- 5. SFR-4 Single Family Residential District
- 6. SFR-5 Single Family Residential District
- 7. SFR-6 Single Family Residential District
- 8. SFR-7 Single Family Residential District
- 9. SFR-8 Single Family Residential District
- 10. RR Rural Residential District
- 11. MF Multiple Family Residential District
- 12. HC Highway Commercial District
- 13. C Commercial District
- 14. I Industrial District
- 15. FPM Flood Plain Management District
- 16. PARK Park District
- 17. PR Private Recreation District

18. PW Public Works District

Source: Ord. 2015-8-3, Sec. 3 (2015)

4.01. **ZONING DISTRICT MAP.**

1. **Zoning District Map.** The location and boundaries of the zoning districts are hereby established as shown on the "Zoning District Map" on file in the Office of the City of Oxbow City Auditor. The zoning district maps, together with all information shown thereon and all amendments thereto, shall be an integral part of this Code.
2. **Public Streets as Boundary.** Where zoning district boundary lines are indicated as following streets and public ways or extensions thereof, such boundary lines shall be construed to be the center line of said streets or public ways or extension thereof unless clearly shown to the contrary.
3. **Lot Line as Boundary.** Where a zoning district boundary line coincides approximately but not exactly with the lot line, the zoning boundary shall be construed to be the lot line at that location. All section lines, quarter section lines and quarter-quarter section lines may be construed as the property lines.
4. **Roadways and Railroads.** Boundaries indicated as approximately following the center line of roadways or railroads shall be construed to follow such center lines
5. **Rivers.** Boundaries indicated as approximately following the bank or center line of a river shall be construed to follow such center line or bank.
6. **District Description for Unsubdivided Lands.** For unsubdivided property, zoning district boundaries may be determined by metes and bounds description or by a legal description.
7. **Vacated Areas.** Where a street or public way is vacated by the official action of the City Council, the Zoning district boundaries shall be extended to the center of the vacated street or public way.
8. **Zoning District Boundary Interpretation.** Where any uncertainty exists as to the exact location of the zoning district boundary lines, the City Council shall determine the location of such boundary lines.
9. **Certification.** The official zoning map shall bear a certificate with the signatures of the Mayor, the Planning Commission Chairperson, the City Auditor and the date of adoption of the zoning map as an integral part of this Code.

CHAPTER 5

[Source: Ord. 2015-8-3, Sec. 4 (2015)]

ZONING DISTRICT REGULATIONS

SECTIONS:

- 5.00. A - Agricultural District.
- 5.01. SFR-1 - Single Family Residential District.
- 5.02. SFR-2 - Single Family Residential District.
- 5.03. SFR-3 - Single Family Residential District.
- 5.04. SFR-4 - Single Family Residential District.
- 5.05. SFR-5 - Single Family Residential District.
- 5.06. SFR-6 - Single Family Residential District.
- 5.07. SFR-7 - Single Family Residential District.
- 5.08. SFR-8 - Single Family Residential District.
- 5.09. RR - Rural Residential District.
- 5.10. MF - Multiple Family Residential District.
- 5.11. HC - Highway Commercial District.
- 5.12. C - Commercial District.
- 5.13. I - Industrial District.
- 5.14. FPM - Flood Plain Management District.
- 5.15. PARK - Park District.
- 5.16. PR - Private Recreation District.
- 5.17. PW - Public Works District.

Figure 5.01. Building Setback Maps, Exhibits A-F (at the end of this Chapter)

5.00. A - AGRICULTURAL DISTRICT.

1. **Purpose.** The (A) agricultural district is primarily established to provide for preservation and protection of agricultural uses while in existence in the City and its Extra-territorial Area. Animal feeding operations and feedlots are prohibited in this district.
2. **Permitted Uses.**
 - a. Agricultural operations including grains and other row crops, but excluding feed lots, poultry, fish, dairying, and fur farming.
 - b. Construction and maintenance of drainage systems to manage the water run-off and water reservoirs, provided that all drainage systems must be approved by the City Engineer before their construction.

- c. General utility lines and pipe lines, including substations for transformers, pumping stations, and lift stations.
 - d. Flood control devices and structures for flood protection of property within the City and its Extra-territorial Area that are constructed and maintained by the City or Cass County.
3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.
4. **Lot Area and Lot Width.**
- a. The minimum lot area shall not be less than forty (40) acres.
 - b. The minimum lot width shall not be less than five hundred (500) feet.
 - c. The minimum lot depth shall not be less than five hundred (500) feet.
5. **Sign Requirements.** Sign requirements shall be subject to the provisions of Section 6.01.

5.01. **SFR-1 - SINGLE FAMILY RESIDENTIAL DISTRICT.**

1. **Purpose.** The (SFR-1) single family residential district is primarily established to promote a suitable residential environment and to accommodate low density detached single family residential units, characterized by large lots, uninterrupted by conflicting uses and incompatible activities.
2. **Permitted Uses.**
- a. Single family detached residential uses. In addition, all housing units shall meet the following requirements:
 - (i) a single-story house shall have a minimum of two thousand five hundred (2,500) square feet of living space above ground;
 - (ii) a two-story house shall have a minimum of three thousand (3,000) square feet of living space above ground, with at least one thousand five hundred (1,500) square feet of living space on the first floor;
 - (iii) each unit shall have at least a three (3) stall attached garage that is at least 864 square feet in size with room to park at least three (3) cars;

- (iv) no house in this district shall be a bi-level, multi-level, or split-style house;
- (v) driveways must be concrete or pavers, or a combination of the two;
- (vi) when viewed from the street, at least twenty percent (20%) of the façade must be brick, stone, stucco, or similar building material;
- (vii) when viewed from the street, the garage doors may not encompass more than sixty five percent (65%) of the building's façade, and no garage door shall be made of Masonite material;
- (viii) no building shall be constructed with vinyl lap siding;
- (ix) new and replacement windows shall be either steel, fiberglass or vinyl clad windows, but not a combination of the two, and no wood clad windows are permitted;
- (x) roof slopes of at least 5 in 12 are required on at least seventy-five percent (75%) of the roof area;
- (xi) no fences shall be allowed except as permitted by Section 6.08(4); and
- (xii) no accessory buildings and structures shall be allowed.

b. Home occupations and family child care homes, subject to the provisions set forth in Section 6.13.

3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.

4. **Lot Area, Lot Width and Coverage.**

- a. The minimum lot area shall not be less than twenty-three thousand (23,000) square feet.
- b. The minimum lot width shall not be less than one hundred (100) feet. For purposes of measuring lot width, the minimum horizontal distance between side lot lines shall be used, except in cul-de-sacs where an arc following the circumference of the cul-de-sac circle shall be drawn between the two intersecting points of the front setback line and the side lot lines.
- c. The minimum lot depth shall not be less than one hundred (100) feet.

- d. The maximum lot coverage, excluding the yard requirements, shall not be more than thirty percent (30%).

5. Yard Requirements.

- a. The minimum front yard setback requirement shall be between fifty-two (52) feet and seventy (70) feet, measured from the front lot line, as established by the map for specific setbacks per plat referenced in Figure 5.01, attached hereto and incorporated herein by reference.
- b. The minimum rear yard, measured from the rear lot line, shall not be less than fifteen (15) feet. Where a rear yard abuts golf course property, the closest fifteen (15) feet of property to the golf course shall be graded at slopes no steeper than the abutting golf course grades.
- c. The minimum side yard, measured from the side lot line, shall not be less than fifteen (15) feet on each side of a lot. Where a side yard abuts golf course property, the side yard slope gradient shall be at least a 1:7 slope and no more than a 1:5 slope from the foundation to the side lot line.
- d. Retaining walls must be installed at least fifteen (15) feet from a lot line that abuts golf course property and the grade/slope between the retaining wall and lot line shall match the abutting golf course grade/slope as seamlessly as possible.
- e. Yard setbacks must also comply with Section 6.15 with respect to setbacks in this zone.

6. Building and Foundation Height.

- a. The building height for residential buildings shall not exceed two (2) stories or thirty five (35) feet from the top of the foundation.
- b. The top of the foundation elevation for residential buildings shall not be less than thirty six (36) inches from the highest point of the top of the curb at the street, nor greater than forty eight (48) inches from the lowest point of the top of the curb at the street,, between the lot lines that abut the street.
- c. The lowest access point of the foundation shall not be less than two and one-half (2 ½) feet above the Base Flood Elevation (BFE).

- d. The building height for all other uses shall not exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.

7. Parking Requirements.

- a. There shall be a minimum of three (3) surfaced off-street parking spaces for each residential dwelling unit. Surface shall be concrete or pavers, or a combination of the two.
- b. Parking for the conditionally permitted uses and non-residential uses shall be subject to the provisions of Section 6.00.

8. Sign Requirements.

- a. There shall be no more than one wall-mounted identification sign per residential dwelling structure not exceeding two (2) square feet in area.
- b. Temporary signs, including political campaign signs, greeting signs and realty signs are permitted for a period of thirty (30) days. Signs for rent and signs for sale may be permitted without a time limitation.
- c. Signs for non-residential uses shall be subject to the provisions of Section 6.01.

5.02. SFR-2 - SINGLE FAMILY RESIDENTIAL DISTRICT.

- 1. **Purpose.** The (SFR-2) single family residential district is primarily established to promote a suitable residential environment and to accommodate low density detached single family residential units uninterrupted by conflicting uses and incompatible activities.

2. Permitted Uses.

- a. Single family detached residential uses. In addition, all housing units shall meet the following requirements:
 - (i) a single-story house shall have a minimum of two thousand (2,000) square feet of living space above ground;
 - (ii) a two-story house shall have a minimum of two thousand five hundred (2,500) square feet of living space above ground, with at least one thousand two hundred fifty (1,250) square feet on the first floor;

- (iii) each unit shall have at least a three (3) stall attached garage that is at least 864 square feet in size with room to park at least three (3) cars;
- (iv) no house in this district shall be a bi-level, multi-level, or split-style house;
- (v) driveways must be concrete or pavers, or a combination of the two;
- (vi) when viewed from the street, at least twenty percent (20%) of the façade must be brick, stone, stucco, or similar building material;
- (vii) when viewed from the street, the garage doors may not encompass more than sixty five percent (65%) of the building's façade, and no garage door shall be made of Masonite material;
- (viii) no building shall be constructed with vinyl lap siding;
- (ix) new and replacement windows shall be either steel, fiberglass, or vinyl clad windows, but not a combination of the two, and no wood clad windows are permitted;
- (x) roof slopes of at least 5 in 12 are required on at least seventy-five percent (75%) of the roof area;
- (xi) no fences shall be allowed except as permitted by Section 6.08(4); and,
- (xii) no accessory buildings and structures shall be allowed.

b. Home occupations and family child care homes.

3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.

4. **Lot Area, Lot Width and Coverage.**

- a. The minimum lot area shall not be less than seventeen thousand (17,000) square feet.
- b. The minimum lot width shall not be less than eighty (80) feet. For purposes of measuring lot width, the minimum horizontal distance between side lot lines shall be used, except in cul-de-sacs where an arc following the circumference of the cul-de-sac circle shall be drawn

between the two intersecting points of the front setback line and the side lot lines.

- c. The minimum lot depth shall not be less than one hundred (100) feet.
- d. The maximum lot coverage, excluding the yard requirements, shall not be more than thirty percent (30%).

5. Yard Requirements.

- a. At least one part of the enclosed portion of the house or garage shall be on the front setback, measured from the front lot line as shown on the map for specific setbacks per plat referenced in Figure 5.01, attached hereto and incorporated herein by reference.
- b. The minimum rear yard, measured from the rear lot line, shall not be less than fifteen (15) feet. Where a rear yard abuts golf course property, the closest fifteen (15) feet of property to the golf course shall be graded at slopes no steeper than the abutting golf course grades.
- c. The minimum side yard, measured from the side lot line, shall not be less than fifteen (15) feet on each side of a lot. Where a side yard abuts golf course property, the side yard slope gradient shall be at least a 1:7 slope and no more than a 1:5 slope from the foundation to the side lot line.
- d. Retaining walls must be installed at least fifteen (15) feet from a lot line that abuts golf course property and the grade/slope between the retaining wall and lot line shall match the abutting golf course grade/slope as seamlessly as possible.
- e. Yard setbacks must also comply with Section 6.15 with respect to setbacks in this zone.

6. Building and Foundation Height.

- a. The building height for residential buildings shall not exceed two (2) stories or thirty five (35) feet from the top of the foundation.
- b. The top of the foundation elevation for residential buildings shall not be less than thirty six (36) inches from the highest point of the top of the curb at the street, nor greater than forty eight (48) inches from the lowest point of the top of the curb at the street, between the lot lines that abut the street.

- c. The lowest access point of the foundation shall not be less than two and one-half (2 ½) feet above the Base Flood Elevation (BFE).
- d. The building height for all other uses shall not exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.

7. Parking Requirements.

- a. There shall be a minimum of three (3) surfaced off-street parking spaces for each residential dwelling unit. Surface shall be concrete or pavers, or a combination of the two.
- b. Parking for the conditionally permitted uses and non-residential uses shall be subject to the provisions of Section 6.00.

8. Sign Requirements.

- a. There shall be no more than one wall-mounted identification sign per residential dwelling structure not exceeding two (2) square feet in area.
- b. Temporary signs, including political campaign signs, greeting signs and realty signs are permitted for a period of thirty (30) days. Signs for rent and signs for sale may be permitted without a time limitation.
- c. Signs for non-residential uses shall be subject to the provisions of Section 6.01.

5.03. SFR-3- SINGLE FAMILY RESIDENTIAL DISTRICT.

1. **Purpose.** The (SFR-3) single family residential district is primarily established to promote a suitable residential environment to accommodate the present single family uses and the future single family dwelling units on smaller lots.

2. Permitted Uses.

- a. Single-family detached residential units. In addition, all housing units shall meet the following requirements:
 - (i) a single-story house shall have at least one thousand eight hundred (1,800) square feet of living space above ground;
 - (ii) a two-story house shall have at least two thousand two hundred (2,200) square feet of living space above ground, with

at least one thousand one hundred (1,100) square feet on the first floor;

- (iii) each unit shall have at least a three (3) stall attached garage that is at least 864 square feet in size with room to park at least three (3) cars;
- (iv) no house in this district shall be a bi-level, multi-level, or split-style house;
- (v) driveways must be concrete or pavers, or a combination of the two;
- (vi) when viewed from the street, at least twenty percent (20%) of the façade must be brick, stone, stucco, or similar building material;
- (vii) when viewed from the street, the garage doors may not encompass more than sixty five percent (65%) of the building's façade, and no garage door shall be made of Masonite material;
- (viii) no building shall be constructed with vinyl lap siding;
- (ix) new and replacement windows shall be either steel, fiberglass, or vinyl clad windows, but not a combination of the two, and no wood clad windows are permitted;
- (x) roof slopes of at least 5 in 12 are required on at least seventy-five percent (75%) of the roof area;
- (xi) no fences shall be allowed except as permitted by Section 6.08(4); and,
- (xii) no accessory buildings and structures shall be allowed.

b. Home occupations and family child care homes.

3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.

4. **Lot Area, Lot Width and Coverage.**

- a. The minimum lot area shall not be less than nineteen thousand (19,000) square feet.
- b. The minimum lot width shall not be less than eighty (80) feet. For purposes of measuring lot width, the minimum horizontal distance

between side lot lines shall be used, except in cul-de-sacs where an arc following the circumference of the cul-de-sac circle shall be drawn between the two intersecting points of the front setback line and the side lot lines.

- c. The minimum lot depth shall not be less than one hundred (100) feet.
- d. The maximum lot coverage, excluding the yard requirements, shall not be more than thirty percent (30%).

5. Yard Requirements.

- a. At least one part of the enclosed portion of the house or garage shall be on the front setback line as shown on the map for specific setbacks per plat referenced in Figure 5.01, attached hereto and incorporated herein by reference.
- b. The minimum rear yard, measured from the rear lot line, shall not be less than fifteen (15) feet. Where a rear yard abuts golf course property, the closest fifteen (15) feet of property to the golf course shall be graded at slopes no steeper than the abutting golf course grades.
- c. The minimum side yard, measured from the side lot line, shall not be less than fifteen (15) feet on each side of a lot. Where a side yard abuts golf course property, the side yard slope gradient shall be at least a 1:7 slope and no more than a 1:5 slope from the foundation to the side lot line.
- d. Retaining walls must be installed at least fifteen (15) feet from a lot line that abuts golf course property and the grade/slope between the retaining wall and lot line shall match the abutting golf course grade/slope as seamlessly as possible.
- e. Yard setbacks must also comply with Section 6.15 with respect to setbacks in this zone.

6. Building and Foundation Height.

- a. The building height for residential buildings shall not exceed two (2) stories or thirty five (35) feet from the top of the foundation.
- b. The top of the foundation elevation for residential buildings shall not be less than thirty six (36) inches from the highest point of the top of the curb at the street, nor greater than forty eight (48) inches from the lowest point of the top of the curb at the street, between the lot lines that abut the street.

- c. The lowest access point of the foundation shall not be less than two and one-half (2 ½) feet above the Base Flood Elevation (BFE).
- d. The building height for all other uses shall not exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.

7. Parking Requirements.

- a. There shall be a minimum of three (3) surfaced off-street parking spaces for each residential dwelling unit. Surface shall be concrete or pavers, or a combination of the two.
- b. Parking for the conditionally permitted uses and non-residential uses shall be subject to the provisions of Section 6.00.

8. Sign Requirements.

- a. There shall be no more than one wall-mounted identification sign per residential dwelling structure not exceeding two (2) square feet in area.
- b. Temporary signs, including political campaign signs, greeting signs and realty signs are permitted for a period of thirty (30) days. Signs for rent and signs for sale may be permitted without a time limitation.
- c. Signs for non-residential uses shall be subject to the provisions of Section 6.01.

5.04. SFR-4- SINGLE FAMILY RESIDENTIAL DISTRICT.

1. **Purpose.** The (SFR-4) single family residential district is primarily established to promote a suitable residential environment and to accommodate the present single family uses and the future single family dwelling units.

2. Permitted Uses.

- a. Single-family detached residential units. In addition, all housing units shall meet the following requirements:
 - (i) a single-story house shall have at least one thousand six hundred (1,600) square feet of living space above ground;

- (ii) a two-story house shall have at least two thousand (2,000) square feet of living space above ground, with at least one thousand (1,000) square feet on the first floor;
- (iii) a bi-level or split-level house shall have at least two thousand four hundred (2,400) square feet of living space, including garden level square footage, but not including full basement square footage;
- (iv) each unit shall have at least a two (2) stall attached garage that is at least 550 square feet in size with room to park at least two (2) cars;
- (v) driveways must be concrete or pavers, or a combination of the two;
- (vi) when viewed from the street, at least twenty percent (20%) of the façade must be brick, stone, stucco, or similar building material;
- (vii) when viewed from the street, the garage doors may not encompass more than sixty five percent (65%) of the building's façade, and no garage door shall be made of Masonite material;
- (viii) no building shall be constructed with vinyl lap siding;
- (ix) new and replacement windows shall be either steel, fiberglass, or vinyl clad windows, but not a combination of the two, and no wood clad windows are permitted;
- (x) roof slopes of at least 5 in 12 are required on at least seventy-five percent (75%) of the roof area;
- (xi) no fences shall be allowed except as permitted by Section 6.08(4); and,
- (xii) no accessory buildings and structures shall be allowed.

b. Home occupations and family child care homes.

3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.

4. **Lot Area, Lot Width and Coverage.**

a. The minimum lot area shall not be less than fifteen thousand (15,000) square feet.

- b. The minimum lot width shall not be less than eighty (80) feet. For purposes of measuring lot width, the minimum horizontal distance between side lot lines shall be used, except in cul-de-sacs where an arc following the circumference of the cul-de-sac circle shall be drawn between the two intersecting points of the front setback line and the side lot lines.
- c. The minimum lot depth shall not be less than one hundred (100) feet.
- d. The maximum lot coverage, excluding the yard requirements, shall not be more than thirty percent (30%).

5. Yard Requirements.

- a. At least one part of the enclosed portion of the house or garage shall be on the front setback line as shown on the map for specific setbacks per plat referenced in Figure 5.01, attached hereto and incorporated herein by reference.
- b. The minimum rear yard, measured from the rear lot line, shall not be less than fifteen (15) feet. Where a rear yard abuts golf course property, the closest fifteen (15) feet of property to the golf course shall be graded at slopes no steeper than the abutting golf course grades.
- c. The minimum side yard, measured from the side lot line, shall not be less than fifteen (15) feet on each side of a lot. Where a side yard abuts golf course property, the side yard slope gradient shall be at least a 1:7 slope and no more than a 1:5 slope from the foundation to the side lot line.
- d. Retaining walls must be installed at least fifteen (15) feet from a lot line that abuts golf course property and the grade/slope between the retaining wall and lot line shall match the abutting golf course grade/slope as seamlessly as possible.
- e. Yard setbacks must also comply with Section 6.15 with respect to setbacks in this zone.

6. Building and Foundation Height.

- a. The building height for residential buildings shall not exceed two (2) stories or thirty five (35) feet from the top of the foundation.
- b. The top of the foundation elevation for residential buildings shall not be less than thirty six (36) inches, nor greater than forty eight (48) inches, above the top of the curb at the street.

- c. The lowest access point of the foundation shall not be less than two and one-half (2 ½) feet above the Base Flood Elevation (BFE).
- d. The building height for all other uses shall not exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.

7. Parking Requirements.

- a. There shall be a minimum of two (2) surfaced off-street parking spaces for each residential dwelling unit. Surface shall be concrete or pavers, or a combination of the two.
- b. Parking for the conditionally permitted uses and non-residential uses shall be subject to the provisions of Section 6.00.

8. Sign Requirements.

- a. There shall be no more than one wall-mounted identification sign per residential dwelling structure not exceeding two (2) square feet in area.
- b. Temporary signs, including political campaign signs, greeting signs and realty signs are permitted for a period of 30 days. Signs for rent and signs for sale may be permitted without a time limitation.
- c. Signs for non-residential uses shall be subject to the provisions of Section 6.01.

5.05. SFR-5- SINGLE FAMILY RESIDENTIAL DISTRICT.

1. **Purpose.** The (SFR-5) single family residential district is primarily established to promote a suitable residential environment to accommodate future single family uses.

2. Permitted Uses.

- a. Single family detached residential units. In addition, all housing units shall meet the following requirements:
 - (i) a single-story house shall have at least one thousand five hundred (1,500) square feet of living space above ground;
 - (ii) a two-story house shall have at least one thousand nine hundred (1,900) square feet of living space above ground, with at least one thousand (1,000) square feet on the first floor;

- (iii) a bi-level or split-level house shall have at least two thousand one hundred (2,100) square feet of living space including garden level square footage, but not including full basement square footage;
- (iv) each unit shall have at least a two (2) stall attached garage that is at least 550 square feet in size with room to park at least two (2) cars;
- (v) driveways must be concrete or pavers, or a combination of the two;
- (vi) when viewed from the street, at least twenty percent (20%) of the façade must be brick, stone, stucco, or similar building material;
- (vii) when viewed from the street, the garage doors may not encompass more than sixty five percent (65%) of the building's façade, and no garage door shall be made of Masonite material;
- (viii) no building shall be constructed with vinyl lap siding;
- (ix) new and replacement windows shall be either steel, fiberglass, or vinyl clad windows, but not a combination of the two, and no wood clad windows are permitted;
- (x) roof slopes of at least 5 in 12 are required on at least seventy-five percent (75%) of the roof area;
- (xi) no fences shall be allowed except as permitted by Section 6.08(4); and,
- (xii) no accessory buildings and structures shall be allowed.

b. Home occupations and family child care homes.

3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.

4. **Lot Area, Lot Width and Coverage.**

- a. The minimum lot area shall not be less than fifteen thousand (15,000) square feet.
- b. The minimum lot width shall not be less than eighty (80) feet. For purposes of measuring lot width, the minimum horizontal distance

between side lot lines shall be used, except in cul-de-sacs where an arc following the circumference of the cul-de-sac circle shall be drawn between the two intersecting points of the front setback line and the side lot lines.

- c. The minimum lot depth shall not be less than one hundred (100) feet.
- d. The maximum lot coverage, excluding the yard requirements, shall not be more than thirty percent (30%).

5. Yard Requirements.

- a. At least one part of the enclosed portion of the house or garage shall be on the front setback line as shown on the map for specific setbacks per plat referenced in Figure 5.01, attached hereto and incorporated herein by reference.
- b. The minimum rear yard, measured from the rear lot line, shall not be less than fifteen (15) feet. Where a rear yard abuts golf course property, the closest fifteen (15) feet of property to the golf course shall be graded at slopes no steeper than the abutting golf course grades.
- c. The minimum side yard, measured from the side lot line, shall not be less than fifteen (15) feet on each side of a lot. Where a side yard abuts golf course property, the side yard slope gradient shall be at least a 1:7 slope and no more than a 1:5 slope from the foundation to the side lot line.
- d. Retaining walls must be installed at least fifteen (15) feet from a lot line that abuts golf course property and the grade/slope between the retaining wall and lot line shall match the abutting golf course grade/slope as seamlessly as possible.
- e. Yard setbacks must also comply with Section 6.15 with respect to setbacks in this zone.

6. Building and Foundation Height.

- a. The building height for residential buildings shall not exceed two (2) stories or thirty five (35) feet from the top of the foundation.
- b. The top of the foundation elevation for residential buildings shall not be less than thirty six (36) inches from the highest point of the top of the curb at the street, nor greater than forty eight (48) inches from the lowest point of the top of the curb at the street, between the lot lines that abut the street.

- c. The lowest access point of the foundation shall not be less than two and one-half (2 ½) feet above the Base Flood Elevation (BFE).
- d. The building height for all other uses shall not exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.

7. Parking Requirements.

- a. There shall be a minimum of two (2) surfaced off-street parking spaces for each residential dwelling unit. Surface shall be concrete or pavers, or a combination of the two.
- b. Parking for the conditionally permitted uses and non-residential uses shall be subject to the provisions of Section 6.00.

8. Sign Requirements.

- a. There shall be no more than one wall-mounted identification sign per residential dwelling structure not exceeding two (2) square feet in area.
- b. Temporary signs, including political campaign signs, greeting signs and realty signs are permitted for a period of 30 days. Signs for rent and signs for sale may be permitted without a time limitation.
- c. Signs for non-residential uses shall be subject to the provisions of Section 6.01.

5.06. SFR-6- SINGLE FAMILY RESIDENTIAL DISTRICT.

1. **Purpose.** The (SFR-6) single family residential district is primarily established to promote a suitable residential environment to accommodate future single family uses.

2. Permitted Uses.

- a. Single family detached residential units. In addition, all housing units shall meet the following requirements:
 - (i) a single-story house shall have at least one thousand (1,000) square feet of living space above ground;
 - (ii) a two-story house shall have at least one thousand six hundred (1,600) square feet of living space above ground, with at least eight hundred (800) square feet on the first floor;

- (iii) a bi-level or split-level house shall have at least two thousand (2,000) square feet of living space including garden level square footage, but not including full basement square footage;
- (iv) each unit shall have at least a two (2) stall attached garage that is at least 550 square feet in size with room to park at least two (2) cars;
- (v) driveways must be concrete or pavers, or a combination of the two;
- (vi) it is encouraged that the façade of the building be comprised of a mixture of brick, stone, stucco, or similar building material;
- (vii) when viewed from the street, the garage doors may not encompass more than sixty five percent (65%) of the building's façade, and no garage door shall be made of Masonite material;
- (viii) no building shall be constructed with vinyl lap siding;
- (ix) new and replacement windows shall be either steel, fiberglass, or vinyl clad windows, but not a combination of the two, and no wood clad windows are permitted;
- (x) no fences shall be allowed except as permitted by Section 6.08(4);
- (xi) roof slopes of at least 4 in 12 are required on at least seventy-five percent (75%) of the roof area; and,
- (xii) no accessory buildings and structures shall be allowed.

b. Home occupations and family child care homes.

c. Neighborhood playgrounds, parks, and open spaces.

3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.

4. **Lot Area, Lot Width and Coverage.**

a. The minimum lot area shall not be less than fifteen thousand (15,000) square feet.

b. The minimum lot width shall not be less than eighty (80) feet. For purposes of measuring lot width, the minimum horizontal distance

between side lot lines shall be used, except in cul-de-sacs where an arc following the circumference of the cul-de-sac circle shall be drawn between the two intersecting points of the front setback line and the side lot lines.

- c. The minimum lot depth shall not be less than one hundred (100) feet.
- d. The maximum lot coverage, excluding the yard requirements, shall not be more than thirty percent (30%).

5. Yard Requirements.

- a. The minimum front yard, measured from the front lot line, shall not be less than forty (40) feet, and the maximum front yard, measured from the front lot line, shall not be more than fifty (50) feet.
- b. The minimum rear yard, measured from the rear lot line, shall not be less than thirty (30) feet.
- c. The minimum side yard, measured from the side lot line, shall not be less than fifteen (15) feet on each side of a lot. For a corner lot, the minimum side yard shall not be less than twenty-five (25) feet from the street and not less than fifteen (15) feet on a non-street side.
- d. Yard setbacks must also comply with Section 6.15 with respect to setbacks in this zone.

6. Building and Foundation Height.

- a. The building height for residential buildings shall not exceed two (2) stories or thirty five (35) feet from the top of the foundation.
- b. The lowest access point of the foundation shall not be less than two and one-half (2 ½) feet above the Base Flood Elevation (BFE).
- c. The building height for all other uses shall not exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.

7. Parking Requirements.

- a. There shall be a minimum of two (2) surfaced off-street parking spaces for each residential dwelling unit. Surface shall be concrete or pavers, or a combination of the two.
- b. Parking for the conditionally permitted uses and non-residential uses shall be subject to the provisions of Section 6.00.

8. **Sign Requirements.**

- a. There shall be no more than one, wall-mounted identification sign per residential dwelling structure not exceeding two (2) square feet in area.
- b. Temporary signs, including political campaign signs, greeting signs and realty signs are permitted for a period of 30 days. Signs for rent and signs for sale may be permitted without a time limitation.
- c. Signs for non-residential uses shall be subject to the provisions of Section 6.01.

5.07. **SFR-7 – SINGLE FAMILY RESIDENTIAL DISTRICT.**

1. **Purpose.** The (SFR-7) single family residential district is primarily established to promote a suitable residential environment to accommodate future single family uses.

2. **Permitted Uses.**

- a. Single family detached residential units. In addition, all housing units shall meet the following requirements:
 - (i) a single-story house shall have at least one thousand six hundred (1,600) square feet of living space above ground;
 - (ii) a two-story house shall have at least one thousand eight hundred (1,800) square feet of living space above ground, with at least nine hundred (900) square feet on the first floor;
 - (iii) a bi-level or split-level house shall have at least one thousand eight hundred (1,800) square feet of living space including garden level square footage, but not including full basement square footage;
 - (iv) each unit shall have at least a two (2) stall attached garage that is at least 550 square feet in size with room to park at least two (2) cars;
 - (v) driveways must be concrete or pavers, or a combination of the two;
 - (vi) it is encouraged that the façade of the building be comprised of a mixture of brick, stone, stucco, or similar building material;

- (vii) when viewed from the street, the garage doors may not encompass more than sixty-five percent (65%) of the building's façade, and no garage door shall be made of Masonite material;
- (viii) no building shall be constructed with vinyl lap siding;
- (ix) new and replacement windows shall be either steel, fiberglass, or vinyl clad windows, but not a combination of the two, and no wood clad windows are permitted;
- (x) no fences shall be allowed except as permitted by Section 6.08(4);
- (xi) roof slopes of at least 4 in 12 are required on at least seventy-five (75%) of the roof area; and,
- (xii) no accessory buildings and structures shall be allowed.

b. Home occupations and family child care homes.

c. Neighborhood playgrounds, parks, and open spaces.

3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.

4. **Lot Area, Lot Width and Coverage.**

a. The minimum lot area for a single-family dwelling shall not be less than eight thousand (8,000) square feet.

b. The minimum lot width shall not be less than forty-four (44) feet. For purposes of measuring lot width, the minimum horizontal distance between side lot lines shall be used, except in cul-de-sacs where an arc following the circumference of the cul-de-sac circle shall be drawn between the two intersecting points of the front setback line and the side lot lines.

c. The minimum lot depth shall not be less than one-hundred twenty (120) feet.

d. The maximum lot coverage, excluding the yard requirements, shall not be more than thirty percent (30%).

5. **Yard Requirements.**

- a. The minimum front yard, measured from the front lot line, shall not be less than forty (40) feet, and the maximum front yard, measured from the front lot line, shall be not more than fifty (50) feet.
- b. The minimum rear yard, measured from the rear lot line, shall not be less than thirty (30) feet.
- c. The minimum side yard, measured from the side lot line, shall not be less than fifteen (15) feet on each side of a lot. For a corner lot, the minimum side yard shall not be less than eighteen (18) feet from the Lot line and not less than fifteen (15) feet on a non-street side. For a Lot adjacent to a cart path, the minimum side yard setback shall not be less than five (5) feet from the cart path.

(Source: Ord. 2016-1, Sec. 1)

- d. Retaining walls must be installed at least fifteen (15) feet from a lot line that abuts golf course property and the grade/slope between the retaining wall and lot line shall match the abutting golf course grade/slope as seamlessly as possible.
- e. Yard setbacks must also comply with Section 6.15 with respect to setbacks in this zone.

6. **Building and Foundation Height.**

- a. The building height for residential buildings shall not exceed two (2) stories or thirty five (35) feet from the top of the foundation.
- b. If a new building foundation is constructed, the top of the foundation elevation shall not be less than thirty-six (36) inches from the highest point of the top of the curb at the street, nor greater than forty-eight (48) inches from the lowest point of the top of the curb at the street, between the lot lines that abut the street. The lowest access point of the foundation shall not be less than two and one-half (2 ½) feet above Base Flood Elevation (BFE).
- c. The building height for all other uses shall not exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.
- d. Height requirements for detached accessory buildings and structures are set forth in Section 6.12.

7. **Parking Requirements.**

- a. There shall be a minimum of two (2) surfaced off-street parking spaces for each residential dwelling unit.

- b. Parking for the conditionally permitted uses and non-residential uses shall be subject to the provisions of Section 6.00.

8. Sign Requirements.

- a. There shall be no more than one, wall-mounted identification sign per residential dwelling structure not exceeding two (2) square feet in area.
- b. Temporary signs, including political campaign signs, greeting signs and realty signs are permitted for a period of 30 days. Signs for rent and signs for sale may be permitted without a time limitation.

5.08 SFR-8 – SINGLE FAMILY RESIDENTIAL DISTRICT.

1. **Purpose.** The (SFR-8) single family residential district is primarily established to promote a suitable residential environment to accommodate future single family uses.

2. Permitted Uses.

- a. Single family detached residential units. In addition, all housing units shall meet the following requirements:
 - (i) a single-story house shall have at least one thousand six hundred (1,600) square feet of living space above ground;
 - (ii) a two-story house shall have at least one thousand eight hundred (1,800) square feet of living space above ground, with at least nine hundred (900) square feet on the first floor;
 - (iii) a bi-level or split-level house shall have at least one thousand eight hundred (1,800) square feet of living space including garden level square footage, but not including full basement square footage;
 - (iv) each unit shall have at least a two (2) stall attached garage that is at least 550 square feet in size with room to park at least two (2) cars;
 - (v) driveways must be concrete or pavers, or a combination of the two;
 - (vi) it is encouraged that the façade of the building be comprised of a mixture of brick, stone, stucco, or similar building material;

- (vii) when viewed from the street, the garage doors may not encompass more than sixty-five percent (65%) of the building's façade, and no garage door shall be made of Masonite material;
- (viii) no building shall be constructed with vinyl lap siding;
- (ix) new and replacement windows shall be either steel, fiberglass, or vinyl clad windows, but not a combination of the two, and no wood clad windows are permitted;
- (x) no fences shall be allowed except as permitted by Section 6.08(4);
- (xi) roof slopes of at least 4 in 12 are required on at least seventy-five percent (75%) of the roof area; and,
- (xii) no accessory buildings and structures shall be allowed.

b. Home occupations and family child care homes.

c. Neighborhood playgrounds, parks, and open spaces.

3. Conditionally Permitted Uses.

a. Multiple-family dwellings with more than four units.

4. Lot Area, Lot Width and Coverage.

a. The minimum lot area for a single-family dwelling shall not be less than eight thousand (8,000) square feet. The minimum lot area for row houses or multiple-family dwelling units with two (2) or more units shall be the greater of eleven thousand (11,000) square feet or three-thousand five-hundred (3,500) square feet per dwelling unit.

b. The minimum lot width shall not be less than forty-four (44) feet. For purposes of measuring lot width, the minimum horizontal distance between side lot lines shall be used, except in cul-de-sacs where an arc following the circumference of the cul-de-sac circle shall be drawn between the two intersecting points of the front setback line and the side lot lines.

c. The minimum lot depth shall not be less than one-hundred twenty (120) feet.

d. The maximum lot coverage, excluding the yard requirements, shall not be more than thirty percent (30%).

5. Yard Requirements.

- a. The minimum front yard, measured from the front lot line, shall not be less than forty (40) feet, and the maximum front yard, measured from the front lot line, shall be not more than fifty (50) feet.
- b. The minimum rear yard, measured from the rear lot line, shall not be less than thirty (30) feet.
- c. The minimum side yard, measured from the side lot line, shall be ten (10) feet for single-family dwellings and twenty (20) feet for multiple-family dwelling units. For a corner lot, the minimum side yard shall not be less than eighteen (18) feet from the street and not less than ten (10) feet on a non-street side.
- d. Retaining walls must be installed at least fifteen (15) feet from a lot line that abuts golf course property and the grade/slope between the retaining wall and lot line shall match the abutting golf course grade/slope as seamlessly as possible.
- e. Yard setbacks must also comply with Section 6.15 with respect to setbacks in this zone.

6. Building and Foundation Height.

- a. The building height for residential buildings shall not exceed two (2) stories or thirty five (35) feet from the top of the foundation.
- b. If a new building foundation is constructed, the top of the foundation elevation shall not be less than thirty-six (36) inches from the highest point of the top of the curb at the street, nor greater than forty-eight (48) inches from the lowest point of the top of the curb at the street, between the lot lines that abut the street. The lowest access point of the foundation shall not be less than two and one-half (2 ½) feet above Base Flood Elevation (BFE).
- c. The building height for all other uses shall not exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.
- d. Height requirements for detached accessory buildings and structures are set forth in Section 6.12.

7. **Parking Requirements.**

- a. There shall be a minimum of two (2) surfaced off-street parking spaces for each residential dwelling unit.
- b. Parking for the conditionally permitted uses and non-residential uses shall be subject to the provisions of Section 6.00.

8. **Sign Requirements.**

- a. There shall be no more than one wall-mounted identification sign per residential dwelling structure not exceeding two (2) square feet in area.
- b. Temporary signs, including political campaign signs, greeting signs and realty signs are permitted for a period of 30 days. Signs for rent and signs for sale may be permitted without a time limitation.

5.09. **RR – RURAL RESIDENTIAL DISTRICT.**

1. **Purpose.** The (RR) rural residential district is primarily established to promote a suitable residential environment and accommodate low density detached single family residential units uninterrupted by conflicting uses and incompatible activities.

2. **Permitted Uses.**

- a. Single family detached residential units. In addition, all housing units shall meet the following requirements:
 - (i) no building except a single dwelling house with the necessary outbuildings, including a private garage, shall be erected, placed, or permitted on any residential building lot or any part thereof, and such dwelling house shall be used as a private residence only;
 - (ii) no trailer home, basement, nor any other structure of a temporary character, shall be placed or erected on any lot to be used as a residence temporarily or permanently;
 - (iii) no building shall be erected, altered, placed, or permitted on any lot unless the design, materials, and workmanship is in harmony with existing structures in the tract, and dwellings constructed in another location shall not be moved to any lot within this district unless constructed of new materials for the purpose of being moved into this district; and

- (iv) no animals, livestock, or poultry of any kind shall be raised, bred, or kept on the property or any portion thereof, except dogs, cats, or other household pets are allowed so long as they are not kept, bred, or maintained for any commercial purpose.
 - b. Home occupations and family child care homes.
 - c. Day care facilities.
 - d. Neighborhood playgrounds, parks, and open spaces.
 - e. Accessory buildings and structures not exceeding seven percent (7%) of the total lot area in size, and as restricted by Section 6.12.
3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.
4. **Lot Area, Lot Width and Lot Coverage.**
- a. The minimum lot area shall not be less than twenty thousand (20,000) square feet.
 - b. The minimum lot width shall not be less than one hundred fifty (150) feet. For purposes of measuring lot width, the minimum horizontal distance between side lot lines shall be used, except in cul-de-sacs where an arc following the circumference of the cul-de-sac circle shall be drawn between the two intersecting points of the front setback line and the side lot lines.
 - c. The minimum lot depth shall not be less than one hundred (100) feet.
 - d. The maximum lot coverage, excluding the yard requirements, shall not be more than thirty percent (30%).
5. **Yard Requirements.**
- a. The minimum front yard, measured from the front lot line, shall not be less than fifty (50) feet.
 - b. The minimum rear yard, measured from the rear lot line, shall not be less than twenty five (25) feet.
 - c. The minimum side yard, measured from the side lot line, shall not be less than fifteen (15) feet.

6. Building and Foundation Height.

- a. The building height for residential buildings shall not exceed two (2) stories or thirty five (35) feet from the top of the foundation.
- b. The lowest access point of the foundation shall not be less than two and one-half (2 ½) feet above the Base Flood Elevation (BFE).
- c. The building height for all other uses shall not exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.
- d. Height requirements for detached accessory buildings and structures are set forth in Section 6.12.

7. Parking Requirements.

- a. There shall be a minimum of two (2) surfaced off-street parking spaces for each residential dwelling unit. Surface shall be concrete or pavers, or a combination of the two.
- b. Off-street trailer parking is allowed.

8. Sign Requirements.

- a. There shall be no more than one identification sign per residential dwelling structure not exceeding five (5) square feet in area. The sign may be wall, pedestal, ground or projecting type but it shall not project into the public right-of-way or public property.
- b. Temporary signs, including political campaign signs, greeting signs and realty signs are permitted for a period of 30 days. Signs for rent and signs for sale may be permitted without a time limitation.
- c. Signs for non-residential uses shall be subject to the provisions of Section 6.01.

5.10. MF - MULTIPLE FAMILY RESIDENTIAL DISTRICT.

1. **Purpose.** The (MF) multiple family residential district is primarily established to promote a suitable residential environment and to accommodate higher density residential development to meet the needs of various income and age groups in the City of Oxbow.

2. Permitted Uses.

- a. Single-family dwelling units.

- b. Two-family dwelling units.
 - c. Multiple-family dwelling units.
 - d. Home occupations and family child care homes.
 - e. Parking lots for residential uses.
 - f. Municipal facilities such as City Hall, fire station, police station, library, and museum.
3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.
4. **Lot Area, Lot Width and Lot Coverage.**
- a. The minimum lot area for multiple family structures of two (2) or more units shall be fifteen thousand (15,000) square feet.
 - b. The minimum lot width shall not be less than eighty (80) feet. For purposes of measuring lot width, the minimum horizontal distance between side lot lines shall be used, except in cul-de-sacs where an arc following the circumference of the cul-de-sac circle shall be drawn between the two intersecting points of the front setback line and the side lot lines.
 - c. The minimum lot depth shall not be less than one hundred (100) feet.
 - d. The maximum lot coverage, excluding the yard requirements, shall not be more than fifty percent (50%).
4. **Yard Requirements.**
- a. The minimum front yard, measured from the front lot line, shall be forty (40) feet.
 - b. The minimum rear yard, measured from the rear lot line, shall be forty (40) feet.
 - c. The minimum side yard, measured from the side lot line, shall be fifteen (15) feet.
5. **Building Height.**
- a. The building height for residential buildings shall not exceed three (3) stories or forty five (45) feet from the top of the foundation.

- b. The lowest access point of the foundation shall not be less than two and one-half (2 ½) feet above the Base Flood Elevation (BFE).
- c. The building height for all other uses shall not exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.

6. Parking Requirements.

- a. There shall be a minimum of two (2) surfaced off-street parking spaces for each residential dwelling unit. Surface shall be concrete or pavers, or a combination of the two.
- b. Non-residential uses shall be subject to the provisions of Section 6.00.

7. Sign Requirements.

- a. There shall be no more than one identification sign per residential dwelling structure not exceeding twelve (12) square feet in area. The sign may be wall, pedestal, ground or projecting type but it shall not project into the public right-of-way or public property.
- b. Temporary signs, including political campaign signs, greeting signs and realty signs are permitted for a period of thirty (30) days. Signs for rent and signs for sale may be permitted without a time limitation.
- c. Signs for non-residential uses shall be subject to the provisions of Section 6.01.

5.11. HC - HIGHWAY COMMERCIAL DISTRICT.

- 1. **Purpose.** The (HC) highway commercial district is primarily established to accommodate those highway-oriented commercial uses that by nature and operational characteristics, such as direct access and large number of parking spaces, require separation from other uses because of the intensity and frequency of consumer travel.

2. Permitted Uses.

- a. Accessory uses, as restricted by Section 6.12.
- b. Bakeries and confectioneries.
- c. Banks and financial institutions.
- d. Bars and restaurants.

- e. Storage units.
 - f. Department stores.
 - g. Dry cleaning establishments and laundromats.
 - h. Gas stations or similar fuel sales establishments, except that no bulk fuel sales establishments are allowed.
 - i. Office and supply stores and business machine sales and services.
 - j. Radio, television, and electronic equipment sales and services.
 - k. Shopping malls, including the retail services customarily accommodated therein.
 - l. Flood control devices and structures for flood protection of property within the City and its Extra-territorial Area.
3. **Conditionally Permitted Uses.** The following uses shall not be located less than two hundred (200) feet from a residential district and shall be subject to the provisions of Section 9.01:
- a. Motels and hotels.
4. **Lot Area, Lot Width and Lot Coverage.**
- a. The minimum lot area shall not be less than twenty thousand (20,000) square feet and the maximum lot area shall not be more than one hundred thousand (100,000) square feet.
 - b. The minimum lot width shall not be less than one hundred (100) feet. For purposes of measuring lot width, the minimum horizontal distance between side lot lines shall be used, except in cul-de-sacs where an arc following the circumference of the cul-de-sac circle shall be drawn between the two intersecting points of the front setback line and the side lot lines.
 - c. The minimum lot depth shall not be less than one hundred (100) feet.
 - d. The maximum lot coverage, excluding the yard requirements, shall not be more than sixty percent (60%).
 - e. The minimum lot coverage of landscaping and green space shall not be less than fifteen percent (15%).

5. **Yard Requirements.**

- a. The minimum setback shall be one hundred (100) feet from Cass County Road 81 and fifty (50) feet from any other street.
- b. The minimum rear building line shall be one hundred (100) feet from Cass County Road 81 and fifty (50) feet from any other street.
- c. The minimum side building line, measured from the side lot line, shall be twenty (20) feet.

6. **Building Height and Finish.**

- a. No building shall height shall exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.
- b. The lowest access point of the foundation shall not be less than two (2) feet above the Base Flood Elevation (BFE).
- c. Height requirements for detached accessory buildings and structures are set forth in Section 6.12.
- d. Buildings and structures in this district shall have a finished appearance and architectural treatment consistent with the style of the surrounding residential development and buildings. Additionally, all buildings in this district shall be compatible with the scale of nearby residential areas. The Planning Commission shall have the authority for review under this Section. Prior to construction, the applicant shall submit plans for buildings and structures in this district to the Planning Commission, which will meet, review the plans, and make recommendations to the City Council subject to Chapters 8 and 9.

7. **Parking Requirements.**

- a. The front yard may be used for parking.
- b. Parking in the highway commercial district shall be subject to the provisions of Section 6.00.

8. **Sign Requirements.** Signs in the highway commercial district shall be subject to the provisions of Section 6.01.

5.12. **C - COMMERCIAL DISTRICT.**

1. **Purpose.** The (C) commercial district is primarily established to accommodate commercial uses that by nature and operational characteristics, such as direct access and large number of parking spaces, require separation from other uses because of the intensity and frequency of consumer travel.
2. **Permitted Uses.**
 - a. Accessory uses, as restricted by Section 6.12.
 - b. Advertising signs and billboards, subject to Section 6.01.
 - c. Golf course and club house.
3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.
4. **Lot Area, Lot Width and Lot Coverage.**
 - a. The minimum lot area shall not be less than twenty thousand (20,000) square feet.
 - b. The minimum lot width shall not be less than one hundred (100) feet. For purposes of measuring lot width, the minimum horizontal distance between side lot lines shall be used, except in cul-de-sacs where an arc following the circumference of the cul-de-sac circle shall be drawn between the two intersecting points of the front setback line and the side lot lines.
 - c. The minimum lot depth shall not be less than one hundred (100) feet.
 - d. The maximum lot coverage, excluding the yard requirements, shall not be more than sixty percent (60%).
 - e. The minimum lot coverage of landscaping and green space shall not be less than fifteen percent (15%).
5. **Yard Requirements.**
 - a. The minimum setback shall be fifty (50) feet from Cass County Road 81 and twenty (20) feet from any other street.
 - b. The minimum rear building line shall be fifty (50) feet from Cass County Road 81 and twenty (20) feet from any other street.

- c. The minimum side building line, measured from the side lot line, shall be twenty (20) feet.

6. **Building Height and Finish.**

- a. No building height shall exceed sixty (60) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.
- b. The lowest access point of the foundation shall not be less than two (2) feet above the Base Flood Elevation (BFE).
- c. Height requirements for detached accessory buildings and structures are set forth in Section 6.12.
- d. Buildings in this district shall have a finished appearance and architectural treatment consistent with the style of the surrounding residential development and buildings. Additionally, all buildings in this district shall be compatible with the scale of nearby residential areas. The Planning Commission shall have the authority for review under this Section. Prior to construction, the applicant shall submit plans for buildings and structures in this district to the Planning Commission, which will meet, review the plans, and make recommendations to the City Council subject to Chapters 8 and 9.

7. **Parking Requirements.** Parking in the commercial district shall be subject to the provisions of Section 6.00.

8. **Sign Requirements.** Signs in the commercial district shall be subject to the provisions of Section 6.01.

5.13. **I - INDUSTRIAL DISTRICT.**

1. **Purpose.** The (I) industrial district is primarily established to accommodate industrial uses and facilities appropriate to the City of Oxbow. It is planned to encourage grouping of related industrial uses for preventing intrusion on other uses specifically residential areas and to maintain an orderly, functional and efficient industrial land use system.

2. **Permitted Uses.**

- a. Accessory uses, as restricted in Section 6.12.
- b. Building material and supply establishments.
- c. Electric power production and substations.

- d. Public utility buildings including water and waste water facilities and accessories.
 - e. Flood control devices and structures for flood protection of property within the City and its Extra-territorial Area.
3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.
4. **Lot Area and Lot Width.**
- a. The minimum lot area shall not be less than one (1) acre.
 - b. The minimum lot width shall not be less than one hundred (100) feet. For purposes of measuring lot width, the minimum horizontal distance between side lot lines shall be used, except in cul-de-sacs where an arc following the circumference of the cul-de-sac circle shall be drawn between the two intersecting points of the front setback line and the side lot lines.
 - c. The minimum lot depth shall not be less than one hundred (100) feet.
 - d. The maximum lot coverage, excluding the yard requirements, shall not be more than fifty percent (50%).
 - e. The minimum lot coverage of landscaping and green space shall not be less than fifteen percent (15%).
5. **Yard Requirements.**
- a. The minimum setback shall be one hundred (100) feet from Cass County Road 81 and fifty (50) feet from any other street.
 - b. The minimum rear building line shall be one hundred (100) feet from Cass County Road 81 and fifty (50) feet from any other street.
 - c. The minimum side building line, measured from the side lot line, shall be twenty (20) feet.
6. **Building Height and Finish.**
- a. No building height shall exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.
 - b. The lowest access point of the foundation shall not be less than two (2) feet above the Base Flood Elevation (BFE).

- c. Height requirements for detached accessory buildings and structures are set forth in Section 6.12.
 - d. Buildings in this district shall have a finished appearance and architectural treatment consistent with the style of the surrounding residential development and buildings. Additionally, all buildings in this district shall be compatible with the scale of nearby residential areas. The Planning Commission shall have the authority for review under this Section. Prior to construction, the applicant shall submit plans for buildings and structures in this district to the Planning Commission, which will meet, review the plans, and make recommendations to the City Council subject to Chapters 8 and 9.
7. **Parking Requirements.** Parking in the industrial district shall be subject to the provisions of Section 6.00.
8. **Sign Requirements.** Signs in the industrial district shall be subject to the provisions of Section 6.01.
- 5.14. **FPM – FLOOD PLAIN MANAGEMENT DISTRICT.**
- 1. **Purpose.** The (FPM) Flood Plain Management District is primarily established to designate those areas which need to accommodate the run-off water and to protect the public and private property from the adverse effects of flooding by prohibiting development on the lands prone to flooding. The FPM Flood Plain District consists of the lands which have been or may be covered by flood water as delineated on the maps for the City of Oxbow and Cass County, prepared by the Federal Emergency Management Agency for administration of the National Flood Insurance Program or other maps and information provided by the State of North Dakota. This district is an overlay district and its provisions apply to all flood prone lands in the City of Oxbow.
 - 2. **Permitted Uses.**
 - a. Non-structural uses including ponding of run-off water and treated waste water.
 - b. Public utilities including streets, bridges, channels, and pipelines.
 - c. Outdoor recreational uses, including golf courses, bicycle trails, and picnic areas.
 - d. Flood control devices and structures for flood protection of property within the City and its Extra-territorial Area.
 - 3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.

4. **Building Height.**

- a. No building height shall exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.
- b. The lowest access point of the foundation shall not be less than two (2) feet above the Base Flood Elevation (BFE).
- c. Height requirements for detached accessory buildings and structures are set forth in Section 6.12.
- d. Buildings in this district shall have a finished appearance and architectural treatment consistent with the style of the surrounding residential development and buildings. Additionally, all buildings in this district shall be compatible with the scale of nearby residential areas. The Planning Commission shall have the authority for review under this Section. Prior to construction, the applicant shall submit plans for buildings and structures in this district to the Planning Commission, which will meet, review the plans, and make recommendations to the City Council subject to Chapters 8 and 9.

5. **Parking Requirements.** Parking in the flood plain management district shall be subject to the provisions of Section 6.00.

6. **Sign Requirements.** Signs in the flood plain management district shall be subject to the provisions of Section 6.01.

5.15. **PARK – PARK DISTRICT.**

1. **Purpose.** The (PARK) park district is primarily established to promote the development, maintenance, use, and identification of parks and green space owned by the City of Oxbow and the City of Oxbow Park District.

2. **Permitted Uses.**

- a. City owned facilities, municipal buildings and open space.
- b. Park District owned facilities, including parks, open space, playgrounds, and other publicly owned athletic or recreational facilities.
- c. Essential services.
- d. Accessory uses and activities customarily incidental to and found with the permitted uses set forth above.

- e. Flood control devices and structures for flood protection of property within the City and its Extra-territorial Area.
3. **Permitted Accessory Uses.**
- a. Buildings or parking lots accessory to the permitted use.
4. **Conditionally Permitted Uses.**
- a. Other recreational uses which will complement the existing parks and recreation facilities.
5. **Yard Requirements.** None, except if the property abuts another zoning district, then buildings and other structures must be set back at a minimum of the same distance as is required in the abutting district.
6. **Building Height and Finish.**
- a. No building height shall exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.
 - b. The lowest access point of the foundation shall not be less than two (2) feet above the Base Flood Elevation (BFE).
 - c. Height requirements for detached accessory buildings and structures are set forth in Section 6.12.
 - d. Buildings in this district shall have a finished appearance and architectural treatment consistent with the style of the surrounding residential development and buildings. Additionally, all buildings in this district shall be compatible with the scale of nearby residential areas. The Planning Commission shall have the authority for review under this Section. Prior to construction, the applicant shall submit plans for buildings and structures in this district to the Planning Commission, which will meet, review the plans, and make recommendations to the City Council subject to Chapters 8 and 9.
7. **Parking Requirements.** Parking in the park district shall be subject to the provisions of Section 6.00.
8. **Sign Requirements.** Signs in the park district shall be subject to the provisions of Section 6.01.

5.16. **PR –PRIVATE RECREATION DISTRICT.**

1. **Purpose.** The (PR) private recreation district is primarily established to promote the development, maintenance, use, and identification of land and structures owned by the Oxbow Golf and Country Club.
2. **Permitted Uses.**
 - a. Private golf course and related buildings.
 - b. Accessory uses and activities customarily incidental to and found with the permitted uses set forth above.
 - c. Flood control devices and structures for flood protection of property within the City and its Extra-territorial Area.
3. **Conditionally Permitted Uses.**
 - a. Other recreational uses which will complement the existing recreation facilities.
4. **Yard Requirements.**
 - a. If property in this district abuts another zoning district, then buildings and other structures in this district must be set back at a minimum of the same distance as is required in the abutting district.
 - b. When golf course property abuts the side yard of a residential lot, the grade/slope of the golf course property must be matched to the grade/slope of the abutting residential lot's side yard for a seamless transition.
5. **Building Height and Finish.**
 - a. No building height shall exceed two (2) stories or thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.
 - b. The lowest access point of the foundation shall not be less than two (2) feet above the Base Flood Elevation (BFE).
 - c. Height requirements for detached accessory buildings and structures are set forth in Section 6.12.
 - d. Buildings in this district shall have a finished appearance and architectural treatment consistent with the style of the surrounding

residential development and buildings. Additionally, all buildings in this district shall be compatible with the scale of nearby residential areas. The Planning Commission shall have the authority for review under this Section. Prior to construction, the applicant shall submit plans for buildings and structures in this district to the Planning Commission, which will meet, review the plans, and make recommendations to the City Council subject to Chapters 8 and 9.

7. **Parking Requirements.** Parking in the private recreation district shall be subject to the provisions of Section 6.00.
8. **Sign Requirements.** Signs in the private recreation district shall be subject to the provisions of Section 6.01.
9. **Fences.** Fences are permitted along both sides of cart paths adjacent to residential lots. “Adjacent,” for purposes of this section, means within twenty (20) feet of a residential lot. Restrictions for such fences are as follows:
 - a. must not be more than six (6) feet in height; except, in the area located between twenty (20) feet and forty (40) feet from the front Lot line and from the rear Lot line, a fence not exceeding three (3) feet in height will be permitted;
 - b. must be maintenance free; and
 - c. must be no closer than twenty (20) feet to a street or to the rear Lot line, regardless of setback location.

(Source: Ord. 2016-1, Sec. 2)

5.17. **PW – PUBLIC WORKS DISTRICT.**

1. **Purpose.** The (PW) public works district is primarily established to promote the public infrastructure and those lands and structures owned and operated by the City of Oxbow.
2. **Permitted Uses.**
 - a. City owned facilities, and other municipal buildings and open space.
 - b. Essential services.
 - c. Accessory uses and activities customarily incidental to and found with the permitted uses set forth above.
 - d. Flood control devices and structures for flood protection of property within the City and its Extra-territorial Area.

3. **Conditionally Permitted Uses.** No conditional uses are permitted in this district. Any use not specifically allowed is not permitted.
4. **Yard Requirements.** None, except if the property abuts another zoning district, then buildings and other structures must be set back at a minimum of the same distance as is required in the abutting district.
5. **Building Height.**
 - a. No building height shall exceed thirty five (35) feet from the top of the foundation. Radio, TV, microwave, and cellular towers are prohibited.
 - b. The lowest access point of the foundation shall not be less two (2) feet above the Base Flood Elevation (BFE).
 - c. Height requirements for detached accessory buildings and structures are set forth in Section 6.12.
 - d. Buildings in this district shall have a finished appearance and architectural treatment consistent with the style of the surrounding residential development and buildings. Additionally, all buildings in this district shall be compatible with the scale of nearby residential areas. The Planning Commission shall have the authority for review under this Section. Prior to construction, the applicant shall submit plans for buildings and structures in this district to the Planning Commission, which will meet, review the plans, and make recommendations to the City Council subject to Chapters 8 and 9.
6. **Parking Requirements.** Parking in the public works district shall be subject to the provisions of Section 6.00.
7. **Sign Requirements.** Signs in the public works district shall be subject to the provisions of Section 6.01.

CHAPTER 6

[Source: Ord. 2015-8-3, Sec. 5 (2015)]

SPECIAL PROVISIONS & SUPPLEMENTARY DESIGN REGULATIONS

SECTIONS:

- 6.00. Off-Street Parking.
- 6.01. Sign Requirements.
- 6.02. Junk or Salvage Yards.
- 6.03. Feed Lots.
- 6.04. Sand and Gravel Operations.
- 6.05. Sanitary Landfills and Solid Waste Sites.
- 6.06. Public Nuisances.
- 6.07. Visibility at Intersections in Residential Districts.
- 6.08. General Fencing and Screening Requirements.
- 6.09. Yard Encroachments.
- 6.10. Lots in Two Districts.
- 6.11. Limitation of Principal Buildings on One Lot.
- 6.12. Accessory Building and Use Provisions.
- 6.13. Provisions of Home Occupations.
- 6.14. Geothermal Energy Systems.
- 6.15. Grid Pattern Design.
- 6.16. Noise.

6.00. **OFF-STREET PARKING.**

1. **Purpose.** The purpose of this section is to provide for the off-street parking regulations to increase the safety and capacity of public roads by requiring off-street parking or loading facilities.
2. **General Requirements.**
 - a. An off-street automobile parking space shall be at least nine (9) feet wide and twenty (20) feet long, exclusive of access drives.
 - b. All open off-street parking areas and all loading berths shall be improved with concrete or concrete pavers, or a combination of the two, to provide a durable and dust free surface, and graded to dispose of all surface water run-off but not be diverted to adjoining properties. This requirement shall apply to all zoning districts except the Agricultural (A) and Rural Residential (RR) districts.
 - c. Parking of recreational vehicles in residential districts shall be temporary and limited to no more than fourteen (14) consecutive

days. All recreational vehicles shall be parked on surfaced off-street parking spaces. Recreational vehicles shall not be parked on the street. This requirement shall apply to all zoning districts except the Agricultural (A), Single Family Residential - 6 (SRF-6), and Rural Residential (RR) districts.

3. **Special Requirements.**

- a. No structure shall be erected or enlarged without meeting the following parking requirements:
 - (i) For retail businesses and services, offices, studio, bank, medical or dental clinics, one (1) parking space for each one hundred (100) square feet of floor area.
 - (ii) For private club or lodge, one parking space for each two hundred (200) square feet of main floor area.
 - (iii) For restaurant, eating and drinking establishment, one parking space for each one hundred (100) square feet of floor area.
 - (iv) For industrial uses there shall be one off-street parking space for every employee.

6.01. **SIGN REQUIREMENTS.**

1. **Purpose.** The purposes of regulating signs in the City of Oxbow is to provide for a visually pleasant environment and minimize potentially unsafe conditions for all age groups, but yet offer many opportunities for public and private information and advertising.

2. **General Requirements.**

- a. Directory signs shall not be larger than twenty (20) square feet in area for permitted uses.
- b. Directory signs for conditional uses shall not be larger than forty (40) square feet.
- c. General advertising signs shall not be larger than ninety-six (96) square feet.
- d. All signs larger than twenty (20) square feet shall require a conditional use permit as provided in Section 9.01.

3. **Special Requirements.**

- a. Signs in the residential districts shall be limited to:
 - (i) One wall-mounted identification sign per dwelling structure, not exceeding two (2) square feet in area; and
 - (ii) One temporary sign such as "For Sale," "For Rent," not exceeding twenty (20) square feet in area.
- b. Signs in the commercial and industrial districts shall be limited to:
 - (i) Two (2) general identification signs per business not exceeding fifty (50) square feet in area which may be wall, pedestal, ground or projecting type.
 - (ii) Temporary signs including "For Sale," "For Rent," political campaign signs, greeting signs and rally signs not exceeding fifty (50) square feet in area.
 - (iii) Directory and advertising signs in agricultural, commercial and industrial districts shall not be larger than ninety six (96) square feet and not placed nearer than six hundred (600) feet apart.

6.02. **JUNK OR SALVAGE YARDS.** No junk or salvage yards shall be permitted.

6.03. **FEED LOTS.** No feed lots shall be permitted.

6.04. **SAND AND GRAVEL OPERATIONS.** No sand or gravel operations shall be permitted.

6.05. **SANITARY LANDFILLS AND SOLID WASTE SITES.** No sanitary landfills or solid waste sites shall be permitted.

6.06. **PUBLIC NUISANCES.** Public nuisances, including but not limited to, noxious weeds, smoke, gases, radio interference, noise as prohibited in Section 6.16, dead or diseased trees, and accumulation of junk, trash, rubbish, appliances, inoperative automobiles and parts shall not be permitted and shall be subject to violation and penalties of Chapter 11 of this Code.

6.07. **VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS.** On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision taller than a height of two (2) feet within a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in case of a rounded property corner, from the intersection of the street property lines extended.

6.08. **GENERAL FENCING AND SCREENING REQUIREMENTS.**

1. **Definition of Fence.** An artificially constructed structure of any material or combination of material erected to enclose or screen areas of land.
2. **Fencing/Screening Permit.** With the exception of temporary fences, a permit is required for all fencing and for all screening that will be placed six (6) or more feet away from a building. The cost of said permit shall be Twenty-five Dollars (\$25) or one percent (1%) of the total cost of the fencing project, whichever is greater. All fencing/screening projects are to be completed within ninety (90) days of the issuance of the Fencing/Screening Permit.
3. **General Fencing and Screening Requirements for Residential Areas.**
 - a. No fences are allowed in zoning districts SFR-1, SFR-2, SFR-3, SFR-4, SFR-5, SFR-6, SFR-7, SFR-8, or MF, except fences around in-ground swimming pools, which are permitted by Section 6.08(4).
 - b. No green belt screening is allowed to be placed more than six (6) feet from a dwelling. No plantings or hedges along the side edge or front edge of any front yard shall be over two and one-half (2½) feet in height.
 - c. All fencing and screening shall meet visibility requirements for intersections by not impeding vision at a height taller than two (2) feet within a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in case of a rounded property corner, from the intersection of the street property lines extended.
4. **Pool Fencing and Screening Requirements.**

(Source: Ord. 2016-1, Sec. 3)

 - A. **Fences.** Notwithstanding the provisions in Section 6.08(3), fences that surround in-ground pools are required, provided that the fence:
 - i. is not more than six (6) feet in height;
 - ii. has a gate for controlled access;
 - iii. is not any closer to the side lot lines than the side setback and is no closer to the rear lot line than the rear lot setback minimums;
 - iv. is not on the front side of the house; and,
 - v. is maintenance free, open-rail aluminum fence.

B. **Screenings or Other Enclosures.** Notwithstanding the provisions in Section 6.08(3), screening or other enclosure fences that surround in-ground pools are required, provided that the screening or other enclosure:

- i. has a gate for controlled access;
- ii. is not any closer to the side Lot lines than the side setback and is no closer to the rear Lot line than the rear lot setback minimums;
- iii. is not on the front side of the house; and

iv. is constructed of aluminum framework with either glass or plastic paneling or screening. The intent being that the enclosure can be seen through.

5. **Required Fencing and Screening.** Where any business or industrial user abuts property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property; however, fences will not be allowed along property lines that abut golf course property or that obstruct views of golf courses. Screening shall also be provided where a business, industry, or multiple-family building of four (4) or more units is across the street from a residential zone, but not on that side of a business, industry, or multiple-family building considered to be the front yard. Provided, however, that the provisions of this section will not apply where a multiple-family building abuts a property also zoned for multiple-family use. All fencing and screening specifically required by this section shall meet visibility requirements for intersections, and other requirements as stated herein, and shall consist of either a fence or green belt planting strip. A required screening fence shall be constructed of masonry, brick, PVC, or metal. Such fence shall provide a solid screening effect six (6) feet in height for multiple-family uses and at least six (6) feet in height for business and industrial uses. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide substantial visual screening to a minimum height of six (6) feet. Earth mounding and berms may be used but shall not be used to achieve more than three (3) feet of the required screen, unless otherwise provided for by the City (i.e., PUD requirements).

Construction Standards. No fence, hedge, or plantings shall be constructed or maintained with electrified barbed wire, or other spiked materials which may pose injurious to public health and safety. Posts and other supporting structures used in the construction of fences shall be faced inward toward the property being fenced.

6. **Public Fences.** Fences used in connection with public facilities and public recreational uses shall have a maximum height of ten (10) feet in any yard. Residential construction standards shall apply to all public fences.
 7. **Non-Residential Fences.** Fences in highway commercial areas shall conform to the provisions of residential fences. Fences in industrial or agricultural districts shall conform to the provisions of residential fences except where the Building Administrator determines it would be in the public welfare to allow a solid fence, to add to fence height or to add security materials onto the fence. In such cases, fences shall not exceed ten (10) feet in height.
 8. **Temporary Fences.** Temporary fences needed to enclose sites, such as construction sites, do not require fencing permits.
- 6.09. **YARD ENCROACHMENTS.** Every part of a yard or court shall be open and unobstructed by any building or structure, except for:
1. Accessory structures and fences allowed by this Code, or permitted in rear yards.
 2. Walks, steps for negotiating ground slopes, retaining walls, hedges and natural growth, paved terraces, and other paved areas.
 3. Egress windows, provided that egress windows must be at least ten (10) feet away from a lot line when fully extended in zoning districts SFR-1, SFR-2, SFR-3, SFR-4, and SFR-5, and at least five (5) feet away from a lot line when fully extended in zoning district SFR-6, SFR-7, SFR-8, and MF.
- 6.10. **LOTS IN TWO DISTRICTS.**
1. Where a lot of record is located within two districts, the district requirements that are the most restrictive shall extend to the entire lot. The use so extended shall be deemed to be conforming.
- 6.11. **LIMITATION OF PRINCIPAL BUILDINGS ON ONE LOT.**
1. Not more than one (1) principal building shall be located on a residential lot.
- 6.12. **ACCESSORY BUILDING AND USE PROVISIONS.** Accessory buildings and uses, except as otherwise permitted in this Code, shall be subject to the following regulations:
1. **Permit to Construct Accessory Building or Structure.** A permit is required to construct or substantially replace any accessory building or structure within the City. The owner of the property, or the owner's duly

authorized agent or contractor, shall present a written application for such permit to the Code Administrator, in which application there shall be set out the legal description of the property, the name of the owner, the name of the agent or contractor, if any, and the plans and specifications of the accessory building or structure proposed to be constructed. Such structure shall be constructed only on property described in the application presented to the Code Administrator. The cost of said permit shall be twenty-five dollars (\$25) or one percent (1%) of the total cost of the project, whichever is greater. All accessory building or structure projects must be completed within ninety (90) days from the first date of construction and no more than twelve (12) months from the date of issuance of the Accessory Building or Structure Permit.

2. An accessory building or use which is structurally attached to a main building, shall be subject to, and must conform to, all regulations of this Code applicable to the main building.
3. No detached accessory building or use in any residential district shall exceed one story or 25 feet in height.
4. No detached accessory building or use shall be erected in any yard except a rear yard, subject to the following conditions:
 - a. All accessory buildings shall maintain the same rear and side yard setback required for the main building.
 - b. In no instance shall an accessory building or use be located within a dedicated easement right-of-way.
5. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.
6. No accessory building in a residential district shall exceed one thousand (1,000) square feet.
7. All swimming pools as defined by this Code shall be regulated as follows:
 - a. Above-ground swimming pools are not allowed. A permit shall be required for all in-ground swimming pools with a capacity of one thousand (1,000) gallons and/or two feet (2') or more of depth. Each application for a permit to construct or erect a swimming pool shall be accompanied by plans of sufficient detail to show:
 - (i) The proposed location and its relationship to the other principal buildings on the lot;

- (ii) The size of the pool;
- (iii) Fixtures existing on the lot, including utility location and trees;
- (iv) The location, size, and types of equipment to be used in connection with the pool, including but not limited to, filter unit, pump, heater, fencing, and the pool itself; and
- (v) Any fences that will be erected pursuant to Section 6.08(4).

6.13. **PROVISIONS OF HOME OCCUPATIONS.** Home occupations, as defined by this Code, shall be subject to the following standards:

1. No person other than members of the family residing on the premises shall be engaged in such occupations.
2. The use of the dwelling unit or garage for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the main floor area of the dwelling unit or garage shall be permanently set aside to be used in the conduct of the home occupation.
3. There shall be no change to the outside appearance of the premises that would reflect the presence of a home occupation other than one sign, not to exceed one (1) square foot, non-illuminated, and mounted flat against the wall of the principal building.
4. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance detectable to the normal senses off the lot or in a neighboring dwelling unit. In the case of electrical interference, no equipment shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
5. For uses within the dwelling unit or garage, the entrance to the space devoted to such occupation shall be within the dwelling unit or garage, or designed such that it is not noticeable from the public street.
6. All parking associated with the principal use and the home occupation shall be accommodated on site. Parking spaces exceeding the required spaces for the principal use shall be included within the lot coverage for the property. The lot coverage for the property cannot exceed that allowed by the district in which the dwelling unit is located.
7. The home occupation must be conducted entirely within a building.

8. There shall be no exterior storage of equipment or materials used in the occupation.

6.14. **ALTERNATIVE ENERGY SYSTEMS.** Geothermal energy systems are allowed for a private home, group of homes, or as an alternative energy solution to be shared by the entire neighborhood and/or commercial properties. Any geothermal energy system must be guaranteed parts and labor for a minimum of ten (10) years by the vendor. Wind and solar energy systems are prohibited.

6.15. **GRID PATTERN DESIGN.**

1. Long, straight, street segments of homes having the same façade, color, and setbacks create unsustainable development and are not allowed.
2. Grid patterns within a neighborhood are allowed, but with design standards that avoid monotony.

6.16. **NOISE.** Sustained noise of more than seventy five (75) decibels during the day and sixty five (65) decibels during the night are prohibited.

CHAPTER 7

[Source: Ord. 2015-8-3, Sec. 6 (2015)]

SUBDIVISION REGULATIONS

SECTIONS:

- 7.00. Title.
- 7.01. Conditions Imposed Upon Subdivision Plats.
- 7.02. Definitions.
- 7.03. General Provisions.
- 7.04. Retracement Plats.
- 7.05. Subdivision Application Procedure and Approval Process.
- 7.06. Official Submission Date and Public Hearing.
- 7.07. Public Hearing Requirements.
- 7.08. Preapplication Conference.
- 7.09. Area Sketch Plan.
- 7.10. Site Plan.
- 7.11. Final Plat Review (Minor Subdivision).
- 7.12. Preliminary Plat Review (Major Subdivision).
- 7.13. Final Plat Review by City Council.
- 7.14. Document Specification Requirements.
- 7.15. Site Plan Requirements.
- 7.16. Preliminary Plat Requirements.
- 7.17. Final Plat Data Requirements.
- 7.18. Subdivision Design and Improvement Standards.
- 7.19. Blocks and Lots.
- 7.20. Streets.
- 7.21. Sidewalks.
- 7.22. Utility and Street Improvements.

7.00. **TITLE.** This chapter (hereinafter "these regulations") shall be known, cited, and referred to as "The Subdivision Regulations of the City of Oxbow, North Dakota."

7.01. **CONDITIONS IMPOSED UPON SUBDIVISION PLATS.** Subdivision regulations and the attachment of reasonable conditions to land subdivisions are valid exercises of the police power delegated by the State of North Dakota to the City of Oxbow. The developer or subdivider has the duty of compliance with the conditions laid down by the planning or City Council.

7.02. **DEFINITIONS.**

1. **General Usage.**

- a. Words within these regulations shall be used, interpreted, and defined as presented in these regulations.
- b. The words "subdivider," "developer," "applicant," "person," and "owner" include an individual, a corporation, an unincorporated association, a partnership, or other legal entities.
- c. Anything not specifically included in a definition is automatically excluded.
- d. In the event of conflicting provisions in the meanings of any words in these regulations and this Code, the most restrictive or that which imposes a higher standard shall govern.
- e. Any definition not found in these regulations but found in this Code shall have the same meaning as defined in this Code.

2. Definitions.

Abutting: To physically touch or border upon; or to share a common property line.

Access: A way or means of approach to provide physical entrance to a property.

Applicant: The person(s) submitting the application for subdivision.

Application to Subdivide: The application form and all documents and exhibits required of an applicant by the Planning Commission for subdivision review purposes.

Area Sketch Plan: A rough map of a proposed subdivision and its adjacent land area of sufficient accuracy to be used for the purpose of discussion and classification.

Block: A unit of land bounded by streets or by a combination of streets and public lands, railroad right-of-way, waterways or any other barrier to the continuity of development.

Buffer Strip: Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

Building Line: That line that is the required minimum distance from the street right-of-way line or any other lot line that

establishes the area within which the principal structure must be erected or placed. Also SETBACK LINE.

Building Permit: Written permission issued by the Building Inspector for the construction, repair, alteration or addition to a structure.

Cul-de-sac: See STREET, CUL-DE-SAC.

Dead-End: See STREET, DEAD-END.

Developer: The person proposing to develop the land either as the owner or as an agent of such owner.

Drainage Plan: The plan of the subdivision showing the direction of surface water runoff and the removal of surface water or groundwater by drains, grading, runoff controls, or other means.

Dwelling Unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Easement: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or entity.

Excavate: Removal of soil, rock, or organic substances from land for building purposes.

Grading: Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

Final Plat: See PLAT, FINAL.

Improvement, Public: Any street, tree, sidewalk, lot improvement or other facility for which a governmental unit may ultimately assume responsibility for maintenance and operation.

Individual Sewage Disposal System: A privately owned and maintained system for the disposal of sanitary sewage in the ground, which is so

designed, constructed, and approved as to treat sewage in a manner that will retain most of the settable solids in a septic tank and discharge the liquid portion to an adequate disposal field.

Land Use: A description of how land is occupied or utilized. See STREET, LOCAL.

Local Street: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot Dimensions: The measurement of a lot expressed in feet to include yard setbacks, lot width and depth and other features necessary to insure lot and building compliance with the Zoning Ordinance.

Lot, Double Frontage: A lot, other than a corner lot, which fronts upon two streets.

Metes and Bounds: A method of describing the boundaries of land by directions and distances from a known point of reference.

Minor Subdivision: See SUBDIVISION, MINOR.

Major Subdivision: See SUBDIVISION, MAJOR.

Official Map: A legally adopted map that shows the proposed location and width of proposed streets, highways, public facilities, public areas, and drainage right-of-ways, including subdivision plats approved by the City Council and the subsequent filing of such approved plats.

Official Plans: Any adopted document approved by the City Council, including any amendments or additions thereof, detailing the future course of development for the City.

Placement of Mail

Box Plan: A plan setting out the placement of mail boxes either individually or as combined units to serve the property in the plat.

Planning

Commission: The Planning Commission of the City of Oxbow.

- Plat: A map of a subdivision showing the boundaries, dimensions, and locations of individual properties and streets which has been approved by the City of Oxbow and recorded with the Cass County Recorder.
- Plat, Preliminary: A preliminary map indicating the proposed layout of the subdivision which is presented to the Planning Commission for consideration and preliminary approval.
- Plat, Final: The final map of subdivision which is presented to the City Council for final approval.
- Primary Arterial: See STREETS, PRIMARY ARTERIAL.
- Restrictive Covenant: A restriction on the use of land usually set forth in the deed.
- Resubdivision: A change in an approved and recorded subdivision plat, but not including conveyances made so as to combine existing lots by deed or other instrument
- Right-of-Way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary sewers and other similar uses.
- Setback Line: See BUILDING LINE.
- Site Plan: The development plan of the subdivision showing the existing and proposed conditions on the lots including: streets, lots, means of ingress and egress, landscaping, sidewalks, buildings, lot and building dimensions, screening devices; any other information that reasonably may be required in order that an informed decision can be made by the Planning Commission.
- Solar Access: A property owner's right to have the sunlight shine on his land.
- Street: An open way for vehicles and pedestrians constructed for the use of the public.

<u>Street, Collector:</u>	A street which collects traffic from local streets and connects with minor and primary arterials.
<u>Street, Cul-de-sac:</u>	A street with a single common ingress and egress and with a turnaround at the end.
<u>Street, Dead End:</u>	A street with a single common ingress and egress.
<u>Street, Half:</u>	A public street where only half the required right-of-way width is shown on the subdivision plat.
<u>Street, Local:</u>	A street designed to provide vehicular access to abutting property and to discourage through traffic.
<u>Street, Loop:</u>	A local street which has its only ingress and egress at two points of the same collector street.
<u>Street, Minor Arterial:</u>	A street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets.
<u>Street, Primary Arterial:</u>	A major street intended to move through traffic to and from major facilities and also distributes traffic to and from minor arterials. Primary arterials shall also include routes which carry traffic between communities or which provides ingress into egress out of communities.
<u>Street, Service:</u>	A street running parallel to a primary arterial and servicing abutting property.
<u>Subdivider:</u>	Any person having an interest in land that is the subject of an application for subdivision. See APPLICANT.
<u>Subdivision:</u>	The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale or of building development, and any plat or plan which includes the creating of any part of one or more streets, public easements, or other rights of way, whether public or private, for access to or from such lots, and the creation of new or enlarged parks, playgrounds, plazas, or open spaces.
<u>Subdivision, Major:</u>	Any subdivision not classified as a minor subdivision.

Subdivision, Minor: A subdivision of land that does not include any of the following: (1) six or more single family lots; (2) high density residential; commercial, or industrial lots; (3) a planned unit development; (4) a new street; (5) possible adverse effects on adjoining property; and (6) conflicts with any provisions of official city maps, plans, the Zoning Ordinance, or these regulations.

Variance: Permission to depart from the literal requirements of these regulations.

Zoning Ordinance: The Zoning Ordinance of the City of Oxbow.

7.03. **GENERAL PROVISIONS.**

1. **Land Splits.** Land splits, by deed or otherwise, shall be required to have subdivision review and shall be in conformance with the provisions stated in these regulations. No building permit shall be issued on land divided or split other than in conformity with the provisions of this chapter. Exceptions to subdivision review for transfers of property are only as follows:

- a. A division of land which may be ordered or approved by a court or affected by testamentary or intestate provisions;
- b. A division of land for use as right-of-way for municipal public facilities which do not involve any new streets or easements of access;
- c. A division of land made to correct errors in prior divisions pursuant to Chapter 40-50.1, N.D.C.C.;
- d. A division of land into lots, tracts, or parcels of ten (10) acres or more in size for the purpose of agricultural use which does not involve any new streets or easements.
- e. A division of land into lots, tracts, parcels in which one lot, tract, or parcel has existing a single family residential district dwelling and the other lot(s), tract(s), or parcel(s) is/are also exempt by the previous stated exemptions.

2. **Simple Lot Split.** Simple lot splits may be exempt from the platting provisions provided in this chapter provided the following conditions are met:

- a. The lot split does not contain more than two (2) lots;
- b. The two lots created each meet the minimum lot requirements set for the district in which the lots are located; and

- c. There is no proposed or perceived need of public improvements as a result of the split. The lot split does not occur in general proximity to an area where there is a perceived need to create an organized development pattern through platting;
 - d. That any platted lot be split only once under the terms of this provision;
 - e. That the lot split is not part of a continuing scheme of lot splitting for a particular area;
 - f. That the lot split does not violate any provision of the Zoning Ordinance, Official City Plans, or any other state or local ordinance; and
 - g. That the lot split does not adversely affect public health, safety or welfare.
3. **Procedure for Simple Lot Split.** An application for a simple lot split shall be submitted to the City Engineer on forms as provided. The City Engineer and Auditor shall review such application and determine if all requirements to grant the lot split have been met. If concurred approval is given, the City Engineer shall then schedule a review before the Planning Commission following written notice to property owners within one hundred fifty (150) feet, excluding streets, of the application. The Planning Commission may approve, conditionally approve, or deny said simple lot split. If approval is granted, the Planning Commission Chairperson, City Auditor, and City Engineer shall authorize such approval by signing a certificate which shall subsequently be given to the applicant. There shall be a right to appeal to the Planning Commission if the City Engineer and Auditor shall not give their approval.
4. **Application Fee.** The application for a simple lot split shall be submitted to the City Engineer along with the fee set by the City Council. If the City Engineer and Auditor do not approve the lot split so that the matter is not sent to the Planning Commission, the fee shall be refunded.
5. **Transfer of Lots.** No owner, or agent of any owner, shall transfer, sell, or agree to sell any land, using the legal description in a proposed plat, before such plat has been approved by the Planning Commission and City Council and recorded with the Cass County Register of Deeds, or using the legal description of a split lot before such lot split has been approved by the Planning Commission.

7.04. **RETRACEMENT PLATS.**

1. **Retracement Plats Required for Undeveloped Parcels.** Any undeveloped parcels which have not been previously platted and are located within the City limits of the City of Oxbow shall be required to file a Retracement Plat prior to receiving a building permit for development. Retracement Plats are defined as plats of existing metes and bounds parcels which have been of record with the Cass County Recorder since before the adoption of this ordinance, therefore are not considered subdivisions under the Oxbow Subdivision Ordinance and are not subject to all the Subdivision requirements.

The purpose of Retracement Plats is to provide clear legal descriptions with an associated subdivision plat title and accurate parcel size information.

2. **Procedure.** The procedure for review and approval of Retracement Plats is as follows:
 - a. Plats shall be prepared in accordance to N.D.C.C. platting requirements and Chapter 7 of the Land Development Code, Subdivision Regulations of the City of Oxbow, and shall denote any existing right-of-ways or easements.
 - b. The City Engineer shall review the plat and shall forward copies to appropriate departments for their review and comments.
 - c. The City Planning Commission shall review the plat and forward their recommendation to the City Council. No public hearing shall be required.
 - d. The City Council shall give consideration to the plat at their next regular meeting.
 - e. Upon City Council approval the plat shall be signed and recorded with the Cass County Recorder.

3. **Partially or Fully Developed Parcels.** Property owners with partially or fully developed parcels are encouraged to file retracement plats with the City to provide clear legal descriptions with an associated subdivision plat title and accurate parcel size information. This will provide for a cleaner abstract and will allow the City to better manage property information. The same procedure for approval as in Section 7.04(2) shall be followed.

7.05. **SUBDIVISION APPLICATION FOR PROCEDURE AND APPROVAL PROCESS.**

1. **General Classification and Procedure.** For every land subdivision request, the subdivider or his agent shall make application to the City Engineer and secure approval of such application by the Planning Commission and the City Council prior to subdivision plat recording. In order to secure approval of a

subdivision request, the request shall be classified by the City Engineer and reviewed in its entirety according to the following procedures and classifications:

2. **Minor Subdivisions.** Includes subdivisions containing five single-family residential lots or less. Three steps are required for approval:
 - a. Pre-application Conference
 - b. Site Plan
 - c. Final Plat
3. **Major Subdivisions.** Includes all other subdivisions. Five steps are required for approval:
 - a. Pre-application Conference
 - b. Area Sketch Plan
 - c. Site Plan
 - d. Preliminary Plat
 - e. Final Plat

Where warranting circumstances exist, the Planning Commission may add or relieve the applicant of certain submission requirements.

7.06. **OFFICIAL SUBMISSION DATE AND PUBLIC HEARING.** The subdividing owner, or his authorized agent, shall take application to subdivide to the City Engineer at least two (2) weeks prior to any public hearing held before the Planning Commission. Failure to meet this timetable shall be grounds to withhold public hearing notification. For every hearing, notice of the time and place of such hearing shall be sent by registered mail within five days, to the person(s) whose name(s) will appear on the final plat. City personnel whose endorsements are necessary on the final plat shall be excluded from this requirement.

7.07. **PUBLIC HEARING REQUIREMENTS.** A public hearing shall be held before the Planning Commission after notice of the time and place thereof has been published in the City's official newspaper for two (2) consecutive weeks prior to the date of the public hearing. Before a public hearing can be scheduled, the subdivider or his agent shall submit the following data to the City Engineer:

1. County Tax statement for the parcel(s) being platted.
2. Area sketch plan, when necessary.

3. Three (3) copies of site plan.
4. Ten (10) copies of preliminary plat for major subdivisions; ten (10) copies of Final Plat for minor subdivisions.

7.08. **PREAPPLICATION CONFERENCE.** Prior to the preparation of any plan or plat, the subdivider or his agent shall meet with the City Engineer and discuss:

1. General Plan of Development.
2. Subdivision Approval Process.
3. Timetable and Submission Requirements.
4. Zoning Requirements.
5. Subdivision Requirements.
6. City Plans and Policies.
7. Placement of Mail Box Plan. At this time, a subdivision fee shall be filed and a subdivision application shall be recorded.

7.09. **AREA SKETCH PLAN.** For Major Subdivisions, an area sketch plan shall be prepared by the applicant and submitted to the City Engineer prior to preliminary plat preparation. Two (2) copies of this plan shall be submitted. The area sketch plan will be reviewed by City Staff and comments shall be forwarded to the Planning Commission. The Planning Commission shall review this plan to determine the proposed subdivision's compatibility with adjacent land uses and with future development of the surrounding area.

7.10. **SITE PLAN.** For all subdivisions, a site plan shall be prepared by the applicant and submitted to the City Engineer prior to plat review by the Planning Commission. For major subdivision requests, this plan shall be submitted with the submission of the area sketch plan. Upon receipt of the site plan, the City Engineer will receive comments on said plan from appropriate city departments. The City Engineer will then forward these comments to the applicant in order to be incorporated onto the Preliminary or Final Plat. Three (3) copies of the site plan shall be submitted to the City Engineer for review.

7.11. **FINAL PLAT REVIEW (MINOR SUBDIVISION).** Final Plat review for minor subdivisions shall follow the same procedures and rules for approval as for Preliminary Plats for major subdivisions. Ten (10) copies of the Final Plat shall be submitted to the City Engineer. The mylar print shall be submitted following Planning Commission review of the Final Plat in order to include the conditions that may be attached to Planning Commission approval.

7.12. **PRELIMINARY PLAT REVIEW (MAJOR SUBDIVISION).**

1. **General.** Following the successful completion of all submission requirements, ten (10) paper copies of the Preliminary Plat shall be submitted to the City Engineer. The City Engineer shall schedule a public hearing and distribute copies of the plat to appropriate agencies for comment. The Preliminary Plat must be submitted at least two (2) weeks prior to any public hearing on the plat.
2. **Planning Commission Review.** After the public hearing, the Planning Commission shall have thirty (30) days to approve, conditionally approve, or deny the preliminary plat. The applicant may waive the requirement that the Commission act within thirty (30) days and may consent to an extension of such period. Following the Commission's decision, the subdivider will be notified of its action.
3. **Approval or Conditional Approval.** Conditional approval or unconditional approval of the Preliminary Plat shall not constitute approval of the Final Plat. Rather, it shall be deemed an expression of approval of the layout submitted on the Preliminary Plat and shall serve as a guide to the preparation of the Final Plat. All conditions stated upon approval must be completed or included on the Final Plat prior to Final Plat review by either the Planning Commission or the City Council.
4. **Grading of Site Prior to Final Plat Approval.** Following major or minor plat approval by the Planning Commission, the developer may request approval from the Planning Commission to excavate and grade site. Upon consultation and approval from the City Engineer, the Planning Commission may grant the developer permission to commence site preparation to the grades and elevations as required and approved by the Engineer. However, under no circumstances shall this approval be grounds for the premature issuance of a building permit nor shall it constitute grounds for automatic approval of the Final Plat by the City Council.

7.13. **FINAL PLAT REVIEW BY CITY COUNCIL.**

1. **General.** The subdivider or his agent shall submit ten (10) paper copies and 1 mylar print of the Final Plat to the City Engineer within one (1) year of Preliminary Subdivision Plat approval by the Planning Commission. Should this time limit expire, Planning Commission approval will be considered void unless for good cause an extension is requested in writing by the subdivider and granted by the Planning Commission. Final Plats shall include all data as required by these regulations.
2. **Conditions.** All Final Plats shall comply in all respects with these regulations and the conditions given to said plat for approval by the Planning

Commission. If the attached conditions are not met, a second review by the Planning Commission shall occur. If it can be determined that the preliminary approval is in conformance with the stipulated conditions and these regulations, secondary review by the Planning Commission shall be waived. Recommendation for approval shall then be sent to the City Council for their consideration.

3. **City Council Review.** Prior to putting application on the City Council Agenda, the following items shall be submitted to the City Engineer at least one (1) week prior to the City Council meeting:
 - a. Certification that there are no delinquent special assessments and/or taxes on subject property.
 - b. A current title opinion.
 - c. A Vacation of Plat Certificate, if necessary.

Should Final Plat be approved, the City Auditor and Mayor shall execute the Plat. The subdivider or his agent shall provide the City with the necessary mylars and copies of the plat required for recording. The plat shall then be recorded with the Cass County Recorder. Should recording not take place within six (6) months of City Council approval, that approval will be considered null and void.

7.14. **DOCUMENT SPECIFICATION REQUIREMENTS.**

1. **Area Sketch Plan.** For all major subdivision requests, an area sketch plan shall be submitted by the applicant to the City Engineer prior to Preliminary Plat preparation. The plan shall be of appropriate scale necessary to cover sufficient adjoining territory to indicate clearly significant features that will have a bearing upon the future development of the subdivision. The plan shall be an ink sketch, drawn to approximate scale, and shall include the following minimum specifications:
 - a. Name of applicant; name of subdivision.
 - b. North point, approximate scale and date.
 - c. Name and patterns of proposed streets.
 - d. Proposed boundary lines for subdivision.
 - e. Written description of land uses within proposed subdivision.
 - f. Approximate area of tract to be subdivided.

- g. Approximate location and size of public land dedication, if any.
- h. Surrounding land areas to include name and configurations of adjacent subdivisions, existing street names and patterns, and other significant land features such as highways, schools, parks, river or drains.
- i. Where the subdivider owns property or has option to buy property adjacent to that which is being proposed for subdivision, the general written planned land uses so as to show the possible relationship between the proposed subdivision and the future subdivision.
- j. Two (2) copies submitted to the City Engineer on paper not less than 12" x 18" in size.

7.15. SITE PLAN REQUIREMENTS.

- 1. Name of applicant; name of subdivision.
- 2. Shall be drawn in ink at a scale of 1" equals 100'.
- 3. North point and date.
- 4. Proposed boundary and lot lines within subdivision to include approximate dimensions of all proposed and existing lots.
- 5. Existing and proposed street names to include street right-of-way widths.
- 6. Means of ingress and egress to lots.
- 7. Existing and proposed building on each lot to include all yard setback distances.
- 8. Approximate square footage of each building.
- 9. Existing and proposed landscaping/screening locations.
- 10. Existing and proposed location of sidewalks, if any.
- 11. Provisions for off-street parking, snow storage, and garbage removal.
- 12. Three (3) copies submitted to City Engineer on paper not less than 12" x 18" in size.

7.16. PRELIMINARY PLAT REQUIREMENTS.

1. Shall be drawn by a registered land surveyor at a minimum scale of 1" equals 100'.
2. Ten (10) copies of preliminary plat submitted to City Engineer.
3. Proposed name of subdivision and legal description of the land covered by the plat.
4. Date of preparation, scale, north point, name of subdivider, and name of preparer.
5. Boundary lines of subdivision to include bearings and distances.
6. The names and adjacent lines of any adjoining platted lands shall be dotted on the plat together with the names of adjoining streets.
7. The location, width, and names of existing streets, alleys, or private roadways.
8. The location, width, and names of proposed streets, or private roadways.
9. Approximate radii of all curves and lengths of tangents.
10. The purpose and width of any easement.
11. The length and width of all lots and blocks together with the progressive numbering of said lots and blocks.
12. The mean sea level elevation shall be shown as numerical figures should any portion of the plat lie within designated 100 year flood plain.
13. The location, dimensions, and area of all property proposed to be set aside as a requirement of public land dedication.

The following information shall be submitted separately from the Preliminary Plat. Any of these requirements may be waived when applicable:

14. The grading and drainage plan for all streets and lots. These plans shall be submitted to the City Engineer for approval prior to Preliminary Plat review.
15. Two copies of any existing or proposed restrictive covenants.
16. The Placement of Mail Box Plan.

NOTE: The lack of information under any item specified or erroneous information supplied by the applicant shall be cause for disapproval of the Preliminary Plat.

7.17. FINAL PLAT DATA REQUIREMENTS.

1. Shall be drawn by a registered land surveyor on a mylar print at a minimum scale of 1" equals 100 feet.
2. The original mylar print and ten (10) paper copies shall be submitted to the City Engineer.
3. The name and legal description of the land covered by the plat.
4. Date of preparation, scale, and north point.
5. Name and signature of all owners of the land covered by the plat.
6. Name and signature of the registered land surveyor.
7. Other endorsements shall include signature spaces for the City Engineer, Planning Commission Chairman, the Mayor and the City Auditor. All signatures shall be notarized.
8. An accurate description of the property described in metes and bounds as shown on the preliminary plat.
9. Notations for all monuments.
10. 100 year flood elevation, when applicable.
11. Exact boundary lines of subdivision to include bearings and distances.
12. The names and adjacent lines of any adjoining platted lands shall be dotted on the plat together with the names of adjoining streets.
13. Location, purpose, and exact width of all easements.
14. The exact length of all lots and blocks together with the progressive numbering of said lots and blocks.
15. The names and exact right-of-way widths of existing and proposed streets, alleys, or private roadways.

7.18. SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS.

1. **Conformance to Applicable Rules and Regulations.** In addition to the requirements stated herein, all subdivision plats shall comply with the following laws and regulations:
 - a. All applicable provisions of the North Dakota Century Code.

- b. The City of Oxbow's Zoning Ordinance, official city plans and policies, building and housing codes, flood-proofing code, and all other applicable laws of the appropriate jurisdiction.
 - c. The applicable requirements of these regulations and any rules of the Health Department and/or appropriate state agencies.
 - d. The rules of the State Highway Department if the subdivision or any lot abuts a State Highway or connecting street.
 - e. The standards and regulations adopted by the City Engineer and all boards of the City of Oxbow.
 - f. Plat approval may be withheld if a subdivision is not in accordance with the above rules and regulations and other requirements stated within these regulations.
2. **Plats Straddling Municipal Boundaries.** Whenever a proposed subdivision requires access from outside the municipality, there shall be assurance from the developer that access is legally established and assurance from the City Engineer that the access road is adequately improved. Lot lines shall not straddle municipal boundaries.
3. **Monuments.** Permanent reference monuments shall be placed within each subdivision as approved by a registered land surveyor and shall:
- a. Be placed at all block corners, lot corners, and control points.
 - b. Block and control point monuments shall be iron pins set in concrete and each lot corner monument shall be iron pins set in the ground. The type and placement of each monument shall be consistent with City Engineering guidelines.
4. **Subdivision Names.** Subdivision names shall not duplicate or be likely confused with existing subdivision names. The Planning Commission shall have final authority to designate the name of the subdivision at the preliminary plat level.

7.19. **BLOCKS AND LOTS.**

- 1. **Blocks.** In general, the length, width, and shape of blocks shall be such as is appropriate for the locality, the development, or to meet existing street intersections.
 - a. Width. Blocks shall have sufficient width as to provide two tiers of lots of the depth required by the Zoning Ordinance. Exceptions to this

requirement may be made for blocks abutting primary arterials, parks, railways, or other significant land features.

- b. Length and Shape. The length and shape of blocks shall be such as is appropriate for the locality and type of development contemplated, with emphasis on safe and convenient pedestrian and traffic circulation. Blocks shall generally not exceed 1,200 feet in length nor be shorter than 600 feet in length.
- c. Cross Easements. A ten (10) foot drainage easement shall be provided along the center of all blocks. When deemed necessary, a ten (10) foot pedestrian/bikeway easement may be required near the middle of the block by the Planning Commission in order to obtain convenient circulation to schools, parks, or other areas.

2. **Lots.**

- a. General. Lots shall be arranged as such that there will be no foreseeable difficulties in securing a building permit due to topography, access, safety, or noncompliance with applicable regulations.
- b. Access. All lots shall have access from an improved public or private street. All lots shall have paved driveway access to include provisions for emergency and service vehicle access as shown on the required site plan.
- c. Double Frontage Lots. Double frontage lots shall be discouraged except as a measure to provide a buffer from arterial roadways or to overcome specific disadvantages of topography or land use.
- d. Where lots abut a primary arterial street, the Planning Commission may require access to such lots from a service or local street necessitating the creation of double frontage lots. Where this provision is in effect, landscaping, as approved by the Planning Commission, shall be provided by a strip of land nearest the primary arterial.
- e. Dimensions. Lot dimensions shall comply with the minimum requirements of the Zoning Ordinance.

3. **Side Lot Lines.** In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule would allow greater solar access opportunities. In this case, side lot lines shall be encouraged to run due north and due south regardless of the resulting angle of incidence with the street lines. Within these lots, building orientation shall

have the long axis east/west with a maximum 10° variation to the northwest or a 25° variation to the southwest.

4. **Lot Drainage.** Lots shall be graded so as to provide positive drainage away from all buildings and shall be coordinated with the general drainage pattern for the area. For all subdivision requests, a drainage plan shall be submitted to the City Engineer, by the subdivider, and subsequently approved by the engineer, prior to Planning Commission review of the Preliminary plat.

7.20. **STREETS.**

1. **Frontage On Improved Roads.** All proposed subdivisions shall have frontage on and access from an existing improved street shown on the Official City Map. If no such street is shown on the map, access and frontage must be shown on an existing recorded plat and must be suitably improved in accordance with applicable city, township, county, or state specifications.
2. **Grading Plan.** Streets shall be graded and improved to the specifications and approval of the City Engineer.
3. **Street Improvements.** Public street improvements shall conform to all construction standards and specifications as adopted by the City and the City Engineer and shall be incorporated into the construction plans submitted by the developer to the engineer prior to Final Plat approval by the City Council.
4. **Street Width.** In order to provide streets of suitable width necessary to safely accommodate existing and proposed traffic and to avoid undue hardships to adjoining properties, the following street widths are hereby required (street classifications may be as indicated on City Plans or as determined by the Planning Commission).
5. **Development Density.**

STREET CLASSIFICATION	RESIDENTIAL	NON-RESIDENTIAL Commercial/Industrial
Minimum Right-of-way Width (in feet)*		
Local Street	50	50
Collector Street	50	50
Minor Arterial and/or Mile-line Streets	120	120
Primary Arterial Streets as approved by City Council.		
An additional ten (10) feet of right-of-way may be required to accommodate planned pedestrian/bikeway facilities.		

City Council may consider adjustments pursuant to Comprehensive Plan and Planning Commission recommendations.		
Minimum Pavement Width (in feet)*		
Local Street	32	32
Collector Street	32	32
Minor Arterial	40	52
Primary Arterial	As approved by City Council.	

*Measured Face of Curb to Face of Curb. Curbs shall be concrete vertical unless otherwise approved by City Council.

6. **Street Layout.**

- a. General. All streets shall be generally aligned with the existing system of streets and with the proposed system of streets as detailed in City Plans. Where possible, streets shall be encouraged to run generally in an east/west pattern in order to increase the potentials for energy conservation.
- b. Local Streets. Local streets shall be designed to discourage through traffic and encourage neighborhood concepts and safety. Curvilinear, cul-de-sacs, looped shaped or other similar type streets shall be encouraged.

7. **Cul-de-sac.**

- a. All cul-de-sacs shall not be longer than five hundred (500) feet.
- b. All cul-de-sacs shall have one hundred (100) feet in diameter for turn around.

8. **Dead-End Streets.**

- a. If a street must dead-end temporarily, a street right-of-way line shall extend to the property line to allow future continuation of such street. A temporary turnaround shall be provided in accordance with the design standards of the City Engineer.
- b. For a permanent dead-end street, its terminus shall not be closer than fifty (50) feet from the subdivision boundary line. Easements for utilities, pedestrians, drainage, or bicycles may be required by the Planning Commission past the terminus of such street. A cul-de-sac turnaround shall be provided in accordance with the standards of these regulations.

9. **Street Grades.**

<u>Maximum</u>	<u>Minimum</u>
5%	.4%

10. **Half Streets.** Perimeter half streets shall be prohibited except where it is practical to require the dedication of the other half when the adjoining property is subdivided or rezoned, in which case half streets may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this decision.

11. **Intersections.**

- a. **Angle.** Streets should normally intersect at ninety (90) degrees. If deviation is unavoidable, the angle of the intersection should not be less than seventy five (75) degrees.
- b. **Jogs.** Proposed streets shall, where possible, be located opposite each other. When unavoidable, there shall not be less than one hundred fifty (150) feet of center line offset between street jogs.
- c. **Curb Radius.** Minimum curb radius at the intersection of two local streets shall be twenty (20) feet. Intersections involving collector or arterial streets shall have a minimum curb radius of thirty (30) feet. Curb radius shall be measured at the curb line.
- d. **Access Management Standards for Major Streets.** A connection to an arterial or collector street or roadway is defined as either a driveway or intersection with any other street or roadway. Arterial and collector streets and roadways are identified in the City's Comprehensive Plan, are considered limited access facilities within the City limits and extraterritorial limits and shall be developed according to the following connection standards:
 - (i) Spacing of connections to designated arterial or collector streets and roadways in less developed areas is one thousand three hundred twenty (1,320) feet with a minimum spacing of six hundred sixty (660) feet.
 - (ii) Spacing of connections to designated arterial streets and roadways in developing areas is six hundred sixty (660) feet with a minimum spacing of three hundred thirty (330) feet.
 - (iii) Spacing of connections to collector streets and roadways in developing areas is three hundred (300) feet with a minimum spacing of one hundred fifty (150) feet.

- e. Lot Corner Visibility. To provide adequate sight distance and to avoid traffic accidents, all visually impeding materials shall be removed or cut in accordance with Section 6.08 of the Zoning Ordinance or according to sight distance standards as provided in the Manual on Uniform Traffic Control Devices (MUTCD), whichever is greater.
 - f. Individual Lot Access. Direct lot access shall be a minimum distance from the intersecting curb line of any street. Distances, driveway widths, and construction standards shall be in accordance with Chapter Two of the Municipal Code and shall govern accesses within the City Limits and within the City's extraterritorial area.
12. **Arterial Street Access Controls.** In order to prevent points of conflict and potential accident locations, the following access controls may be required by the Planning Commission whenever a proposed subdivision borders or contains an arterial roadway.
- a. Double Frontage Lots. Lots designed so that the rear yard faces the arterial street and the front yard faces a parallel local street. Buffering and screening shall be provided by dedicating a buffer strip of land nearest the arterial street or establishing a buffer easement. The buffer strip or easement may be up to thirty (30) feet in width, include possible berms of four (4) to six (6) feet in height, and screening with solid fencing, coniferous trees or both. Easements shall be in addition to the normal required lot depths and shall be included in the lot area owned and maintained by the lot owner or development association.
 - b. Cul-de-Sac. Development of a series of cul-de-sacs or loop shaped streets entered from the parallel local street, with the rear yard of the terminal lots backing onto the arterial street. Buffering and screening shall be provided by dedicating a buffer strip of land nearest the arterial street or establishing a buffer easement, and providing berms and screening as defined under double frontage lots.
 - c. Service Road. A service road which is separated from the arterial street by a planting or grass strip and having access to the arterial at suitable points as determined by the Planning Commission.
13. **Railroad, Highway and River Bank Controls.** Whenever a subdivision borders or contains a railroad, or a highway, or a river the following controls shall be in effect:
- a. Access points must be approved by the appropriate jurisdictional authority.

- b. Residential development along arterial streets may be required to establish a buffer easement up to thirty (30) feet in width, possible berms of four (4) to six (6) feet, and screening with solid fencing, coniferous trees or both. Areas along on/off highway ramps shall have a buffer easement of thirty (30) feet in width and more flexibility in berming and screening. Easements shall be in addition to the normal required lot depths and shall be included in the lot area owned and maintained by the lot owner or development association.
 - c. Developments adjacent to the Red River shall be required to establish a one hundred (100) foot building control line from the riverbank. The building control line shall be the minimum setback line for any primary and accessory structures requiring permits, parking lots, fill and other development activities which may cause increased riverbank destabilization.
14. **Street Names.** Street names shall not duplicate or likely to be confused with existing street names. Whenever possible, streets shall be numbered in accordance with the progressive numbering system of the City. The Planning Commission shall have final authority to designate the street name, after consultations with the appropriate authorities, at the preliminary plat level. Thereafter, the City shall have the final authority to designate street names.
15. **Street Dedication.** All proposed streets shown on the plat shall be offered for dedication as a public street. The Planning Commission may require a subdivider to dedicate at his expense areas for widening or realigning existing narrow roads located within the subdivision. Land reserved in this manner does not satisfy or substitute for any of the requirements stated in the Zoning Ordinance or these regulations.
- 7.21. **SIDEWALKS.**
- 1. **Location and Design.** Sidewalks shall be included in the non-pavement right-of-way of all roads as determined by the City Engineer and as approved by the City Council. Sidewalks shall be constructed to City standards found in the Municipal Code.
 - 2. **Pedestrian Easement.** When deemed necessary, a ten (10) foot pedestrian easement may be required near the middle of the block by the Planning Commission in order to obtain convenient circulation to schools, parks, and other areas.
 - 3. **Pedestrian, Bikeway, or Multi-Use Facilities.** When deemed necessary, additional rights-of-way shall be dedicated, or easements provided to accommodate pedestrian, bikeway, or multi-use facilities within or along the external boundaries of the proposed development. Plans for these facilities should be provided for within the City's Comprehensive Plan.

7.22. UTILITY AND STREET IMPROVEMENTS.

1. **General.** Utility and street improvements shall be fully provided in each subdivision in accordance with these regulations, the City Engineer's utility and street improvement design standards, and applicable city ordinances.
2. **Approval of Plans.** In order to assure that adequate public improvements are available and will have sufficient capacity to serve the proposed subdivision, plans for drainage, sewerage, and water facilities will be submitted to the City Engineer, and subsequently approved by the Engineer, prior to Final Plat approval by the City Council.
3. **Public Sewer Connection.** It shall be the policy of the City to discourage individual sewer systems within the corporate limits of the City where it would be practical to connect with the public sewer system.
4. **Mandatory Connection to Public Sewer System.** If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or other type roadway abutting upon property, the owner of that property shall be required to connect to said sewer for the purpose of disposing of waste. Mandatory connection shall also be in effect for those properties within two hundred (200) feet of the public sewer system. No individual sewage disposal systems shall exist within these limits.
5. **Individual Sewage Systems.** Where connection to public sewerage system is not required, individual sewage disposal systems may exist. Minimum lot area shall conform with the requirements of this ordinance. All such systems shall have soil map data and seepage fields inspected and approved by the County Health Sanitarian and the City Engineer prior to Final Plat approval by the City Council.

CHAPTER 8

[Source: Ord. 2015-8-3, Sec. 7 (2015)]

ADMINISTRATION AND ENFORCEMENT

SECTIONS:

- 8.00. Organization.
- 8.01. Code Administrator.
- 8.02. Building Inspector.
- 8.03. Planning Commission.
- 8.04. Board of Adjustment.
- 8.05. City Council.

8.00. **ORGANIZATION.** To administer this Code, the following bodies are hereby vested with authority to act on behalf of City of Oxbow:

- 1. The Code Administrator;
- 2. The Building Inspector;
- 3. The Planning Commission;
- 4. The Board of Adjustment; and
- 5. The City Council.

8.01. **CODE ADMINISTRATOR.** The Code Administrator is a duly appointed City official authorized by the City Council and is responsible to administer this Code, to assist the Planning Commission, and to assist the City Council on any matter related to this Code. The Code Administrator shall consult with the City Engineer on all design and construction matters under this Code.

- 1. **Duties.** The Code Administrator has the following duties:
 - a. To maintain zoning related records and zoning district maps, including records of all amendments, conditional uses and variances.
 - b. To receive, file and forward on behalf of the City Council to the Planning Commission all applications for zoning amendments, site approvals and conditional uses.
 - c. To prepare and publish notices and notify adjoining property owners.

- d. To notify, in writing, the property owner upon finding violation of this Code, cite the nature of violation clearly, require compliance, and provide a report of the findings to the City Council.
 - e. To receive, file and forward to the Planning Commission and the City Engineer all applications for preliminary and final plats and the supporting documents.
 - f. To receive, file and forward all requests for variances to the Board of Adjustment.
 - g. To report all zoning and land subdivision violations to the City Council.
2. **Interpretation of Regulations.** All questions of interpretation of this Code shall be presented to the Board of Adjustment.
 3. **Fees.** The Code Administrator shall charge and collect a fee for zoning applications, conditional use permits, variances, and preliminary and final plats in accordance with the fee schedule established by the City Council.
 4. **Conditional Use and Site Approval Permits.** The Code Administrator shall issue a conditional use or site approval permit upon approval of the application by the City Council, subject to the provisions of Chapter 9.
 5. **Variances.** The Code Administrator shall issue a permit if the Board of Adjustment approves the variance. The terms of the variance shall be stipulated in the permit, subject to the provisions of Chapter 9. The applicant may appeal to the City Council if the applicant is in disagreement with the action of the Board of Adjustment.
 6. **The Final Plat.** The City Mayor shall sign the final plat if the City Council has approved the final plat, subject to the provisions of Chapter 7 of this Code.

8.02. **BUILDING INSPECTOR.** The Building Inspector is a duly appointed City official authorized by the City Council and is responsible to administer this Code, to assist the Code Administrator and Planning Commission, and to assist the City Council on any matter related to this Code. The Building Inspector shall consult with the City Engineer on all design and construction matters under this Code.

1. **Duties.** The Building Inspector has the following duties:
 - a. To create all building and repair permits for approval and issuance by the City Council.
2. **Building Permit Applications.** Any person or persons intending to construct or reconstruct or relocate a building or make alteration, shall,

before proceeding with the work, or commencing any excavation in connection with it, obtain a permit from the City. These provisions shall also apply to manufactured homes.

- a. Each application for a building permit shall be accompanied by a legal description and a map showing the actual dimension of the lot to be built upon, the size, shape and location of the building for observing the yard requirements of this Code.
 - b. The application shall specify the type of the building, structure, material of which it is composed, the part or portion of the lot to be occupied by the principal building and accessory buildings and the building cost.
3. **Building Permits.** The Building Inspector shall create a building permit for approval and issuance by the City Council, if the proposed building or structure conforms to zoning and building provision of this Code. If a permit is denied because of nonconformance with this Code, the applicant will have the right to appeal to the Board of Adjustment. The City Council may designate an individual to approve and sign a building permit on behalf of the City Council.
4. **Certificate of Occupancy or Use.** The Building Inspector shall inspect the completed building, including placement of manufactured homes, and ensure that all provisions and conditions set forth under this Code are met. In the event the Building Inspector finds violations or deviations from the terms and conditions of this Code, he/she shall make a report and recommendation for action to the City Council. All Certificates of Occupancy will be issued by the City Council. The City Council may designate an individual to approve and sign a Certificate of Occupancy on behalf of the City Council.

8.03. **PLANNING COMMISSION.** The Planning Commission shall consist of at least five members appointed by the City Council.

1. **Duties.** The Planning Commission has the following duties:
 - a. To hear and act on all applications for amendments to zoning districts and for plats of subdivisions; to take action for recommending approval, denial or approval with modification to the City Council.
 - b. To hear and act on all applications for conditionally permitted uses and site approvals in the manner prescribed in this Code and make recommendations to the City Council.
 - c. To provide advisory actions to the City Council. All final decisions rest with the City Council.

2. **Notice of Hearings.** The Planning Commission shall fix a reasonable date for hearing of applications for zoning district amendments, conditional use permits, site approval and preliminary and final plat applications and other matters before it and give public notice thereof in the official newspaper of the City at least once a week for two consecutive weeks prior to the hearing. The notices shall give the time and place of the hearing and shall state the purpose of the hearing and that the applications and supporting documents for zoning district amendments and conditional use permits shall be available for public inspection by the Code Administrator.
3. **Meetings.** Meetings of the Planning Commission shall be held at the call of the Chairperson and at such other times as the Planning Commission may determine. All meetings shall be open to the public and any person may testify for or against a petition.
4. **Schedules of Fees, Charges, and Expenses.** The Planning Commission shall establish a schedule of fees, charges, and expenses, along with a collection procedure for rezoning applications, building permits, variances, conditional uses, appeals, and other matters pertaining to this Code. The schedule of fees shall be available for inspection in the office of the Code Administrator and may be altered or amended only by the Planning Commission. No rezoning, building permit, conditional use, or variance shall be issued or granted unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Planning Commission until charges and fees have been paid in full.

8.04. **BOARD OF ADJUSTMENT.** The Board of Adjustment shall consist of five members appointed by the City Council. The City Council may act as the Board of Adjustment.

1. **Duties.** The Board of Adjustment has the following duties: to hear and decide petitions for variance from the terms of this Code that shall not be contrary to the public interest, plans, and policies of the City of Oxbow.
2. **Notice of Hearing.** The Board of Adjustment shall fix a reasonable date for a hearing on the application for a variance and give public notice in the official newspaper of the City at least once a week for two consecutive weeks prior to the hearing. The notice shall give the time and place of the hearing and shall state the purpose of hearing and that the application and supporting documents for variance shall be available for public inspection by the Code Administrator.

8.05. **CITY COUNCIL.** The City Council maintains the authority for review, approval, modification and denial of recommendations of the Code Administrator, City Engineer and the Planning Commission.

1. **Duties.**

- a. The City Council is responsible for approval, modification or denial of amendments to the text of this Code.
 - b. The City Council is responsible for approval, modification or denial of amendments to change the zoning district boundaries.
 - c. The City Council is responsible for granting conditional use permits, preliminary and final plat approval and establishing a fee schedule for all permits issued by the Code Administrator.
 - d. The City Council may hear the appeals from the action of the Board of Adjustment.
2. **Notice of Hearing.** The City Council may hold hearing as required by this Code and the laws of the State of North Dakota.

CHAPTER 9

PROCEDURES FOR AMENDMENTS, CONDITIONAL USES, VARIANCES AND PLATS OF SUBDIVISION

SECTIONS:

- 9.00. Zoning District Amendments.
 - 9.01. Conditional Use Permits.
 - 9.02. Variances.
 - 9.03. Plat Approval. (Source: Ord. 2016-1, Sec. 4)
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9.00. **ZONING DISTRICT AMENDMENTS.**

1. **Public Hearing Notice.** The Planning Commission shall hold a public hearing, a notice of which shall be published at least once a week for two consecutive weeks prior to the hearing in the official newspaper of the City. The notice of hearing shall include:
 - a. the time and place of the hearing for the Planning Commission and the City Council;
 - b. a description of the property by street address for platted lands and clearly identifiable location for the unplatted lands;
 - c. the proposed use and requested zoning district change;
 - d. time and place for public inspection of the documents submitted by the applicant before the hearing; and
 - e. notification to all property owners within one hundred fifty (150) feet of the property in question.
2. **Public Hearings.** At the hearing, the Planning Commission shall listen to all persons who may speak in support of or in opposition to the proposal. Upon the completion of its review, the Planning Commission shall make recommendation to the City Council. The Planning Commission may require additional information before it completes its findings and makes its recommendations.
3. **Data Submission Requirements.** Petitions for zoning district changes, conditional uses and site approval shall be submitted to the Code Administrator with the following information:
 - a. Legal description of the area proposed to be rezoned.

- b. A site plan showing buildings and uses in the zoning district proposed to be changed and the requested zoning district classification.
 - c. A fee shall be paid in accordance with the schedule established by the City Council.
4. **Deliberation and Decision.** Following the hearing, the Planning Commission, upon due deliberation, shall make a report of its findings and recommendations to the City Council.

9.01. **CONDITIONAL USE PERMITS.**

- 1. **Purpose.** The development of this Code is based upon division of the City into districts, within which districts the use of land and building bulk and locations of building and structures are mutually compatible and substantially harmonious. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as permitted uses in any particular district, without consideration, in each case, of the impact of those uses upon neighboring premises. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses.
- 2. **Public Hearing Notice.** The public hearing notice provisions shall be the same as the provisions set forth for public hearing notice for zoning district amendment in Section 9.00.
- 3. **Public Hearings.** The data submission requirements provisions shall be the same as the provisions set forth for public hearing for zoning district amendment in Section 9.00(2).
- 4. **Data Submission Requirements.** The deliberation and decision provisions shall be the same as the provisions set forth for data submission requirements for zoning district amendment in Section 9.00(3).
- 5. **Deliberation and Decision.** Shall be the same as the provisions set forth for deliberation and decision for zoning district amendment in Section 9.00(4).
- 6. **Standards.** No application for conditional use shall be approved unless the City Council finds that all of the following conditions are present:
 - a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - b. That the uses, values and enjoyment of other property in the area for purposes already permitted shall be in no foreseeable manner

substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

- c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the district.
- d. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic impact on the area.
- f. That the conditional use shall conform to all applicable regulations of the district in which it is located.

7. Conditions and Guarantees.

- a. Prior to the decision on any conditional use, the Planning Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the City and to secure compliance with the standards and requirements specified in Section 9.01(6).
- b. No alteration of conditionally permitted uses shall be permitted unless approved by the City Council.

9.02. **VARIANCES.** Variance from the dimensional standards of this Code may be granted provided that the applicant establishes proof of practical difficulty or undue hardship. Use variances shall be prohibited.

- 1. **Public Hearing Notice.** The Board of Adjustment shall hold a public hearing, notice of which shall be published at least once a week for two consecutive weeks prior to the hearing in the official newspaper of the City. The notice of hearing shall include:
 - a. the time and place of the hearing;
 - b. a description of the property by street address for platted lands and clearly identifiable location for unplatted lands;
 - c. the proposed use and zoning district in which the property is located; and
 - d. the time and place for public inspection of the documents before the hearing.

2. **Public Hearings.** The public hearings provisions shall be the same as the provisions set forth for public hearing for zoning district amendment in Section 9.00(2).
3. **Data Submission Requirements.** Petitions for variances shall be submitted with the following information:
 - a. Legal description of the property.
 - b. A map showing the existing land uses and zoning district classification of the area.
 - c. The reason for the variance request.
 - d. A proof of whether the hardship is unique to the applicant's property.
 - e. Any other information that the Board of Adjustment deems necessary.
4. **Deliberation and Decision.** In making its finding, the Board of Adjustment shall ascertain that the request for variance is consistent with the Oxbow Plan 2034 and meets all requirements of this Code and other regulations of the City of Oxbow.
5. **Standards.** No application for variance shall be approved unless the Board of Adjustment finds that all of the following are present:
 - a. That special conditions and circumstances exist that are peculiar to the premises and that are not applicable to other premises in the same zoning district.
 - b. That literal interpretation of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
 - c. That the special conditions and circumstances have not resulted from actions of the applicant.
 - d. That granting the variance requested will not confer upon the applicant any special privileges that are denied by this Code to other premises.
6. **Justification.** No application for variance shall be approved unless the Board of Adjustment finds that all of the following are present:
 - a. That the reasons set forth in the application justify the granting of the variance.

- b. The variance is the minimum that would make possible a reasonable use of the premises.
 - c. That the granting of the variance will be in harmony with the general purpose of this Code and will not be injurious to the surrounding premises, neighborhood or the City and will not be contrary to the Oxbow Plan 2034 and the purposes of this Code.
 - d. That there is practical difficulty or unnecessary hardship in use of the premises if the Code is strictly applied.
7. **Appeal.** The decision of the Board of Adjustment may be appealed to the City Council. The City Council, after a public hearing held subject to the provisions of Section 9.00, shall confirm or reject the decision of the Board of Adjustment. The decision of the City Council may be appealed to Cass County District Court under the laws of North Dakota.

9.03 PLAT APPROVAL. The procedure for approval of the preliminary and final plats shall be the same as the zoning amendment procedure under Section 9.00.

(Source: Ord. 2016-1, Sec. 4 – Not Yet Enacted by Publication)

CHAPTER 10
CITIZENS PROTEST

SECTIONS:

10.00. Citizens Protest.

10.00. **CITIZENS PROTEST.** If a protest to zoning district amendments, conditional use permits, variances, and subdivision plats is signed by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change, or, of the area adjacent, extending one hundred fifty (150) feet from the property to be changed, the amendment shall not become effective except by a favorable vote of at least three-fourths (3/4) of the members of the City Council.

CHAPTER 11

VIOLATIONS AND PENALTIES

SECTIONS:

11.00. Compliance Regarding Violations.

11.01. Violations and Penalties.

11.00. **COMPLIANCE REGARDING VIOLATIONS.** If any building or structure is erected, constructed, reconstructed, repaired, converted, or if any building, structure, or land is used in violation of this Code, the Planning Commission or Code Administrator may cause any of the following actions to be instituted:

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

11.01. **VIOLATIONS AND PENALTIES.** Anyone who violates the provisions of this Code or fails to comply with any of its requirements, upon conviction, shall be punished by a fine of no more than \$200 per day. Each day that a violation continues shall constitute a separate offense.