**CHAPTER XV**

**ZONING ORDINANCE**

**LISBON, NORTH DAKOTA**

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# 15.1 INTRODUCTION

## 15.11 Title

This ordinance shall be known, and may be cited and referred to as the Lisbon Zoning Ordinance.

## 15.12 Authority

This ordinance is adopted under the authority granted by Chapter 40-47 of the North Dakota Century Code.

## 15.13 Purpose

**15.13.1** To protect public health, safety, morals, comfort, convenience, prosperity, and the general welfare of the City of Lisbon, North Dakota.

**15.13.2** To secure safety from fire, panic, noxious fumes, and other dangers.

**15.13.3** To facilitate adequate provisions for transportation, water, sewerage, and other customary municipal government services.

**15.13.4** To promote orderly development of land and water resources and to prevent conflict among land uses and structures.

**15.13.5** To carry out the goals, objectives, and policies of the City Comprehensive Plan.

**15.13.6** To regulate the following locational and spatial needs of Lisbon:

**15.13.61** Community facilities;

**15.13.62** Economic development areas;

**15.13.63** Bulk, height, and coverage of structures; and

**15.13.64** Residential, commercial, and industrial areas.

## 15.14 Jurisdiction

This ordinance shall apply to the use and enjoyment of all lands within the City of Lisbon, North Dakota and, if elected by the City in the future, one-half mile outside of the corporate limits of the city known as extraterritorial planning area, as provided by chapter 40-47 of the North Dakota Century Code. The extraterritorial planning area is defined by any quarter quarter section of land in the unincorporated territory, the majority of which is located within one half (1/2) mile of the city limits in any direction.

## 15.15 Interpretation

This ordinance shall be held to be the minimum requirements adopted for promotion of purposes cited in Section 15.13. Whenever the requirements of this ordinance are at variance with the requirements of other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive shall govern unless otherwise specifically stated.

## 15.16 Severability

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

## 15.17 Exceptions

These regulations shall not apply to the use of land and buildings for agriculture as defined herein.

## 15.18 Repeal

The existing City Zoning Ordinance together with any amendments thereto are hereby repealed.

## 15.19 Effective Date

This ordinance shall be effective upon adoption by the City Council of Lisbon as provided by the North Dakota Century Code.

# 15.2 DEFINITIONS AND INTERPRETATIONS

## 15.21 Compliance

No structure shall be hereafter used and no structure or part thereof shall be hereafter located, erected, moved, reconstructed, extended, enlarged, or converted without a zoning permit and being in compliance with the provisions of this ordinance.

## 15.22 Word Use

In construction of this ordinance, the rules and definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise.

**15.22.1** Words used in present tense shall include the future.

**15.22.2** Words used in singular number shall include the plural number, and the plural the singular.

**15.22.3** Shall is a mandatory word and not discretionary.

**15.22.4** May is a permissive word.

## 15.23 Definitions

**15.23.1** **“Accessory Building and Uses”** 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. The accessory building or use shall be located on the same zoning lot and it is established to contribute to the comfort, convenience, or necessity of occupants of the principal building or principal use.

**15.23.2 “Agriculture”** means the process of producing food and fiber including but not limited to the land, facilities, structures, and buildings for operation and maintenance thereof.

**15.23.3 “Airport”** means any area designated for the landing and take-off of aircraft and any appurtenance areas which are used or intended for use for airport buildings and structures including runways, taxi ways, aircraft storage, and tie down areas, hangars, and other related facilities and open spaces other than landing strips used for family purposes.

**15.23.4 “Animal Hospital or Kennel”** means a building or premises set up for treatment and boarding of domestic animals including veterinary facilities.

**15.23.5 “Apartment”** means a room or suite of rooms in a multiple dwelling used for human occupancy.

**15.23.6 “Basement”** means a story partly underground with more than one-half of its height below grade.

**15.23.7 “Bed and Breakfast Inn”** means a house, or portion thereof, where short-term lodging and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

**15.23.8 “Building”** means any enclosed space for human use or activities whether stationary or mobile, including enclosures for the accommodation of persons, animals, chattel, or property. (Ordinance No. 2016-6)

**15.23.9 “Building Area”** means that portion of the zoning lot that can be occupied by the principal use, excluding the front, rear, and side yards.

**15.23.10 “Building Height”** means vertical distance from the grade to the highest point of the roof.

**15.23.11 “Building Line”** means a line establishing the minimum distance that structures may be placed from the lot lines or street right-of-way. For the purposes of this ordinance the building line is the same as setback line.

**15.23.12 “Building, Principal”** means a building, the principal use of which is single family and multi-family dwellings, and offices, shops, stores, and other buildings and uses.

**15.23.13 “Channel”** means a natural or man-made water course for conducting the flowing water.

**15.23.14 “City”, “Lisbon”** means City of Lisbon, North Dakota.

**15.23.15 “City Council”** means the City Council of Lisbon, North Dakota, a legally constituted body under North Dakota law.

**15.23.16 “Club or Lodge”** means a private club or lodge which is a nonprofit association of persons for the purpose of gatherings and entertaining members including consumption of food and beverages.

**15.23.17 “Commission”** means Planning Commission of the City of Lisbon, North Dakota.

**15.23.18 “Comprehensive Plan, or Development Guide”** means a guide for management of the physical resources and development of the City of Lisbon.

**15.23.19 “Conditional Use”** means use of a special nature not automatically permitted in a zoning district and which requires review and approval of the Planning Commission and City Council after a public hearing subject to the provisions of Section 15.82.

**15.23.20 “Conforming Building or Structure”** means a building or structure which complies with all requirements of this ordinance and other regulations adopted by the City Council.

**15.23.21 “Development”** means any man-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 alterations to buildings or structures, ditching, lagooning, dredging, filling, grading, paving, excavating, and drilling operations.

**15.23.22 “Development Plan”** means a document including maps and data for physical development of an area as provided by Section 15.57.4 of this ordinance.

**15.23.23 “District”** means a section or sections of the City of Lisbon 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.

**15.23.24 “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.

**15.23.25 “Dwelling, Detached”** means a single family residence surrounded by open space on the same lot.

**15.23.26 “Dwelling, Multiple Family”** means a single building or portion thereof, containing two (2) or more dwelling units.

**15.23.27 “Dwelling, Single Family”** means a building containing one dwelling unit only.

**15.23.28 “Dwelling, Two Family”** means a building containing two (2) dwelling units only.

**15.23.29 “Encroachment”** means any fill, building, structure, or use including accessory uses projecting into the required yard areas or public and private property.

**15.23.30 “Establishment”** means a place of business for processing, production, assembly, sales, service of goods and materials.

**15.23.31 “Family”** means two or more persons related by blood, marriage, or adoption occupying a dwelling unit. A family may include not more than two unrelated persons by blood, marriage, or adoption.

**15.23.32 “Floodplain”** means an area which may be covered by flood water including but not limited to regional floods.

**15.23.33 “Floodway”** means the channel of a river and the adjacent land areas that must be preserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**15.23.34 “Floor Area”** means the total square footage of floor space within the exterior walls of a building.

**15.23.35 “Frontage”** means the front part of a lot abutting a public right-of-way, street, or highway.

**15.23.36 “Garage, Private”** means an accessory building or portion of a principal building designed and used for storage of personal vehicles and crafts.

**15.23.37 “Garage, Public”** means a building or portion thereof, designed and used for repair, maintenance, sale, service, and storage of motor vehicles and crafts.

**15.23.38 “Grade”** means the land elevation at the horizontal intersection of the ground and the building.

**15.23.39 “Home Occupation”** means any occupation carried on in a dwelling unit by a member or members of the family and which meets these requirements:

(a) that the occupation is conducted within the principal building and not in an accessory building.

(b) that no stock-in-trade is kept or commodities sold other than those produced on the premises.

(c) that no more than twenty-five percent (25%) of the floor area of the dwelling is devoted to such home occupation.

(d) that there is no outside storage of equipment and not more than two additional persons outside the family are engaged in such occupation.

**15.23.40 “Hotel or Motel”** means a building in which lodging accommodations, with or without meals are provided for compensation.

**15.23.41 “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.

**15.23.42 “Kennel, Animal”** means any premises where dogs, cats, and other household pets are boarded, bred, and maintained for compensation.

**15.23.43 “Lodging House”** means a residential building or portion thereof which accommodates three or more unrelated persons with meal privileges.

**15.23.44 “Lot”** means a piece, parcel, lot, or area of land of continuous assemblage established by survey, plat, or deed.

**15.23.45 “Lot Area”** means the ground area within the lot lines.

**15.23.46 “Lot Corner”** means a lot abutting two public streets at their intersection.

**15.23.47 “Lot Depth”** means the average horizontal distance between the front lot line and the rear lot line.

**15.23.48 “Lot, Double Frontage”** means a lot having frontage on two separate public streets.

**15.23.49 “Lot, Interior”** means a lot located in the interior of a block and not a corner lot.

**15.23.50 “Lot Lines”** means the property lines bounding the lot.

**15.23.51 “Lot Width”** means the horizontal distance between the side lot lines of a lot measured at the front building setback line.

**15.23.52 “Lot, Zoning”** means a single lot, parcel, or tract of land within a zoning district developed or to be developed.

**15.23.53 “Manufactured Home”** means a single family detached housing unit that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974.

**15.23.54 “Mobile Home”** means a manufactured trailer, or dwelling unit intended for family residential occupancy.

**15.23.55 “Mobile Home Lot”** means a lot or parcel of land platted or planned to accommodate a mobile home.

**15.23.56 “Mobile Home Park”** means a parcel of land for which a detailed plan indicating the location of lots, blocks, streets, facilities, and utilities exists subject to the requirements of Section 15.53.33.

**15.23.57 “Non-conforming Building”** means any building which does not comply with any or all parts of this ordinance.

**15.23.58 “Non-conforming Use”** means any principal use of land or building which does not comply with any or all parts of this ordinance.

**15.23.59 “Nursing Home or Convalescent Home”** means a home for the aged or infirm in which unrelated persons are accommodated for compensation.

**15.23.60 “Parking, Off-street”** means one or more spaces set aside on private land, with direct access from street or alley not less than nine (9) feet wide and twenty (20) feet long, exclusive of passage ways.

**15.23.61 “Permitted Uses”** means those uses, buildings, or structures which 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 these provisions are met after a public hearing and approval by the Planning Commission and the City Council.

**15.23.62 “Person”** means any individual, firm, corporation, partnership, or legal entity.

**15.23.63 “Planned Development”** means a grouping of buildings and structures on a site of three (3) or more acres in single ownership which is not limited by the yard or building height limitations but is based on a detailed development plan and recorded with the Ransom County Register of Deeds upon approval by the City Council and meets all requirements of Section 15.57

**15.23.64 “Public Roadway or Public Way”** means any dedicated and recorded right-of-way including alleys, sidewalks, streets, roads or highways.

**15.23.65 “Regional Flood”** means a flood determined by the state and Federal Emergency Management Agency which is representative of large floods known to have occurred in Ransom County, North Dakota.

**15.23.66 “Service Station”** means any building or premises where automotive fuels, automotive related services, lubricants, parts, and supplies are made available to the motorist.

**15.23.67 “Sign”** means any emblem, name, identification, description, or illustration which 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.

**15.23.68 “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 ordinance.

**15.23.69 “Street”** means a public or private right-of-way which affords to the principal means of access to abutting property.

**15.23.70 “Structural Alterations”** means any changes in the supporting elements of a building or structure including bearing elements, partitions, columns, beams, girders, roofs, exterior walls, and embankment.

**15.23.71 “Structure”** means anything constructed or erected, the use of which requires permanent location on the ground including advertising signs and billboards.

**15.23.72 “Variance”** means the relaxation of the terms of the ordinance in relationship to building height, and the size of the front, rear, and side yards, where the literal enforcement of this ordinance could create unreasonable hardship, but it is not contrary to the purposes of the Lisbon Comprehensive Plan (Development Guide) and this ordinance.

**15.23.73 “Yard”** means an open space on the zoning lot which is unoccupied or unobstructed by any portion of a structure from the ground upward.

**15.23.74 “Yard, Front”** means an open space extending across the front of the lot between the side lot lines and extending from the front lot line to the front of the principal building or any projection thereof.

**15.23.75 “Yard, Rear”** means an open space extending across the rear of the lot between the side lot lines and extending from the rear lot line to the rear of the principal building or any projection thereof.

**15.23.76 “Yard, Side”** means an open space extending along a side lot line from the front lot line to the rear lot line extending from the side lot line to the side of the principal building or any projection thereof.

# 15.3 GENERAL PROVISIONS

## 15.31 Amendments

The City Council may, from time to time, amend, supplement, or repeal any part of this ordinance after a public notice and hearing.

## **15.32 Comprehensive Plan (Development Guide**)

This ordinance is administered and enforced to implement the City Comprehensive Plan (Development Guide), a document adopted by the City Council including the following objectives:

(a) to conserve and enhance the taxable value of land and buildings;

(b) to encourage the most appropriate use of land;

(c) to preserve and increase amenities of Lisbon and environ;

(d) to protect residential, commercial, and industrial areas from harmful encroachment by incompatible uses;

(e) to protect the character and maintain the stability of residential, commercial, and industrial areas and to promote orderly development of such areas;

(f) to regulate and restrict the location and intensity of uses of buildings and land for residential, commercial, industrial, and other uses;

(g) to separate and control unavoidable nuisance producing uses to minimize their adverse impacts on the surrounding areas or uses;

(h) to minimize the expenditure of public funds through selecting cost-effective alternatives for the expansion of city services;

(i) to minimize damage to public facilities and utilities such as water mains, sewer mains, and streets; and

(j) to facilitate traffic movement and promote development of compatible uses.

## 15.33 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 Planning Commission may require information and data to determine the land suitability. The commission may consult with county and state agencies to assist in its determination.

## 15.34 Conditionally Permitted Uses

Where a use is classified as a conditional use under this ordinance and exists at the date of adoption of this ordinance, it shall be considered a permitted use. Where a use is not allowed as a conditional use or permitted use, under this ordinance, and exists at the date of adoption of this ordinance, it shall be considered non-conforming and shall be subject to the non-conforming buildings and use provisions of Section 15.61 of this ordinance.

# 15.4 ZONING DISTRICT BOUNDARIES AND MAP

## 15.41 Zoning Districts

In order to carry out the purposes and provisions of this ordinance, the following zoning districts are hereby established:

**15.41.1 A-1 Agricultural District**

**15.41.2 R-1 Single Family Residential District**

**15.41.3 R-2 Multi Family Residential District**

**15.41.4 C-1 General Commercial District**

**15.41.5 C-2 Highway Commercial District**

**15.41.6 I-1 Industrial District**

**15.41.7 PD-1 Planned Development District**

**15.41.8 F-1 Floodplain District**

## 15.42 Zoning District Map

**15.42.1 Zoning Districts**

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 Code Administrator. The zoning district maps, together with all information shown thereon and all amendments thereto, shall be an integral part of this ordinance.

**15.42.2 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.

**15.42.3 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.

**15.42.4 District Description for Unsubdivided Lands**

For unsubdivided property, zoning district boundaries are determined by metes and bounds description or by a legal description as deemed necessary.

**15.42.5 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.

**15.42.6 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.

**15.42.7 Annexation of Land**

Any newly annexed area shall be placed in A-1 agricultural district, unless the area is targeted and scheduled for development in which case the area shall be placed in the appropriate zoning district subject to the zoning district changes and zoning district amendments provided in this ordinance.

**15.42.8 Certification**

The official zoning map shall bear a certificate with the signature of the Lisbon Mayor and certification of the City Auditor and date of adoption of the zoning map as an integral part of this ordinance.

# 15.5 ZONING DISTRICT REGULATIONS

## 15.51 A-1 Agricultural District

**15.51.1 Purpose**

The purpose of this district is to provide for preservation and protection of agricultural uses while in existence in the city. The A-1 agricultural district is to serve as an interim zone for change to an appropriate zoning district as the land becomes feasible for development.

**15.51.2 Permitted Uses**

**15.51.21** Accessory buildings and structures.

**15.51.22** Agricultural uses.

**15.51.23** Churches and cemeteries.

**15.51.24** Golf courses and parks and play fields.

**15.51.25** Home occupations.

**15.51.26** Public and private schools, public buildings, and facilities.

**15.51.27** Stock piling of sand and gravel for road construction and maintenance.

**15.51.28** Construction and maintenance of drainage systems to manage the water run-off and water reservoirs.

**15.51.29** Utility lines and pipe lines including substations for transformers, pumping stations, and lift stations.

**15.51.3 Conditional Uses**

(a) Feed lots.

(b) High voltage transmission lines and accessory structures.

(c) Manufacturing and processing of agricultural products produced in the area but not including rendering plants and fertilizer plants.

(d) Radio, TV stations, and towers.

(e) Sale and services of agricultural equipment and machinery.

(f) Salvage and junk yards subject to provisions of Section 15.68.

(g) Sanitary landfills subject to the provisions of Section 15.67.

(h) Sewage lagoons and waste water treatment facilities.

(i) Skeet, trap, and rifle ranges if not nearer than one thousand (1000) feet from any residence.

(j) Storage of farm related chemicals.

(k) Veterinary clinics, animal hospitals, and domestic animal kennels not near than five hundred (500) feet from any residence except the residence of the owner or operator.

(l) Mining of sand and gravel subject to provisions of Section 15.66.

**15.51.4 Lot Area and Lot Width**

***Section 15.51.4 of this Ordinance is hereby repealed; passed and approved and adopted this 2nd day of September, 2014.* (Ordinance No. 2014-5)**

**15.51.5 Yard Requirements**

**15.51.51** The minimum front yard, measured from the front lot line, shall not be less than fifty (50) feet.

**15.51.52** The minimum rear yard, measured from the rear lot line, shall not be less than thirty (30) feet.

**15.51.53** The minimum side yard, measured from the side lot line, shall not be less than ten (10) feet.

**15.51.6 Building Height**

**15.51.61** The building height shall not exceed two and one-half (2½) stories or thirty-five (35) feet except for church steeples, farm related and communications structures.

**15.51.62** The building heights for agriculturally related uses shall be determined by the Planning Commission.

**15.51.7 Parking Requirements**

For no-farm uses, the provisions of Section 15.62 shall apply.

**15.51.8 Sign Requirements**

Sign requirements shall be subject to the provisions of Section 15.63.

## 15.52 R-1 Single Family Rural Residential District

**15.52.1 Purpose**

The R-1 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.

**15.52.2 Permitted Uses**

**15.52.21** Single-family detached and two-family dwelling units.

**15.52.22** Churches, schools, and public related facilities.

**15.52.23** Parks, playgrounds, and open spaces.

**15.52.24** Accessory buildings and structures.

**15.52.25** Golf Courses.

**15.52.26** Home occupation.

**15.52.27** Day care facilities subject to the requirements of the state of North Dakota.

**15.52.3 Conditional Uses**

**15.52.31** Hospitals and clinics excluding veterinary clinics.

**15.52.32** Convalescent and nursing homes.

**15.52.33** Condominiums and single family attached dwelling units.

**15.52.34** Manufactured home units installed on a permanent foundation or basement.

**15.52.4 Lot Area and Lot Width**

**15.52.41** The minimum lot area shall be no less than eight thousand (8,000) square feet for single family units and twelve thousand (12,000) square feet for two (2) family units.

**15.52.42** The minimum interior lot width shall be no less than sixty (60) feet for a single family and ninety (90) feet for two-family structures. The corner lots shall be no less than seventy (70) feet wide.

**15.52.5 Yard Requirements**

**15.52.51** The minimum front yard, measured from the front lot line shall be no less than twenty (20) feet. For lots abutting major thoroughfares, the Planning Commission may require larger setbacks not exceeding fifty (50) feet.

**15.52.52** The minimum rear yard, measured from the rear lot line, shall be no less than twenty (20) feet.

**15.52.53** The minimum side yard, measured from the side lot line, shall be no less than eight (8) feet.

**15.52.6 Building Height**

No building shall be more than two and one-half (2½) stories or thirty-five (35) feet high except institutional buildings and church steeples approved by the Planning Commission.

No accessory buildings shall have a side wall which is higher than ten (10) feet. (Ordinance No. 97-4).

**15.52.7 Parking Requirements**

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

**15.52.72** For the conditional uses and non-residential uses the requirements of Section 15.62 shall apply.

**15.52.8 Sign Requirements**

**15.52.81** 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.

**15.52.82** Temporary signs including “For Sale”, “For Rent”, political campaign signs, greeting, and realty signs are permitted.

**15.52.83** For non-residential uses, the provisions of Section 15.63 shall apply.

**15.52.9 Building Requirements**.

All residences placed or constructed on property in the R-1 Single Family Residential District shall conform to the following minimum requirements:

**15.52.91** Must be placed on a permanent foundation or basement, and blocking upon the pilings will be acceptable as a permanent foundation if placed according to the manufacturer's specifications.

**15.52.92** Must have a roof pitch of no less than three/twelve (3/12).

**15.52.93** Roofing materials shall consist of shingles or other material customarily used for conventional dwelling units.

**15.52.94** Must be constructed with acceptable skirting and siding that is approved by the Planning Commission.

**15.52.95** Must have a main entrance facing the public street.

**15.52.96** Must be 24 feet or wider as measured on the outside of a building between its two longest sides. (Ordinance No. 2012-4)

## 15.53 R-2 Multi Family Residential District

**15.53.1 Purpose**

The R-2 multi-family residential district is primarily established to promote a suitable residential environment and to accommodate multi-family density residential uses largely consisting of multi family dwelling units.

**15.53.2 Permitted Uses**

**15.53.21** Single family detached and two-family dwelling units.

**15.53.22** Multi-family dwelling units.

**15.53.23** Condominium and attached single family dwelling units.

**15.53.24** Manufactured homes installed on permanent foundations or basements.

**15.53.25** Churches, schools and day care facilities.

**15.53.26** Home occupation.

**15.53.27** Accessory buildings and structures.

**15.53.28** Parks, playgrounds, golf courses and open spaces.

**15.53.29** Hospitals, medical clinics, convalescent homes.

**15.53.3 Conditional Uses**

**15.53.31** Bed and breakfast establishments.

**15.53.32** Public and private utilities and structures including waste water treatment facilities, sewage lagoons, overhead and underground wires and pipelines.

**15.53.33** Mobile home parks subject to the following requirements:

(a) A site plan showing location of streets, utilities, off-street parking, driveways, walkways, blocks, lots, playground and park area.

(b) The mobile home park shall contain a minimum of three (3) acres of land.

(c) Each mobile home shall be placed on a lot at least fifty (50) feet wide with a minimum area of five thousand (5000) square feet.

(d) Each unit shall be placed on a stand and anchored to provide a firm foundation and prevent accidental movement or overturning.

(e) Each unit shall have a minimum setback of twenty (20) feet within the parks and thirty (30) feet from the public streets.

(f) Each unit shall have a minimum side yard of ten (10) feet and a rear yard of twenty (20) feet.

(g) The design and construction of the private streets within the park shall conform to the design standards used by the City of Lisbon.

(h) All units shall be served by underground utilities unless waived by the Planning Commission.

(i) There shall be two (2) off-street parking spaces per unit.

**15.53.4 Lot Area and Lot Width**

**15.53.41** The minimum lot area in R-2 residential district for residential uses shall be:

(a) Six thousand (6,000) square feet for single family units;

(b) Eight thousand (8,000) square feet for two family units; and

(c) Two thousand five hundred (2,500) square feet for each multi-family unit excluding the yard requirements.

**15.53.42** For non-residential uses, the minimum lot area shall be twenty thousand (20,000) square feet.

**15.53.43** The minimum lot width in R-2 residential district shall be:

(a) Fifty (50) feet for single family units;

(b) Sixty (60) feet for two (2) family units;

(c) Seventy-five (75) feet for multi-family units; and

(d) One hundred (100) feet for non-residential uses.

**15.53.5 Yard Requirements**

**15.53.51** The minimum front yard, measured from the front lot line, shall not be less than twenty (20) feet for single family, multi-family uses and non-residential uses.

**15.53.52** The minimum rear yard, measured from the rear lot line, shall not be less than twenty (20) feet.

**15.53.53** The minimum side yard, measured from the side lot line, shall not be less than eight (8) feet on each side.

**15.53.6 Building Height**

**15.53.61** No residential building shall be more than four (4) stories or forty (40) feet high.

**15.53.62** Non-residential building height shall not exceed four (4) stories or forty-five (45) feet excepting church steeples and communication antennas.

**15.53.7 Parking Requirements**

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

**15.53.72** For the non-residential uses the provisions of Section 15.62 shall apply.

**15.53.8 Sign Requirements**

**15.53.81** There shall be no more than one identification sign per residential dwelling structure 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.

**15.53.82** Temporary signs including “For Sale”, “For Rent”, political campaign signs, greeting signs and rally signs are permitted.

**15.53.83** For non-residential uses the provisions of Section 15.63 shall apply.

**15.53.9 Building Requirements**

All residences placed or constructed on property in the R-2 Multi Family Residential District shall conform to the following minimum requirements:

**15.53.91** Must be placed on a permanent foundation or basement, and blocking upon the pilings will be acceptable as a permanent foundation if placed according to the manufacturer's specifications.

**15.53.92** Must have a roof pitch of no less than three/twelve (3/12).

**15.53.93** Roofing materials shall consist of shingles or other material customarily used for conventional dwelling units.

**15.53.94** Must be constructed with acceptable skirting and siding that is approved by the Planning Commission.

**15.53.95** Must have a main entrance facing the public street.

**15.53.96** Must be 24 feet or wider as measured on the outside of a building between its two longest sides. (Ordinance No. 2012-4)

## 15.54 C-1 General Commercial District

**15.54.1 Purpose**

The C-1 general commercial district is primarily established to accommodate a cohesive and compact range of retail, office and commercial uses traditionally found in the downtown area.

**15.54.2 Permitted Uses**

The uses permitted in C-1 general commercial district consist of retail uses and services, and professional services which serve the city and its neighborhood, but not including highway commercial uses which because of the high traffic volume or other characteristics are more suited elsewhere.

**15.54.21 Retail Uses:**

(a) Antique shops, art and craft stores

(b) Automobile accessories and automobile dealerships

(c) Clothing and department stores

(d) Dry good stores

(e) Flower shops

(f) Furniture stores

(g) Grocery stores

(h) Hotels and motels

(i) Household appliance stores

(j) Jewelry stores

(k) Musical instruments sales and service

(l) Optical, orthopedic and medical supply stores

(m) Paint and wallpaper stores

(n) Restaurants

(o) Rugs and floor covering stores

(p) Service stations

(q) Taverns

**15.54.22 Retail and Professional Services**

(a) Advertising signs and billboards

(b) Amusement places including bowling alleys, pool halls, theaters and similar facilities

(c) Banks, insurance and real estate offices

(d) Bed and breakfast facilities

(e) Employment agencies

(f) Fraternal and service organizations

(g) Funeral homes

(h) Hospitals and clinics

(i) Meat markets and lockers

(j) Professional offices, including but not limited to law offices, utility companies and the like

(k) Taxidermists

(l) Travel agencies

**15.54.23 Residential Uses**

(a) Single-family detached and two-family dwelling units

(b) Condominium and attached single-family dwelling units

(c) Multi-family dwelling units

(d) Boarding and lodging houses

(e) Convalescent houses and nursing homes

(f) Manufactured homes installed on permanent foundations or basements. (Ordinance No. 2012-5)

**15.54.24 Public and Semi-Public Facilities**

(a) Churches

(b) City and county facilities

(c) Government offices and facilities

(d) Parks, playgrounds and golf courses

(e) Schools

**15.54.3 Conditional Uses**

**15.54.31** Farm implement sales and service

**15.54.32** Garages for repair and service of passenger motor vehicles.

**15.54.33** Grain elevators operated commercially

**15.54.34** Processing and packaging of materials with less than ten (10) employees.

**15.54.35** Storage facilities for rent.

**15.54.36** Storage and sale of chemicals, explosives and the like.

**15.54.4 Lot Area and Lot Width**

**15.54.41** The minimum lot area in the C-1 district for residential uses shall be:

(a) Six thousand (6,000) square feet for single family units;

(b) Eight thousand (8,000) square feet for two (2) family units; and

(c) Two thousand five hundred (2,500) square feet for each multi-family unit. This provision shall not apply to upper floor apartments in the downtown and existing buildings.

**15.54.42** For existing non-residential uses no minimum lot area is required. For new uses, the Planning Commission shall make a determination of needs; provided that no structure shall occupy more than fifty percent (50%) of the lot area.

**15.54.43** The minimum lot width in the C-1 district shall be:

(a) Fifty (50) feet for single family units;

(b) Sixty (60) feet for two family units; and

(c) Seventy-five (75) feet for multi-family units.

**15.54.44** For existing commercial uses there is no minimum lot width. For new commercial uses the minimum lot width shall be one hundred (100) feet.

**15.54.5 Yard Requirements**

**15.54.51** The minimum front yard requirements for all residential uses in C-1 district shall be twenty (20) feet.

**15.54.52** The minimum rear yard for all residential uses in C-1 district shall be twenty (20) feet.

**15.54.53** The minimum side yard for all residential uses in C-1 district shall be eight (8) feet.

**15.54.54** No minimum front or side yard is required for existing commercial uses. For new commercial uses the planning commission shall determine the minimum front and side yards based on the nature of the use and compatibility with the parking requirements.

**15.54.6 Building Height**

**15.54.61** There shall be no building height requirements for commercial uses.

**15.54.62** The building height requirements for residential uses shall be four (4) stories or forty (40) feet.

**15.54.7 Parking Requirements**

**15.54.71** There shall be a minimum of two off-street parking spaces for each residential unit in the C-1 district. The Planning commission may determine the parking requirements for the upper floor existing dwelling units in the downtown area.

**15.54.72** For commercial uses in the C-1 district the provisions of Section 15.62 shall apply.

**15.54.73** The front yard and the rear yard spaces may be used for parking if approved by the Planning Commission.

**15.54.8 Sign Requirements**

**15.54.81** For signs in the C-1 district the provisions of Section 15.63 shall apply.

**15.54.9 Building Requirements**

All residences placed or constructed on property in the C-1 General Commercial District shall conform to the following minimum requirements:

**15.54.91** Must be placed on a permanent foundation or basement, and blocking upon the pilings will be acceptable as a permanent foundation if placed according to the manufacturer's specifications.

**15.54.92** Must have a roof pitch of no less than three/twelve (3/12).

**15.54.93** Roofing materials shall consist of shingles or other material customarily used for conventional dwelling units.

**15.54.94** Must be constructed with acceptable skirting and siding that is approved by the Planning Commission.

**15.54.95** Must have a main entrance facing the public street.

**15.54.96** Must be 24 feet or wider as measured on the outside of a building between its two longest sides. (Ordinance No. 2012-4)

## 15.55 C-2 Highway Commercial District

**15.55.1 Purpose**

The C-2 highway commercial district is primarily established to accommodate those highway oriented and heavy commercial uses which 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.

**15.55.2 Permitted Uses**

The uses permitted in the C-2 highway commercial district consist of large traffic generators and commercial uses generally placed along major streets, highways, and railroads, although certain retail and service uses are found in this district.

**15.55.21 Uses and Services Include**

(a) Accessory uses

(b) Advertising signs and billboards

(c) Amusement places such as bowling alleys, miniature golf courses, theaters and similar facilities.

(d) Automotive sale and service

(e) Animal hospitals and kennels provided that the outdoor pens are not located closer than two hundred (200) feet from any residential district

(f) Bakeries and confectioneries

(g) Banks, financial institutions, insurance and real estate offices

(h) Building material and supplies

(i) Bulk oil and gas storage

(j) Carpet, floor furnishings

(k) Catering businesses

(l) Churches and places of assembly

(m) Department stores

(n) Dry cleaning and laundromats

(o) Elevators and farm commodity storage

(p) Feed and seed stores

(q) Fertilizer storage and sale

(r) Frozen food lockers but not slaughtering on the premises

(s) Fuel sales

(t) Funeral homes

(u) Furniture and furnishings

(v) Garages for repair and service of motor vehicles

(w) Highway maintenance shops

(x) Machinery and equipment sales and service including farm machinery and construction equipment

(y) Marine vehicle sales and service

(z) Mobile home sales and service

(aa) Monument sales

(bb) Motels

(cc) Parking and crating operation

(dd) Plumbing shops and yards

(ee) Restaurants, including all types of eating and drinking establishments

(ff) Shopping malls

(gg) Sporting goods stores

(hh) Tavern and liquor stores

**15.55.3 Conditional Uses**

Conditional uses shall not be located less than two hundred (200) feet from a residential district.

**15.55.31** Contractor’s Yards

**15.55.32** Manufacturing, processing and packing of natural or human made materials with more than ten (10) employees.

**15.55.33** Open storage of equipment and material not covered under permitted uses.

**15.55.4 Lot Area and Lot Width**

**15.55.41** The minimum lot area for the C-2 district shall be fifteen thousand (15,000) square feet.

**15.55.42** The minimum lot width for the C-2 district shall be one hundred (100) feet.

**15.55.5 Lot Coverage**

The principal and accessory uses excluding parking shall not cover more than fifty percent (50%) of the lot.

**15.55.6 Yard Requirements**

**15.55.61** The minimum front yard, measured from the front lot line, shall be twenty (20) feet fronting on city streets. For properties fronting on N.D. Highways 27 and 32, the minimum front yard shall be fifty (50) feet.

**15.55.62** The minimum rear yard shall be twenty (20) feet.

**15.55.63** The minimum side yard, measured from the side lot line, shall be eight (8) feet for local streets. For properties fronting N.D. Highways 27 and 32, the side yard shall be twenty-five (25) feet.

**15.55.7 Building Height**

There shall be no limits on building height in the C-2 Commercial District.

**15.55.8 Parking Requirements**

**15.55.81** In the C-2 Commercial District the front and rear yards may be used for parking.

**15.55.82** For permitted and conditional uses parking in the C-2 district, the provisions of Section 15.62 shall apply.

**15.55.9 Sign Requirements**

For signs in the C-2 district the provisions of Section 15.63 shall apply.

## 15.56 I-1 Industrial District

**15.56.1 Purpose**

The I-1 Industrial District is primarily established to accommodate Industrial uses and facilities appropriate to Lisbon. It is planned to encourage grouping of related industrial uses for preventing intrusion on other uses and to maintain an orderly, functional, appealing and efficient industrial land use system.

**15.56.2 Permitted Uses**

**15.56.21** Any production, processing and sale of agricultural products produced in the Lisbon region and related uses such as agricultural chemicals and fuels.

**15.56.22** Any industrial or manufacturing operation provided that: (1) dust, fumes, odors, smoke, vapor, noise, lights and vibration shall be confined within the I-1 district, and: (2) outdoor storage, equipment and refuse areas shall be concealed from view abutting rights-of-way by materials prescribed by the Planning Commission.

**15.56.23** Any production, processing and treatment of products such as battery and tire service, concrete and asphalt products, dairy processing, bottling works, ice and cold storage plants, machine and sheet metal shops, provided that all operations be conducted entirely in enclosed buildings.

**15.56.24** Building material and supply establishments.

**15.56.25** Contractors yards and construction shops.

**15.56.26** Electric power production and substations.

**15.56.27** Public utility buildings including water and waste water facilities and accessories.

**15.56.28** Radar stations and towers.

**15.56.29** Radio and TV stations and studios.

**15.56.30** Storage, warehousing and wholesaling establishments.

**15.56.3 Conditional Uses**

**15.56.31** Local and regional sanitary landfills, compost sites, transfer stations and incinerators, subject to the provisions of Section 15.67.

**15.56.32** Sand and gravel operations subject to the provisions of Section 15.66.

**15.56.33** Salvage or junk yards subject to the provisions of Section 15.68.

**15.56.34** Conditional uses shall not be located nearer than five hundred (500) feet from any residential area.

**15.56.4 Lot Area and Lot Width**

**15.56.41** The minimum lot area for the I-1 district shall be one (1) acre.

**15.56.42** The minimum lot width for the I-1 district shall be two hundred (200) feet.

**15.56.5 Lot Coverage**

**15.56.51** The principal and accessory uses excluding parking shall not cover more than fifty percent (50%) of the lot.

**15.56.6 Yard Requirements**

**15.56.61** The minimum front yard, measured from the front lot line, shall be thirty (30) feet.

**15.56.62** The minimum rear yard, measured from the rear lot line, shall be thirty (30) feet.

**15.56.63** The minimum side yard, measured from the side lot line, shall be twenty (20) feet.

**15.56.64** No building or structure shall be located within seventy (70) feet from the boundary of a residential area, including additions to existing structures. If an addition or improvement to an existing structure requires a building permit, the seventy feet shall be measured from the addition or improvement, and not from the walls of the existing structure. (Ordinance No. 2004-11)

**15.56.7 Building Height**

The building height requirement in the I-1 district shall not be more than forty-five (45) feet excepting television and radio towers.

**15.56.8 Parking Requirements**

**15.56.81** For industrial uses there shall be one off-street parking space for every 2 (two) employees.

**15.56.82** Additional spaces shall be provided to accommodate trucks and other related motor vehicles.

**15.56.83** For non-industrial uses the provisions of Section 15.62 shall apply.

**15.56.9 Sign Requirements**

For signs in the I-1 district the provisions of Section 15.63 shall apply.

## 15.57 PD-1 Planned Development District

**15.57.1 Purpose**

The PD-1 planned development district is primarily established to encourage and promote environmental quality of the City of Lisbon by allowing for greater freedom, imagination and flexibility in the development of land while complying with the intent and purpose of this ordinance, other municipal codes and the City Comprehensive Plan. It is the purpose of PD-1 district to encourage more rational, efficient and cost-effective development with relationship to public services while enhancing and improving the environmental quality of the area.

**15.57.2 Permitted Uses**

**15.57.21** Any group of permitted uses in any zoning district in this ordinance, provided that there is distinct compatibility and harmony among the uses, with no adverse effects on the adjoining use.

**15.57.22** No use shall be permitted in the PD-1 district except in conformity with the City Comprehensive Plan and the precise development plan prepared to meet the requirement of this district.

**15.57.23** In a PD-1 district the uses and their intensity, appearance and arrangement shall be of such visual and operational character which (a) are compatible with the physical nature of the site or area; (b) would not adversely affect the provisions for public services; and (c) would not create a traffic or parking demand incompatible with the existing or proposed facilities.

**15.57.24** The PD-1 district shall not adversely affect the economic prosperity of the City of Lisbon or its extraterritorial planning area.

**15.57.25** The PD-1 district shall include assurances that the proposed plan would be completed in a manner that would not adversely affect the city or the area as a result of termination. The terms of the assurances shall address financial and development considerations in sufficient detail as may be required by the Planning Commission.

**15.57.3 Site Requirements**

**15.57.31** There shall be no predetermined requirements for lot area, lot width, building height and yards, but such requirements are made a part of an approved, recorded, and detailed development plan as determined by the Planning Commission.

**15.57.32** The minimum land parcel for PD-1 district shall be three (3) acres.

**15.57.33** In PD-1 district the location, number and configuration of parking spaces shall be a part of the detailed development plan.

**15.57.34** In PD-1 district the location, type and size of signs shall be a part of the detailed development plan.

**15.57.4 Development Plan**

Where a Development Plan is required for a tract of land, the following shall be included in the plan.

**15.57.41** Location of existing property lines, buildings, drives, streams, wooded areas and other significant natural features.

**15.57.42** General layout of proposed streets and location of blocks for designated uses.

**15.57.43** Location of open spaces and facilities for public uses.

**15.57.44** Existing drainage pattern based on the available topographic information from the U. S. Geological Survey Maps and other similar information.

**15.57.45** The development plan shall be drawn at a scale of one inch equaling four hundred (400) feet.

**15.57.46** The Planning Commission may require other information as a part of the development plan.

**15.57.5 Data Submission Requirements**

**15.57.51** A general map of the area showing existing land use, zoning, street pattern and traffic data.

**15.57.52** Detailed development plan showing:

(a) detailed lot layout and street pattern;

(b) grading and storm water drainage plan;

(c) location of open spaces and recreational areas; and

(d) location and description of any areas to be dedicated to the public.

**15.57.53** Proof of financial capability.

**15.57.54** Analysis of economic impacts.

**15.57.55** Agreements, by-laws, provisions and covenants which ensure the timely and satisfactory completion of the project without posing a burden on the city or adjoining properties.

**15.57.6 Review and Approval Procedure**

**15.57.61** The Planning Commission shall review the proposed plan and it may require additional information and may require modification of the plan before it makes its recommendations to the City Council after a public hearing.

**15.57.62** The City Council upon holding a public hearing may approve, deny or further modify the development plan. A developer’s agreement spelling out all financial responsibilities of the developer and the city to be approved subsequently.

**15.57.63** Upon approval of the City Council, the detailed development plan shall be recorded with the Ransom County Recorder and the original plan be kept on file in the office of the City Auditor.

## 15.58 F-1 Floodplain District

**15.58.1 Applicability**

The F-1 Floodplain District consists of all the lands which have been or may be covered by flood water as delineated on the maps for the City of Lisbon and the Township of Island Park, in Ransom County prepared by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program or other maps and information provided by the North Dakota State Engineer.

**15.58.2 Purpose**

The F-1 Floodplain 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. These regulations shall apply to all lands and structures prone to flooding in all zoning districts.

**15.58.3 Permitted Uses**

**15.58.31** Agricultural uses including general farming, pasture, grazing and related uses, provided that the buildings and structures for human habitation are flood proofed.

**15.58.32** Non-structural uses including ponding of run-off water and treated waste water.

**15.58.33** Public utilities including railroads, streets, highways, channels and pipelines.

**15.58.34** Outdoor recreational uses including golf courses, parks and playgrounds, bicycle trails, picnic areas and boat launching ramps.

**15.58.4 Conditional Uses**

Temporary buildings and structures not related to flood control and farming such as stands, fences, shelters, temporary signs and temporary parking.

**15.58.5 Building Height**

No building shall be more than two and one-half (2½) stories or thirty-five (35) feet high unless permitted as a conditional use subject to the requirements of Section 15.82.

**15.58.6 Lot Area and Lot Width**

For non-conforming buildings and structures, the lot area and lot width shall conform to the provisions of any established zoning district which apply to the use of the site.

**15.58.7 Yard Requirements**

For non-conforming buildings and structures, the yard requirements shall conform to the provisions of any established zoning district which apply to the use of the site.

**15.58.8 Sign Requirements**

Temporary signs shall be no larger than thirty (30) square feet in area.

# 15.6 Special Provisions

## 15.61 Non-conforming Uses

**15.61.1 Purpose**

The purpose of this section is to provide for the regulations of non-conforming buildings and uses and to specify those circumstances and conditions which adversely affect the maintenance, development, use or taxable value of other property in the area and whether said uses shall be permitted to continue or shall be discontinued.

**15.61.2 Authority to Continue**

Any non-conforming building or use which existed lawfully and conforming at the time of adoption of this ordinance and which has become non-conforming upon adoption of this ordinance may be continued. But if the non-conforming use or occupancy is discontinued for a period of more than twelve (12) consecutive calendar months, any subsequent use or occupancy of the premises shall be a conforming use or occupancy.

**15.61.3 Change or Expansion of Use**

Whenever the use of a building becomes a non-conforming use through a change in zoning ordinances or change in district boundaries, the use may be continued, if no structural alterations are made. A non-conforming building which is non-conforming as to bulk, shall not be added to or enlarged in any manner unless such changes are made to conform to all of the regulations of the district in which it is located.

**15.61.4 Repairs and Alterations**

Ordinary repairs and alterations may be made to a non-conforming building, provided that no structural alterations be made except to make the building or use conforming to the provisions of the district in which it is located.

**15.61.5 Restoration of Damaged Building**

Whenever a building is destroyed or damaged by fire or other casualty to the extent of more than sixty percent (60%) of its full market value, it shall not be restored unless said building and use shall conform to all of the regulations of the district in which it is located, except as provided in Section 15.61.6 below. In the event such damage or destruction is less than sixty percent (60%) of such full market value, repairs or construction may be made within one year from the date of destruction. (Ordinance No. 2019-4)

**15.61.6 Non-Conforming Uses**

In the event a non-conforming building which existed lawfully and conforming at the time of adoption of this ordinance, and which became non-conforming upon adoption of this ordinance, is destroyed by fire, natural disaster, or other casualty, the building may be rebuilt on the same location despite its nonconformance, without the necessity of a variance. (Ordinance No. 2019-3)

## 15.62 Off-Street Parking

**15.62.1 Purpose**

The purpose of this section is to provide for the off-street parking regulations to:

**15.62.11** Increase the safety and capacity of public streets by requiring off-street parking or loading facilities.

**15.62.12** Minimize adverse effects of off-street parking and off-street loading facilities on the adjacent properties.

**15.62.13** Lessen congestion and preventing the overloading of public streets by regulating the location and capacity of off-street parking or off-street loading facilities.

**15.62.2 General Requirements**

**15.62.21** An off-street parking space shall be at least nine (9) feet wide and twenty (20) feet long, exclusive of access drives or ramps and have a vertical clearance of at least seven (7) feet.

**15.62.22** All open off-street parking areas with four (4) or more spaces and all loading berths shall be:

(a) improved with all-weather surface to provide a durable and dust free surface;

(b) graded to dispose of all surface water run-off but not be diverted to adjoining properties;

(c) arranged and marked to provide for orderly and safe parking;

(d) provided with an access road of eight (8) feet for a residence or fifteen (15) feet for a nonresidential building;

**15.62.23** Off-street parking or loading facilities requirements shall be met on the same lot as the building served unless the adjoining lot is exclusively used for meeting the parking requirements of a building or use.

**15.62.3 Special Requirements**

**15.62.31** No building shall be erected or enlarged to the extent of increasing the floor area by as much as fifty percent (50%) without meeting these requirements:

(a) Bowling alley; two (2) parking spaces for each alley.

(b) Business; professional or public office building, studio, bank, medical or dental clinics, one parking space for each one hundred fifty (150) square feet of floor area.

(c) Church or a place of worship; one parking space for each five (5) seats in the main building.

(d) Community center, library, or museums; ten (10) parking spaces, plus one additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.

(e) Funeral home; one parking space for each one hundred fifty (150) square feet of floor space in the parlor and service rooms.

(f) Hospital and nursing home; one parking space for each bed.

(g) Hotels; one parking space for each three (3) rooms plus one space for each two hundred (200) square feet of eating and drinking establishments or restaurants.

(h) Industrial or manufacturing establishments, research or testing laboratories, dairies, bottling plants, warehouses or similar uses; one parking space for every two (2) employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection thereof.

(i) Motels; one parking space per room.

(j) Private club or lodge; one parking space for every ten (10) members.

(k) Residential uses:

(1) Single family; two (2) spaces per unit.

(2) Duplexes; two (2) spaces per unit.

(3) Multiple family; one space for efficiency unit and two (2) spaces for one bedroom or larger units.

(4) Mobile home park; two (2) spaces per unit.

(5) Manufactured or modular homes; two (2) spaces per unit.

**15.62.32** Restaurant, eating and drinking establishment; one parking space for each one hundred (100) square feet of floor area.

**15.62.33** Retail store and service establishment; one parking space for each two hundred (200) square feet of floor area.

**15.62.34** Rooming houses, boarding houses, and lodging houses; one parking space for each bed.

**15.62.35** Sport arena, stadium; one parking space for each five (5) seats.

**15.62.36** Theater or auditorium; one parking space for each five (5) seats.

**15.62.37** Downtown commercial district, one parking space for each six hundred (600) square feet of the floor area.

## 15.63 Signs

**15.63.1 Purpose**

The purpose of regulating signs in the City of Lisbon is to provide for a visually pleasant urban environment and minimize potentially unsafe street, highway and sidewalk conditions for all age groups, but yet offer many opportunities for public and private information and advertising.

**15.63.2 General Requirements**

**15.63.21** No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered without obtaining a permit from the Code Administrator. Non-conforming signs shall be subject to the provisions of Section 15.61 of this ordinance.

**15.63.22** All signs, canopies, awnings, and marquees shall be structurally safe and securely anchored, fastened, or supported in order to protect the safety of persons or property.

**15.63.23** No revolving beacon or fountain signs are permitted in any district, except such signs connected with the operation of the airport or public facilities.

**15.63.24** No sign, canopy, awning or marquee in any district shall conflict in any manner with public devices controlling public traffic.

**15.63.25** Publicly owned and maintained ground signs shall not be erected on public right-of-way unless approved by the City Council.

**15.63.26** Signs, canopies, awnings and marquees projecting over a street public way or other public space shall project not more than four (4) feet. Clearance below such signs shall be a minimum of nine (9) feet. Such signs must be no larger than twelve (12) square feet. (Ordinance No. 96-3).

**15.63.3 Special Requirements**

**15.63.31** Signs in the residential districts shall be limited to:

(a) One sign per dwelling structure not exceeding five (5) square feet in area which may be wall, pedestal, ground or projecting type;

(b) One sign per lot complex for identifying the apartment building, or condominiums not exceeding twelve (12) square feet;

(c) One temporary sign such as “For Sale”, “For Rent” not exceeding six (6) square feet in area; and

(d) Other temporary signs such as political campaign signs, greeting signs or rally signs.

**15.63.32** Signs in the C-1 commercial district and only for commercial uses shall be limited to:

(a) General identification signs may not exceed fifty (50) square feet in area each, and only one may be either a pedestal, ground or projecting type; and (Ordinance No. 2012-1)

(b) Temporary signs including “For Sale”, “For Rent”, political campaign signs, greeting signs and rally signs not exceeding fifty (50) square feet in area.

**15.63.33** There shall be no restriction for signs in C-2 commercial, and I-1 and industrial districts. The Planning Commission shall determine the distance from the public right-of-way.

**15.63.34** Signs for conditional uses shall be consistent with the provisions for the district in which they are located and the provisions of this section.

## 15.64 Accessory Buildings in Rear Yard

Accessory buildings may be built in a required rear yard but shall not occupy more than thirty percent (30%) of a required rear yard and shall not be nearer than five (5) feet to any side lot line or rear lot line, except that when a garage is entered from an alley at right angle, it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building the garage shall be regarded as a part of the main building for the purposes of determining side yards and rear yards. Fences and hedges shall be no less than three (3) feet from the lot line.

**15.64.1 Hoop Buildings and Tarp Buildings**

**15.64.11 Purpose**

WHEREAS, hoop buildings and tarp buildings are becoming more common additions to cities and towns as homeowners or businesses acquire them as accessory buildings; and

WHEREAS, hoop buildings and tarp buildings have a useful and valid purpose when properly used and situated; and

WHEREAS, the improper use and location of hoop buildings and tarp buildings can be unsightly, dangerous and inappropriate so as to affect property values and the overall health, safety and welfare of the City of Lisbon; and

WHEREAS, the City of Lisbon desires to regulate and accommodate the proper use of hoop buildings and tarp buildings in order to protect the health, safety and welfare of the City of Lisbon;

THEREFORE, it is hereby ordained by the City Council of the City of Lisbon as follows:

**15.64.12 Definitions**

1. Hoop building or tarp building means, generally, a structure that has canvas or fabric walls, or a canvas or fabric roof.
2. Active building permit means an unexpired and unrevoked building permit.
3. Applicant means an owner, occupant, or authorized agent, or a contractor or person with control of a property or lot.
4. City means the City of Lisbon, North Dakota.

**15.64.13 Hoop building and tarp building**

1. No person shall store, maintain or otherwise keep a hoop building or tarp building temporarily on any lot or parcel of property within the City of Lisbon without first having obtained from the City a permit for placement of said building.
2. Permits are valid until such time as said buildings show obvious signs of damage, decay, or weather, at which time the covering must be replaced or the building removed. If the covering is replaced and the building renovated to the satisfaction of City, the permit will remain active.
3. Only one permit will be allowed for each residence or business.
4. Hoop buildings and tarp buildings must comply with City building codes except that:
5. A foundation is not required since they are temporary structures;
6. Ventilation is not required;
7. They may not exceed 12 feet in height;
8. They may not exceed 400 square feet;
9. Setbacks are to be at least 3 feet from any side or rear property lines unless the owner obtains a signed agreement for a smaller setback from the adjacent property owner.
10. Hoop buildings and tarp buildings must be behind or beside the main or primary structure on the lot or parcel of land and are subject to the same setback requirements as the main structure in the front yard.
11. No hoop building or tarp building shall be used to store hazardous materials.
12. No hoop building or tarp building shall be used to store and keep refuse or debris in.
13. Hoop buildings and tarp buildings shall be secure, structurally sound, stable and in good repair.

**15.64.14 Revocation of Permit**

1. Any permit issued under this ordinance may be revoked by the Planning Commission upon 10 days written notice to the owner, occupant or person in control of the property if such person is storing, maintaining, or otherwise keeping a hoop building or tarp building in violation of this ordinance.
2. Any person aggrieved by a decision of the Planning Commission to revoke a permit may appeal to the City Council, whose decision shall be final.

**15.64.15.** Any person, firm or corporation violating any of the provisions of this ordinance of the City of Lisbon, North Dakota, or amendments thereto, shall be guilty of an infraction and, upon conviction in the municipal court of the City of Lisbon, North Dakota, shall be subject to a fine not to exceed $500 for each offense, and each and every day such offense shall continue shall be deemed a separate offense. (Ordinance No. 2020-7)

## 15.65 Front Yard Adjustments

The front yards established in this ordinance shall be adjusted in the following cases. Fences and hedges shall be no less than three (3) feet from the lot line.

**15.65.1** Where forty percent (40%) or more of the frontage on the same side of streets between two (2) intersecting streets is developed with two (2) or more buildings that have, with a variation of five (5) feet or less, a front yard greater in depth than required in this ordinance for new buildings shall not be erected closer to streets that the front yard so established by the existing building nearest the street line.

**15.65.2** Where forty percent (40%) or more of the frontage on one side of street between two (2) intersecting streets is developed with two (2) or more buildings that have a front yard of less depth than required in this ordinance, the following shall govern:

**15.65.21** Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent building on each side.

**15.65.22** Where a building to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, the building may be erected as close to the street as the existing adjacent building.

## 15.66 Mining of Sand and Gravel

At present there are no areas in the City of Lisbon in which the mining and extraction of gravel would not produce an unacceptable level of traffic, noise, dust, fumes, and/or vibration impact on adjacent properties. Therefore, the mining or excavation of sand and gravel shall not be permitted on any land within the boundaries of the City of Lisbon.

The balance of this ordinance shall remain in full force and effect in regard to the City’s extraterritorial zoning. (Ordinance No. 2021-1)

**15.66.1 Purpose**

The purpose of these provisions is to provide for mining and extraction of sand and gravel for commercial uses, and to protect and preserve agricultural land by guiding such operations, and to minimize the traffic, noise, dust, fume and vibration impact on the adjoining uses and the road network.

**15.66.2 Site Approval Requirements**

All sand and gravel mining, excavation site require approval by the City Planning Commission and City Council.

**15.66.3 Data Submission Requirements**

**15.66.31** A site plan for operation and reclamation of the mined land including maps showing location of the land to be mined, location of roads and points of access to the site, maps showing the existing and proposed contours after the land is mined and a time table for operation of the site.

**15.66.32** A guarantee that the reclamation of the site be completed within one year of the closure of the operation of the site.

**15.66.33** Proof of compatibility with the existing land form including the vegetation, surface and ground water resources.

**15.66.4 Proximity to Existing Uses**

The operation of sand and gravel sites shall not be nearer than five hundred (500) feet from any residential uses or three hundred (300) feet from non-residential uses.

**15.66.5 Permit Requirements**

Any person who operates a sand and gravel operation shall obtain a permit from the Code Administrator before starting any mining or excavation of the sand and gravel sites.

## 15.67 Sanitary Landfills and Solid Waste Sites

**15.67.1 Compliance with State Laws and Rules**

Any person who operates sanitary landfills or solid waste sites shall comply with all North Dakota state laws and administrative rules set forth by the state agencies.

**15.67.2 City Ordinance and Procedures**

The City of Lisbon hereby adopts solid waste provisions, subject to the provisions of NDCC 11-33-20, to assure meeting the purposes of this ordinance and the City Comprehensive Plan (Development Guide).

**15.67.3 Purpose**

The purpose of these provisions is to protect public health, ground and surface water, prevent conflict with present land uses, and preservation and protection of natural resources in the City of Lisbon.

**15.67.4 Site Approval Requirements**

All solid waste sites require a review by the Planning Commission and approval by the City Council.

**15.67.5 Locational Standards**

**15.67.51** No landfill incinerator shall be located within one thousand (1,000) feet of residential uses, and five hundred (500) feet of commercial buildings and structures.

**15.67.52** No landfill shall be located in areas which due to high water table, flooding, or soil conditions may affect the quality of surface and ground water.

**15.67.53** No landfill operation shall be located nearer than two hundred (200) feet of all road and highway rights-of-way.

**15.67.6 Data Submission Requirements**

**15.67.61** Maps of the area showing existing features such as roads, highways, vegetation cover, water courses, drainage way, soils, topography, depth of water table, wet lands, sloughs, existing uses, buildings and structures including the existing utility lines.

**15.67.62** A plan for operation of the site including a descriptive text explaining consistency or inconsistency with the natural or manmade environment.

**15.67.63** Records of data and information submitted to the State of North Dakota, appropriate agencies, and the county as a part of application for state and county permits.

**15.67.64** The Planning Commission may require additional information if it deems it necessary.

**15.67.7 Statement of Findings**

Upon the public notification and a public hearing, the Planning Commission shall determine whether the proposed site meets the requirements of this ordinance. The Planning Commission may recommend conditions for approval of the site to the City Council.

## 15.68 Junk or Salvage Yards

**15.68.1 Purpose**

The purpose of these requirements is to preserve and protect the visual and other environmental amenities of the rural areas while allowing the salvage or junk yards as business places.

**15.68.2 Site Approval Requirements**

All sites for salvage and junk yards require approval by the Planning Commission and by the City Council.

**15.68.3 Locational Standards**

**15.68.31** No salvage or junk yard shall be located within five hundred (500) feet of a residential district and two hundred (200) feet of commercial buildings and structures.

**15.68.32** No salvage or junk yard shall be located in areas which due to high water table, flooding and soil conditions may affect the quality of surface and ground water.

**15.68.33** No salvage or junk yard shall be located nearer than one hundred (100) feet of all road and highway rights-of-way.

**15.68.34** All salvage yards and operations shall be screened from the public view unless the salvage material is placed five hundred (500) feet away from any highway right-of-way and screened by natural vegetation, building and land form.

## 15.69 Cargo/Shipping Containers and Semi-Trailers

**15.69.1 Purpose**

**WHEREAS,** cargo or shipping containers and semi-trailers are becoming more common additions to cities and towns as homeowners or businesses acquire those containers as accessory buildings; and

**WHEREAS,** cargo or shipping containers and semi-trailers have a useful and valid purpose when properly used and situated; and

**WHEREAS,** the improper use and location of cargo or shipping containers and semi-trailers can be unsightly, dangerous and inappropriate so as to affect property values and the overall health, safety and welfare of the City of Lisbon; and

**WHEREAS,** the City of Lisbon desires to regulate and accommodate the proper use of cargo or shipping containers and semi-trailers in order to protect the health, safety and welfare of the City of Lisbon;

**THEREFORE,** it is hereby ordained by the City Council of the City of Lisbon as follows:

**15.69.2 Definitions**

1. Shipping or cargo or storage container means, generally, an all-steel container with strength to withstand shipment, storage and handling. Such containers include reusable steel boxes, freight containers and bulk shipping containers, which were originally a standardized re-usable vessel that was designed for use in the parking, shipping, movement, transportation or storage of freight, articles, or goods or commodities, and generally capable of being mounted or moved on a rail car, or truck trailer, or loaded on a ship.

A semi-trailer is a trailer without a front axle, also commonly referred to as a tractor-trailer.

1. Active building permit means an unexpired and un-revoked building permit.
2. Applicant means an owner, occupant, or authorized agent, or a contractor or person with control of a property or lot.
3. City means the City of Lisbon, North Dakota.

**15.69.3 Temporary cargo container and semi-trailer use**

1. No person shall store, maintain or otherwise keep a cargo or shipping container temporarily on any lot or parcel of property within the City of Lisbon without first having obtained from the City a permit for placement of a cargo/shipping container. Also, no person shall store, maintain, or otherwise keep a semi-trailer temporarily on any residential lot or parcel of property within the City of Lisbon without first having obtained from the City a permit for placement of a semi-trailer.
2. Permits are valid for a period not to exceed six months.
3. Upon review of a request for an extension, the city may grant one six-month extension.
4. Cargo/shipping containers and semi-trailers must comply with City building codes except that:
5. A foundation is not required since they are temporary structures;
6. Ventilation is not required;
7. Electricity is an option but not required;
8. Tie downs are not required unless electricity is installed;
9. Setbacks are to be at least 15 feet from any other structure including other cargo/shipping containers and/or semi-trailers.
10. Semi-trailers may only be temporarily maintained in the residential zoning district, and cargo/shipping containers may only be temporarily maintained in the residential and commercial zoning districts, with the following restrictions:
11. Only one cargo/shipping container or semi-trailer per lot owner if multiple lots are a part of one tax parcel.
12. No cargo/shipping containers or semi-trailers may be stacked on top of one another or on top of any other object.
13. Cargo/shipping containers and semi-trailers must be behind or beside the main or primary structure on the lot or parcel of land and are subject to the same setback requirements as the main structure.
14. No cargo/shipping container or semi-trailer shall be used for human habitation, animal housing or commercial business purposes.
15. No cargo/shipping container or semi-trailer shall be used to store hazardous materials.
16. No cargo containers or semi-trailers shall be used to store and keep refuse or debris in, against, on or under the cargo container or semi-trailer.
17. Cargo/shipping containers and semi-trailers shall be secure, structurally sound, stable and in good repair.

**15.69.4 General terms of use for temporary use**

1. Any permit issued under this ordinance may be revoked upon 10 days written notice to the owner, occupant or person in control of the property if such person is storing, maintaining, or otherwise keeping a cargo container or semi-trailer in violation of this ordinance.
2. Any person aggrieved by a decision of the City to revoke a permit may appeal to the City Council, whose decision shall be final.

**15.69.5 Allowed in industrial zone**

1. Cargo/shipping containers and semi-trailers are allowed in the industrial zone; provided, however, that placement of a cargo/shipping container or semi-trailer for permanent or semi-permanent use shall require a building permit and the cargo/shipping container or semi-trailer shall be placed upon a foundation slab or footings, and meet all other codes for placement on the property.
2. Cargo/shipping containers and semi-trailers are not allowed on industrial zone properties on which the primary use is a non-conforming residential single-family use, commercial use, or residential multi-family use unless a temporary permit is obtained in accordance with Section 6-1203.

**15.69.6 Repealer**

All provisions of ordinances of the City of Lisbon in conflict with the provisions of this ordinance are and by the terms of this ordinance shall be deemed amended and repealed and all other provisions of the ordinances of the city not in conflict with the provisions of this ordinance shall remain in full force and effect.

**15.69.7 Severability**

If any article, paragraph, sub-division clause or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the ordinance as a whole or any part or provision thereof, other than the parts so deemed to be invalid or unconstitutional.

**15.69.8 Penalty**

Any person, firm or corporation violating any of the provisions of this ordinance of the City of Lisbon, North Dakota, or amendments thereto, shall be guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lisbon, North Dakota, shall be subject to a fine not to exceed $1,000 and a jail term of 30 days for each offense, and each and every day such offense shall continue shall be deemed a separate offense.

**15.69.9 Effective date**

This ordinance shall take effect immediately from and after the 2nd reading and publication of its caption and penalty provision. (Ordinance 2016-5)

# 15.7 Administration and Enforcement

## 15.71 Organization

Administration of this ordinance is hereby vested in three (3) offices of the City of Lisbon.

(1) The City Code Administrator

(2) The Planning Commission

(3) The Board of Adjustment

## 15.72 The Code Administrator

The Code Administrator is a duly appointed city official authorized by the City Council and is responsible to administer the Zoning Ordinance, Subdivision Regulations, Building Code and Housing Code, and to assist and make recommendations to the Planning Commission, to the Board of Adjustment, and to the City Council on any matter related to planning for and development of the city.

**15.72.1 Duties and Responsibilities**

The Code Administrator shall be specifically responsible for interpretation and enforcement of this ordinance including the issuance of zoning permits, building permits and occupancy permits.

**15.72.11** Issue all zoning certificates and maintain records thereof.

**15.72.12** Issue all building and repair permits.

**15.72.13** Issue all certificates of occupancy for all buildings including mobile homes and manufactured homes.

**15.72.14** Inspect all buildings, structures and use of land to determine compliance with these and other applicable regulations of the city.

**15.72.15** Maintain zoning related records and a zoning district map, including records of all amendments, conditional uses and variances.

**15.72.16** Receive, file and forward to the Planning Commission all applications for zoning amendments and conditional uses.

**15.72.17** Receive, file and forward to the Board of Adjustment all appeals for variances and special use permits.

**15.72.18** Forward all recommendations of the Planning Commission to the City Council for final action.

**15.72.19** Notify, in writing, the property owner or user upon finding violation of this ordinance and cite the nature of the violation clearly and require compliance within a reasonable time. If the notification is not replied to or steps are not taken to correct the violations within thirty (30) days, the Code Administrator shall make a report of the findings to the City Attorney, and City Council.

**15.72.2 Interpretation of Regulations**

All questions of interpretation of this ordinance shall be first presented to the Code Administrator, and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Code Administrator, and recourse from the decision of the Board of Adjustment may be made by an appeal to the City Council.

**15.72.3 Building Permit Application**

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, shall obtain a permit from the Code Administrator. All mobile homes and manufactured homes are required to comply with the Manufactured Housing and Building Code and are required to obtain a permit from the Code Administrator for and relocation thereof.

**15.72.31** 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, and the size, shape and location of the building, for observing the yard requirements of this ordinance.

**15.72.32** The application shall specify the type of the building or structure, the 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 probable building cost, together with such additional plans and specifications as may be required by the Code Administrator.

**15.72.33** The edition of the Uniform Building Code as published by the International Conference of Building Officials and adopted by the City Council, together with any amendments made hereafter are incorporated and made a part of this ordinance. In the event there is a conflict between the Uniform Building Code and the regulations, this ordinance shall supersede.

**15.72.4 Building Permit**

The Code Administrator shall issue a building permit if the proposed building or structure conforms to zoning and building provisions of this ordinance. If the Code Administrator denies a permit because of nonconformance with this ordinance, he shall inform the applicant of his/her right to appeal to the Board of Adjustment.

**15.72.5 Building Permit Fees**

The Code Administrator shall charge and collect a fee according to the Resolution of Fees and Schedules established by the City of Lisbon.

**15.72.6 Certificate of Occupancy**

The Code Administrator may issue a certificate of occupancy if he inspects completed buildings, including placement of mobile homes and manufactured homes, and assurance that all provisions and conditions set forth by the authority of this ordinance are met. In the event the Code Administrator finds violations and deviations from the terms and conditions of this ordinance, he shall make a report and recommendation for action to the City Council.

**15.72.7 Conditional Use Permit**

The Code Administrator shall issue a conditional use permit upon approval of the application by the City Council in which all conditions shall be stipulated subject to the provisions of Section 15.72.8 of this ordinance.

**15.72.8 Variances, Special Use Permits**

The Code Administrator shall issue the appropriate permit if the Board of Adjustment or the City Council reverses his/her decision in case of an appeal by a citizen. The terms of the variance or special use shall be stipulated subject to the provisions of Section 15.8 of this ordinance.

**15.72.9 Right of Entry**

Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry. (Ordinance No. 2010-1).

## 15.73 The Planning Commission

The planning Commission, a citizen body, nominated by the Mayor and confirmed by the City Council, is hereby vested with authority and jurisdiction to review planning, annexation, zoning, subdivision and city development matters, and makes recommendations to the City Council.

**15.73.1 Membership**

The Planning Commission shall consist of no more than ten (10) members, with two (2) members who reside outside of the city corporate limits, one of whom shall reside within any extraterritorial planning area and to be appointed by the Ransom County Board of Commissioners. Other members are nominated by the Mayor and appointed by the City Council. The Mayor and the City Attorney shall also be voting members of the Planning Commission.

The term of office for members representing the city shall be four (4) years and overlapping which may be renewed by the City Council. The term of office for members appointed by Ransom County, one shall be for five (5) years and one for three (3) years.

**15.73.2 Duties and Responsibilities**

**15.73.21** To hear and act on all applications for amendments to zoning districts and make recommendations to the City Council for approval, denial or approval with modification.

**15.73.22** To hear and act on all applications for conditional uses in the manner prescribed in this ordinance and make recommendations to the City Council for approval or denial.

**15.73.23** To hear and act on all other matters referred to by the City Council.

**15.73.24** To study, examine and make recommendations to the City Council regarding comprehensive planning for the future development of Lisbon.

**15.73.3 Officers**

The Planning Commission shall elect its own officers according to its by-laws and may establish rules and procedures for all cases before it.

**15.73.4 Notice of Hearings**

The Planning Commission shall fix a reasonable date for hearing of applications for zoning district amendments, conditional use permits, and other matters before it, and give public notice thereof in the official newspaper of the city at least one (1) week prior to the hearing. The notices shall state the purpose of the hearing and that the applications and supporting documents for zoning district amendments and conditional use permits are available for public inspection in the office of the Code Administrator or City Auditor during normal working hours.

**15.73.5 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.

## 15.74 Board of Adjustment

The Board of Adjustment, a citizen body, appointed by the Mayor and confirmed by the City Council, is hereby vested with authority and jurisdiction to review and act upon all applications for appeal regarding the interpretation and restrictions of this ordinance. The City Council may act as the Board of Adjustment.

**15.74.1 Membership**

The Board of Adjustment shall serve for four (4) year overlapping terms.

**15.74.2 Duties and Responsibilities**

**15.74.21** To hear and decide all appeals forwarded by the Code Administrator.

**15.74.22** To hear and decide all matter referred by the City Council.

**15.74.23** To hear other matters related to the interpretation and administration of this ordinance.

**15.74.3 Appeals**

Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person. The appeal shall be taken within sixty (60) days by filing with the Code Administrator a notice of appeal specifying the grounds thereof. The Code Administrator shall forward to the Board of Adjustment all papers constituting the record and his comments on this matter.

**15.74.4 Notice of Hearings**

The Board of Adjustment shall fix a reasonable time for the hearing of appeals, give public notice thereof in the official newspaper of the city, at least one week prior to the hearing. The notice shall state the purpose of the hearing and that the application and supporting documents for appeal are available for public inspection in the office of The Code Administrator or City Auditor during normal working hours.

**15.74.5 Meetings**

All meetings of the Board of Adjustment are open to the public and any one may testify for or against the application for appeal.

**15.74.6 Authority to Reverse, Affirm Decisions**

The Board of Adjustment may reverse or affirm in whole or in part, or may modify the order, requirements, decisions or determinations of the Code Administrator. The decision of the Board of Adjustment on variances and special use permits shall be final, but an appeal may be made to the City Council for further review and action.

**15.74.7 Action for Reversal of Decisions**

The concurring vote of three-fourths (3/4) of members of the Board of Adjustment present is necessary to reverse any order, requirement, decision or determination of the Code Administrator, or to decide in favor of the applicant on any matter upon which it is required to decide under this ordinance, or to effect any variation in the application of this ordinance.

**15.74.8 Rules and Procedures**

The Board of Adjustment shall elect its officers and may establish rules and procedures for review of all cases before it. Members may be removed from office by the City Council for cause after a public hearing.

## 15.75 Violations and Penalties

**VIOLATIONS**

**15.75.10. Unlawful acts**. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

**15.75.11. Notice of violation**. The code official shall serve a notice of violation or order in accordance with Section 15.75.2.

**15.75.12. Prosecution of violation**. Any person failing to comply with a notice of violation or order served in accordance with Section 15.75.2 shall be deemed guilty of a civil infraction, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

The penalty for an infraction hereunder is punishable by a fine of not to exceed $100 for each day the violation continues.

**15.75.13. Violation penalties**. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**15.75.14. Abatement of violation**. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure or premises.

**NOTICES AND ORDERS**

**15.75.20. Notice to person responsible**. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 15.75.21 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 15.75.33.

**15.75.21. Form**. Such notice prescribed in Section 15.75.20 shall be in accordance with all of the following:

1. Be in writing.

2. Include a description of the real estate sufficient for identification.

3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

5. Inform the property owner of the right to appeal.

6. Include a statement of the right to file a lien in accordance with Section 15.75.12.

**15.75.22. Method of service**. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;

2. Sent by certified or first-class mail addressed to the last known address; or

3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

**15.75.23. Unauthorized tampering**. Signs, tags, or seals posted or affixed by the code official shall not be mutilated, destroyed, or tampered with, or removed without authorization from the code official.

**15.75.24. Penalties**. Penalties for noncompliance with orders and notices shall be as set forth in Section 15.75.13.

**15.75.25. Transfer of ownership**. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease, or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

**UNSAFE STRUCTURES AND EQUIPMENT**

**15.75.30. General**. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

**15.75.30(a)**. **Unsafe structures**. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is to damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**15.75.30(b)**. **Unsafe equipment**. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**15.75.30(c)**. **Structure unfit for human occupancy**. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**15.75.30(d).** **Unlawful structure**. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**15.75.30(e)**. **Dangerous structure or premises**. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit, or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, structure, or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure of abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**15.75.31. Closing of vacant structures**. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**15.75.32. Authority to disconnect service utilities**. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

**15.75.33. Notice**. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with section 15.75.22. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 15.75.21.

**15.75.34. Placarding**. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall past on the premises or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

**15.75.35. Placard removal**. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

**15.75.36. Prohibited occupancy**. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

**15.75.37. Abatement methods**. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

**15.75.38. Record**. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**EMERGENCY MEASURES**

**15.75.40. Imminent danger**. When, in the opinion of the code official, here is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**15.75.41. Temporary safeguards**. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

**15.75.42. Closing streets**. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

**15.75.43. Emergency repairs**. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**15.75.44. Costs of emergency repairs**. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The City Attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

**15.75.45. Hearing**. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon notice of appeal filed with the Code Administrator, be afforded a hearing as described in Section 15.74.4.

**DEMOLITION**

**15.75.50. General**. The code official shall order the owner of any premises upon which is located any structure, which in the code official’s judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner’s option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

**15.75.51. Notices and orders**. All notices and orders shall comply with Section 15.75.20.

**15.75.52. Failure to comply**. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**15.75.53. Salvage materials**. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. (Ordinance No. 2010-2)

# 15.8 Procedures for Amendments, Conditional Uses and Variances

## 15.81 Zoning District Amendments

**15.81.1 Public Hearing Notice**

The Planning Commission shall hold a public hearing, a notice of which shall be published at least one week prior to the hearing in the official newspaper of the city. The notice of hearing shall include: (1) the time and place of hearing; (2) description of the property by street address for platted lands and clearly identifiable location for the unplatted lands; (3) the proposed use and requested zoning district change; and (4) time and place for public inspection of the documents in the city offices before the hearing.

**15.81.2 Public Hearing**

The Planning Commission, at the hearing, 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 recommendations to the City Council for approval, denial or modification of the petition. The Planning Commission may require additional information before it completes its findings and recommendations.

**15.81.3 Data Submission Requirements**

Petitions for zoning district change and conditional uses shall be submitted with the following information:

**15.81.31** Legal description of the area proposed to be rezoned, and the name and addresses of all owners of property lying within such area.

**15.81.32** A list of the names and addresses of the owners of all properties within one hundred and fifty (150) feet of the proposed property, excluding the width of the street rights-of-way.

**15.81.33** A map showing the existing land uses and zoning district classification of the area.

**15.81.34** A site plan showing buildings and uses in the zoning district proposed to be changed and the requested zoning district classification.

**15.81.35** A fee shall be paid in accordance with the schedule established by the City Council.

**15.81.4 Deliberation and Decision**

Following the hearing, the Planning Commission, upon due deliberation, shall make a report of its findings and recommendations on the proposed amendment to the City Council within thirty (30) days after the hearing. If no recommendations are transmitted by the Planning Commission within thirty (30) days after the hearing, the City Council may take action without awaiting such recommendations.

In making its finding, the Planning Commission shall ascertain that the proposal for zoning district amendment is consistent with the City Comprehensive Plan and meets all requirements of this ordinance and other regulations of the city.

**15.81.5 Effect of Protest**

If a protest against zoning district change is signed by twenty percent (20%) of: (1) owners of the property within the proposed site, or (2) twenty percent (20%) of the owners of the adjoining properties within one hundred fifty (150) feet of the site excluding street rights-of-way, the Planning Commission shall make a notice of statutory protest in transmitting its recommendation to the City Council, where a vote of three-fourths (3/4) of all Council members is necessary to approve the zoning district change.

## 15.82 Conditional Use Permits

**15.82.1 Purpose**

The development of this ordinance is based upon division of the city into districts, within which district the use of land and building bulk and locations of buildings 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 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.

**15.82.2 Public Hearing Notice**

Shall be the same as the provisions set forth for public hearing notice for zoning district amendment in Section 15.81.1.

**15.82.3 Public Hearing**

Shall be the same as the provisions set forth for public hearing for zoning district amendment in Section 15.81.2.

**15.82.4 Data Submission Requirements**

Shall be the same as the provisions set forth for data submission requirements for zoning district amendment in Section 15.81.3.

**15.82.5 Deliberation and Decision**

Shall be the same as the provisions set forth for deliberation and decision for zoning district amendment in Section 15.81.4.

**15.82.6 Standards**

No application for conditional use shall be recommended for approval unless the Planning Commission finds that all of the following conditions are present.

**15.82.61** 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.

**15.82.62** That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment maintenance or operation of the conditional use.

**15.82.63** That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

**15.82.64** That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

**15.82.65** That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

**15.82.66** That the conditional use shall substantially conform to all applicable regulations of the district in which it is located.

**15.82.7 Conditions and Guarantees**

**15.82.71** 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 community, and to secure compliance with the standards and requirements specified in Section 15.82.6. In all cases in which conditional uses are granted, the Planning Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

**15.82.72** No alteration of a conditional use shall be permitted unless approved by the City Council. Where the City Council has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the City Council’s action unless the use is commenced, construction is underway or the current owner possesses a valid building permit.

## 15.83 Variances, Special Use Permits

Variance from the terms of this ordinance shall be granted provided that the applicant establishes proof of practical difficulty or undue hardship.

**15.83.1 Public Hearing Notice**

The Board of Adjustment shall hold a public hearing, a notice of which shall be published at least one week prior to the hearing (NDCC 40-47-04) in the official newspaper of the city. The notice of hearing shall include: (1) the time and place of hearing; (2) description of the property by street address for platted lands and clearly identifiable location for the unplatted lands; (3) the proposed use and requested zoning district change; and (4) time and place for public inspection of the documents in the City Offices before the hearing.

**15.83.2 Public Hearing**

The Board of Adjustment at the hearing shall listen to all persons who may speak in support of or in opposition to the proposal. Upon the completion of its review, the Board of Adjustment shall approve, deny or modify the proposal. The Board of Adjustment may require additional information before it completes its findings and decision.

**15.83.3 Data Submission Requirements**

Petitions for variances or special use permits shall be submitted with the following information.

**15.83.31** Legal description of the area proposed to be rezoned, and the name and addresses of all owners of property lying within such area.

**15.83.32** A list of the names and addresses of the owners of all properties within one hundred and fifty (150) feet, excluding the street rights-of-way.

**15.83.33** A map showing the existing land uses and zoning district classification of the area.

**15.83.34** A site plan showing the existing buildings and uses and the requested changes.

**15.83.35** A fee shall be paid in accordance with the schedule established by the City Council.

**15.83.4 Deliberation and Decision**

In making its finding, the Board of Adjustment shall ascertain that the request for variance is consistent with the City Comprehensive Plan and meets all requirements of this ordinance and other regulations of the city.

**15.83.5 Standards**

No application for variance or special use permit shall be approved unless the Board of Adjustment finds that all of the following are present.

**15.83.51** That special conditions and circumstances exist which are peculiar to the premises and which are not applicable to other premises in the same zoning district.

**15.83.52** That literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

**15.83.53** That the special conditions and circumstances have not resulted from actions of the applicant.

**15.83.54** That granting the variance requested will not confer upon the applicant any special privileges that are denied by this ordinance to other premises.

**15.83.6 Justification**

**15.83.61** That the reasons set forth in the application justify the granting of the variance.

**15.83.62** The variance is the minimum which would make possible a reasonable use of the premises.

**15.83.63** That the granting of the variance will be in harmony with the general purpose of this ordinance and will not be injurious to the surrounding premises, neighborhood, or the city, and will not be contrary to the comprehensive plan and the purposes of this ordinance.

**15.83.64** That there is a practical difficulty or unnecessary hardship in use of the premises if the strict application of the regulations were to be carried out.

**15.83.7 Authorized Variances**

A variance shall not be granted for any yard or setback less than the yard or setback as required by this ordinance.

**15.83.71** To reduce not by more than twenty percent (20%) the applicable requirements for lot area and lot width.

**15.83.72** To reduce the applicable off-street parking or loading facilities by no more than fifty percent (50%) of the requirements.

**15.83.73** To permit the use of lot of record if it is smaller than the minimum size required by this ordinance.

**15.83.74** To permit roof alterations to provide additional windows, headroom or area for occupancy of third level.

**15.83.75** To permit conversion of an existing building to a permitted residential use provided that it shall not conflict with the above standards cited in Sections 15.83.5 and 15.83.6.

## 15.84 Action of the City Council

**15.84.1 Initiation of Amendment**

Amendments may be proposed by the City Council, the Planning Commission, the Board of Adjustment, or any person, firm, corporation or organization which has a freehold interest or contractual interest in a building, structure, lot, or parcel of land.

**15.84.2 Application for Amendment**

Application for an amendment shall be filed with the Code Administrator, who shall forward all such applications to the Planning Commission, or the City Council.

**15.84.3 Notice of Public Hearing**

Notice of hearing shall include time, place and purpose of such hearing and shall be published at least one week before the hearing in the official newspaper of the city. This hearing is independent of the hearing held by the Planning Commission.

**15.84.4 Public Hearing**

At the public hearing before the City Council, the proposed amendment is discussed together with the recommendations of the Planning Commission. Any person may express opposition to or support for the amendment at such hearing.

**15.84.5 Decision of City Council**

In the event that a written protest against a proposed amendment or conditional use application is filed by owners of twenty percent (20%) or more of the area within the proposed amendment or owners of twenty percent (20%) or more of the adjoining land within one hundred fifty (150) feet of the proposed site excluding street rights-of-way, such amendment or conditional use application shall not become effective except by the favorable vote of three-fourths (3/4) of the City Council.

**15.84.6 Effect of Denial of Application**

An application for an amendment to the zoning district map or conditional use permit which has been denied by the City Council shall not be made for a period of one year from the date of such denials, unless the new application is substantially different from the denied application.