

ARTICLE 5

Section 5-101 to 107, inclusive. Uses common to all residential districts - general provisions.

Section 5-101. General statement concerning uses common to all residential districts.

There are certain uses, which are considered acceptable when found in any residential district when developed according to space limits proper for a particular zone.

The uses set forth in Sections 5-102 to 106, inclusive, are permitted in all residential districts subject to further restrictions or liberalizations which are imposed by a specific district, or when excluded when located in Airport Noise Zone A.

Section 5-102. Principal permitted uses.

1. Off-street parking shall be provided for all uses established in the residential districts.
2. Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein.
3. Single-family detached dwellings.
4. Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least five (5) acres, and including convents, monasteries, dormitories and other related living structures when located on the same site as the church.
5. Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.
6. Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.
7. Parks and recreation areas operated by the city or other political subdivision.
8. Public and quasi-public buildings for cultural uses.
9. Country clubs as defined herein.

Section 5-103. Accessory uses.

The following accessory uses are permitted in all residential districts subject to further restrictions or liberalizations, which are imposed, by a specific district.

1. Private garages and sheds.

2. Private swimming pools exclusively for the use of residents of the premises and their non-paying guests and subject to any other regulations or ordinances.
3. The parking of one unoccupied trailer designed for recreational use and not to exceed 31 feet in length within a building or in the open in a rear yard but subject to any permits required by law or ordinance.
4. The storage of two pleasure boats within a building, or in the open in the rear or side yard.
5. Signs not to exceed two (2) square feet in area identifying the premises and occupant, but not including advertising matter. Public, parochial, private schools and colleges, children's homes, churches, synagogues, chapels, and public and quasi-public buildings for cultural use, may have identification signs not to exceed 12 square feet in area.
6. Raising of animals or fowl commonly kept as domestic pets and specifically excluding species commonly considered agricultural livestock and specifically excluding any animals or fowl being raised for commercial purposes.
7. Reserved.
8. Amateur radio antenna structures in conformance with Section 2-103.
9. Other accessory uses and structures customarily appurtenant to a permitted use.

Source: Ord. No. 2009-03, 2009; Ord. No. 2009-04, 2009; Ord. No. 2009-06, 2009.

Section 5-104. Conditional Uses.

The following uses are conditionally permitted in residential districts.

1. Utility substations when located according to the yard space rules set forth for dwellings and having a landscaped or a masonry barrier on all sides and after a showing before the board that technical considerations necessary to the functioning of said utility requires the location of the facility in a residential district. Structures shall conform to all space limits of the district in which located and shall have an exterior design in harmony with nearby properties.
2. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair, or administrative facilities, and after a showing before the board that such facilities are necessary in the location proposed.
3. Amateur Radio Antenna Structures.
4. Small Wind Energy Conversion Systems compliant with Section 2-117.E.

Source: Ord. No. 2009-03, 2009; Ord. No. 2009-14, 2009.

Section 5-105. Certain uses lying in Airport Noise Zones declared incompatible and excluded.

Airport noise zone A is a relatively high noise area best suited for agricultural use or industrial use when a high noise can be tolerated. Any structural development must meet the criteria for height restrictions as well as compatibility.

The following uses are hereby declared incompatible with the purpose of airport noise zone A and are hereby expressly excluded for any part of this district located in airport noise zone A:

1. All residential dwellings.
2. Auditoriums, concert halls, music shells and outdoor theaters.
3. Churches, schools, colleges, rest homes, retirement homes, and similar facilities.
4. Hospitals and clinics.
5. Office buildings.
6. Mortuaries, funeral homes and funeral chapels.
7. Industrial and manufacturing establishments or other uses which produce smoke interfering with the safe use of the airport.
8. Any other use, which would create electrical interference with radio communications between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, and impair visibility in the vicinity of the airport.

Airport Noise Zone B is ordinarily a relatively low noise area with no restrictions. Hospitals, churches, auditoriums and such should consider sound control in design of facilities if located in this zone and especially if located in this zone closest to the airport. The reason for the establishment of noise zone B is to notify the general public that such an area is in the established airport noise zones and as such may be subject to noise pollution.

Section 5-106. Reserved.

Source: Ord. No. 2009-01, 2009.

Section 5-107. Requirements for conforming one-family dwellings to the regulations of their respective districts.

All one-family dwellings shall conform to all regulations of their respective districts.

Sections 5-108 to 199, inclusive. Reserved.

Sections 5-201 to 207, inclusive. One-family residential district #1-A - general provisions.

Section 5-201. Legal boundary descriptions for one-family residential district #1-A.

Lots 1 thru 10 Lakeview Acres of the S ½ of Section 9-110-78

Lots 1 thru 3 Lakeview Acres Addition of the S ½ of Section 9-110-78

Dell Acres SE ½ of Section 18-111-78

Beginning at the SE corner of Section 32-112-79 thence westerly 1587' thence N. 611' thence E 300' thence N 378.99' thence east 1310' thence south 1012.96' to the place of beginning. (Includes Oahe Acres (Lots 3-22) and other parcels)

Nystrom's 1st Addition, except Block 2 Lots 1, 2, 3, 26 and 27, Section 4-112-80

All of Government Lot 5 lying east and north of Norman's Tract No. 1 and south of Central Street extended and Lot D located in SW ¼ NE ¼ lying west of Lot C, north of Lot B (Walleye Drive) and south of Central Street extended.

Lots 1-4, Oahe Lodge Subdivision of Nystrom's Outlot 1 in Gov't Lot 7, Section 5-112-80.

Lots 1-11, Vista Pointe Subdivision of Nystrom's Outlot 1 in Gov't Lot 7, Section 5-112-80.

Source: Ord. No. 98-4, 1998; Ord. No. 99-16, 1999; Ord. No. 99-19, 1999; Ord. No. 2005-1, 2005; Ord. No. 2009-06, 2009.

Section 5-202. Statement of purpose for one-family residential district #1-A.

This residential district is designed primarily for subdivisions, which have planned streets and community water supply and community waste facilities. It is designed to stabilize and protect residential characteristics of the district and to encourage a suitable family life environment on moderate sized lots.

Section 5-203. Principal permitted uses.

1. The principal permitted uses common to all residential districts.
2. Town Houses

Section 5-204. Accessory uses.

1. The permitted accessory uses common to all residential districts.
2. Home occupations.

Section 5-205. Conditional uses.

The conditional uses common to all residential districts.

Section 5-206. Certain uses lying in Airport Noise Zones declared incompatible and excluded.

Excluded Uses

The uses declared incompatible and excluded for all residential districts in airport noise zones.

Section 5-207. Space limitations.

Building Height Limit

No building shall exceed two and one-half (2 ½) stories, or thirty-five (35) feet.

Required Lot Area

Not less than ten thousand (10,000) square feet, for permitted uses located in a subdivision with planned streets and community water supply and community waste facilities. For religious or cultural uses, one acre is required.

For lots built upon before community water and waste systems are available, required lot area shall be the same as Agriculture District C.

Percentage of Lot Coverage

All buildings including accessory buildings shall not cover more than thirty (30) per cent of the area of the lot.

Yards Required

Each lot shall have front, side and rear yards of not less than the depths or widths following:

1. Front yard depth - twenty-five (25) feet.
2. Rear yard depth - twenty-five (25) feet
3. Side yard width - not less than ten (10) feet, but the sum of the two side yards shall not be less than twenty (20) feet.
4. Minimum setback from the right-of-way of State Highways No. 34, 1804, 83, and 14 shall be 50 feet.

5. Setback requirements for corner lots. Any lot facing a street on two adjacent sides is considered a corner lot and considered to have two front yards, each of which shall require the minimum front yard distance stated above.

Source: Ord. No. 2009-01, 2009.

Section 5-208 to 299, inclusive. Reserved.

Section 5-301 to 307, inclusive. One-Family Residential District #2-C - general provisions.

Section 5-301. Legal boundary descriptions for One-Family Residential District #2-C.

Oahe Acres Lots 23-95 located in SE ¼ Section 32-112-79

All that part of Government Lot 3, lying east of the east line of East Canal Drive extended, lying south of Block 3, Nystrom's Second Addition and lying east of Block 2 and 3, Nystrom's Second Addition and the west 256.7' of Government Lot 2 less Right-of-Way in Section 4-112-80. (Dakota Landing Estates).

Lots K and L of Gov't Lot 2 in Section 4-112-80

Source: Ord. No. 97-7, 1997; Ord. No. 98-2, 1998; Ord. No. 98-4, 1998; Ord. No. 99-16, 1999; Ord. No. 2005-8, 2005; Ord. No. 2009-01, 2009.

Section 5-302. Statement of purpose for One-Family Residential District #2-C.

This residential district is designed primarily for subdivisions, which will have planned streets and community water supply and community waste facilities. It is designed to stabilize and protect residential characteristics of the district and to encourage a suitable family life environment on moderate sized lots.

Section 5-303. Principal permitted uses.

1. The principal permitted uses common to all residential districts, including the placing of mobile and manufactured homes.

Section 5-304. Accessory uses.

1. The permitted accessory uses common to all residential districts.
2. Home occupations.

Section 5-305. Conditional uses.

1. The conditional uses common to all residential districts.
2. Fraternity and sorority houses when directly associated with a college or university.

3. Buildings of non-profit community organizations and social welfare establishments other than those providing living accommodations.
4. Commercial mobile or manufactured home parks.

Section 5-306. Certain uses lying in airport noise zones declared incompatible and excluded.

Excluded Uses

The uses declared incompatible and excluded for all residential districts in airport noise zones.

Section 5-307. Space limitations.

Building Height Limit

No building shall exceed two and one-half (2 ½) stories, or thirty-five (35) feet.

Required Lot Area

Not less than ten thousand (10,000) square feet, for permitted uses located in a subdivision which will have planned streets and community water supply and community waste facilities. For religious or cultural uses one acre is required.

For lots built upon before community water and sewage systems are available, required lot area shall be the same as Agriculture District C.

Percentage of Lot Coverage

All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

Yards Required

Each lot shall have front, side and rear yards not less than the depths or widths following:

1. Front yard depth - twenty-five (25) feet.
2. Rear yard depth - twenty-five (25) feet.
3. Side yard width - six (6) feet but the sum of the two side yards shall not be less than fifteen (15) feet.
4. Minimum setback from the right-of-way of State Highways No. 34, 1804, 83 and 14 shall be 50 feet.

5. Setback requirements for corner lots. Any lot facing a street on two adjacent sides is considered a corner lot and considered to have two front yards, each of which shall require the minimum front yard distance stated above.

Source: Ord. No. 2009-01, 2009.

Sections 5-308 to 399, inclusive. Reserved.

Section 5-401 to 407, inclusive. Multiple Family Residential District – general provisions.

Section 5-401. Legal boundary descriptions for Multiple Family Residential District.

Lots 1, 2, 3, 26 and 27, Block 2 of Nystrom's 1st Addition, Section 4-112-80

Source: Ord. No. 99-18, 1999 (Initiating Ordinance); Ord. No. 99-19, 1999; Ord. No. 2009-01, 2009.

Section 5-402. Statement of purpose for Multiple Family Residential District.

This residential district is designed primarily for subdivisions, which will have planned streets and community water supply and community waste facilities. It is designed to stabilize and protect residential characteristics of the district and to encourage a suitable family life environment on moderate sized lots.

Source: Ord. No. 99-18, 1999 (Initiating Ordinance).

Section 5-403. Principal permitted uses.

1. The principal permitted uses common to all residential districts.
2. Multiple dwellings.

Source: Ord. No. 99-18, 1999 (Initiating Ordinance).

Section 5-404. Accessory uses.

1. The permitted accessory uses common to all residential districts.

Source: Ord. No. 99-18, 1999 (Initiating Ordinance).

Section 5-405. Conditional uses.

1. The conditional uses common to all residential districts.
2. Office buildings for the conduct of the administrative business of a single company when such business does not deal with the public directly from the site of such office building.

3. The office of one or more professional persons engaged in the activities which generate a limited amount of contact with the general public, but including medical clinics, offices of lawyers, accountants, architects, planners, engineers, and similar professions.
4. Private clubs, fraternity houses, sorority houses, lodges and similar establishments, but specifically excluding those establishments which have a name or legal basis as the aforesaid, but are in fact operated as a business enterprise, and also excluding concessions associated with the aforesaid which are operated as a business enterprise.
5. Buildings of non-profit community organizations and social welfare establishments.
6. Rooming houses, boarding houses and assisted living centers.

Source: Ord. No. 99-18, 1999 (Initiating Ordinance).

Section 5-406. Certain uses lying in airport noise zones declared incompatible and excluded.

Excluded Uses

The uses declared incompatible and excluded for all residential districts in airport noise zones.

Source: Ord. No. 99-18, 1999 (Initiating Ordinance).

Section 5-407. Space limitations.

Building Height Limit

No building shall exceed seventy-five (75) feet in height.

Required Lot Area

Not less than six thousand (6,000) square feet, for residential uses located in a subdivision which will have planned streets and community water supply and community waste facilities. For religious or cultural uses one acre is required.

For lots built upon before community water and sewage systems are available, required lot area shall be the same as Agriculture District C.

Percentage of Lot Coverage

All buildings including accessory buildings shall not cover more than fifty (50) percent of the area of the lot.

Yards Required

Each lot shall have front, side and rear yards not less than the depths or widths following:

1. Front yard depth – twenty-five (25) feet.
2. Rear yard depth – twenty-five (25) feet, or equal in depth to the height of the building, whichever is greater.
3. Side yard width – ten (10) feet, but each side yard shall be equal to one-fourth (1/4) the height of the building.
4. Minimum setback from the right-of-way of State Highways No. 34, 1804, 83 and 14 shall be 50 feet.
5. Setback requirements for corner lots. Any lot facing a street on two adjacent sides is considered a corner lot and considered to have two front yards, each of which shall require the minimum front yard distance stated above.

Required Court Dimensions

The least dimension of an inner court shall be not less than one-half (1/2) of the height of the building, which contains the court.

Source: Ord. No. 99-18, 1999 (Initiating Ordinance); Ord. No. 2009-01, 2009.

Sections 5-408 to 499, inclusive. Reserved.

Source: Ord. No. 99-18, 1999 (Initiating Ordinance).