



# CITY OF WILTON, NORTH DAKOTA ZONING ORDINANCE

Revised: April 2016

## Zoning Board Members

Chair – Bob Ell

Member – Bruce Wagendorf

Member – Bill Harris

Member – Cliff Mathys

Member – Vacant

## Commission Board Members

President – LeeAnn Domonske-Kellar

Vice. Pres. – Joel Middaugh

Commissioner – Joan Kruckenberg

Commissioner – John Clausen

Commissioner – Lisa Hedstrom

## I. Introduction

### 1.1 **Title**

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

### 1.2 **Purpose and Intent**

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

### 1.3 **Authority**

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

### 1.4 **Interpretation and application**

In the interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum for the promotion of public health, safety, and general welfare

It is not intended by these provisions to interfere with, abrogate, or annul rules or permits previously adopted according to the law relating to the use of building or premises; nor is it intended to interfere with, abrogate, or annul any easements, covenants, or agreements between parties; provided, however, that where these provisions impose greater restrictions as to use or require larger open space or less height than this Ordinance, the greater prevail.

### 1.5 **Severability**

If any section, subsection, sentence, clause, or phrase of the above Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of said Ordinance. The City of Wilton Commission of the Kith of Wilton, North Dakota, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsection, sentence, clause, or phrases may be declared invalid or unconstitutional.

### 1.6 **Repeal**

All regulations, parts of regulations, existing ordinances, or resolution in conflict with this Ordinance and its provisions are hereby repealed.

### 1.7 **Definitions**

#### 1.7.1 **General Terms**

Words used in the present tense include the future; the singular number includes the plural and the plural shall include the singular.

The word person includes a firm, association, partnership, trust, company, or corporation as well as an individual.

The word shall is mandatory; the word may is permissive.

### 1.7.2 **Specific Terms**

#### **Accessory Building, Structure, or Use**

A portion of the main building or building structure, or use on the same lot with, and of a nature customarily incidental and subordinate to the principle building, structure, or use.

#### **Alley**

A minor street providing vehicular service access to the back or side of two or more properties

#### **Board of Adjustment**

The body authorized by the City Commission of Wilton to hear appeals on the enforcement of the provisions of this Ordinance and to grant variances.

#### **Buildable Area**

The portion of a lot remaining after required yards have been provided.

#### **Building**

Any structure designed, or intended for the enclosure, shelter or protection of persons, chattels, or property.

#### **Building Code**

Refer to Federal Housing Administration Minimum Property Standards, 1993 Edition, and its additions amends, etc.

#### **Building Height**

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

#### **Certificate of Zoning Compliance**

A certificate stating compliance with zoning district regulations.

#### **Clear Sight Triangle**

An area of unobstructed vision at a street intersection defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

#### **Commercial District**

The area designated by the City Commission of Wilton on the District Zoning Map, which provides for the grouping of retail merchandising, light industry, and service activities.

**Community Garage**

A group of private garages located jointly in any lot or premises of two or more adjacent premises and having no shop or service in connection therewith, providing the storage space includes at least two hundred and fifty (250) square feet for each motor vehicle.

**Conditional Use Permit**

Any use to which the Planning Commission shall set specific conditions, all of which must be met prior to approval of said use in a district.

**Curb Level**

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

**District**

A section or sections of the City of Wilton and the designated area for which the regulating governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

**Dwelling – Mobile Home**

A structure, transportable on one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing heating, air-conditioning, and electrical system contained herein.

**Dwelling – Multi Family**

A residential building designed for and occupied exclusively by more than two families.

**Dwelling – Single Family**

A detached residential living unit, other than a mobile home, designed for and occupied by one family.

**Dwelling – Two-Family**

A residential building designed for and occupied exclusively by two families

**Easement**

A vested or acquired right to use land, other than as a tenant for a specific purpose; such as right being held by someone other than the owner who holds title to the land.

**Family**

One or more persons occupying the premises and living as a single housekeeping unit.

**Family Hotel**

A place where food and lodging are provided for compensation and having less than (10) sleeping rooms.

**Floor Area**

The gross floor area of the several floors in a building.

**Frontage**

See Lot, Frontage

**Frontage Road**

See Marginal Access Street.

**Garage, Private**

An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to it is accessory. If attached to a house it must have a minimum of four (4) foot footings, if detached it must have a floating slab with a minimum of one (1) foot footings along the perimeter of the slab. The appearance of the garage must be similar to the main residence.

**Garage, Public**

Any building or premises used for equipment, repairing, hiring, selling, or storing motor-driven vehicles, not including show rooms for the display of the cars.

**Grade**

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

**Home Occupations**

Any occupation or profession carried on by members of the family residing on the premises, which is clearly incidental and secondary to the use of the dwelling purpose and does not change the character thereof.

**Hotel**

A building where lodging with or without meals is provided and offered to the public for compensation and which has more than ten (10) sleeping rooms. Hotels include motels and automobile courts.

**Improvements**

Street grading and surface with or without curbs, gutters sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets, and landscaping.

**Industrial Districts**

The areas designed by the City Commission of Wilton on the District Zoning Map which provide for the grouping of manufacturing, assembly, and heavy commercial activities.

**Industrialized Housing**

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

**Living Unit**

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

**Lot**

A tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and open space as here in required.

**Lot, Coverage**

The total area of building expressed as a percentage of the total lot, plot, or tract.

**Lot, Depth of**

The mean horizontal distance between the front and rear lot lines.

**Lot, Frontage**

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

**Lot Width**

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

**Lot of Records**

A lot which is part of a subdivision, the map of which has been recorded in the offices of the County Auditor and Register of Deeds of Mclean County or Burleigh County, or a parcel of land, the deed of which was recorded in the office of the Register of Deeds prior to the adoption of this Ordinance.

**Mobile Home Park**

A tract of land designed and developed to accommodate mobile homes, each occupying a portion of the site of a purchase, lease, or rental basis, and each provided with the necessary

utilities and other amenities so that the total development serves as a suitable environment for long-term residential occupancy.

**Motor Vehicle**

Any vehicle requiring a motor vehicle license by the State of North Dakota

**Non-Conforming Use**

Any building or tract of land lawfully occupied by use, at the time of the passage of this Ordinance or amendments, thereto, which does not conform with the provisions of this Ordinance or amendments thereto.

**Parking Spaces**

An area for the purpose of storing one parked motor vehicle.

**Permitted Use**

Any use which complies with the requirements of a zoning district.

**Planning Commission**

See Zoning Commission

**Plat**

Any map, plan or chart of a tract of land or subdivision indicating the location and boundaries of individual properties

**Public Utility**

Any business which furnishes the general public telephone, telegraph, electricity, natural gas, or water services; and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State.

**Residential District**

The area designated by the City Commission of Wilton on the District Zoning Map for development of residential dwelling units.

**Right-of-Way**

The area, either public or private, over which the right of passage exists. The right-of-way shall not be considered as a land area when computing lot size.

**Set-Back**

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

**Sight Line**

See clear Sight Triangle

**Sign**

Any outdoor advertising having a permanent location on the ground or attached to or painted on a building, including bulletin boards, billboards, nameplates, and poster boards.

**Street**

A way for vehicular traffic designated as a street, highway, boulevard, thoroughfare, parkway, throughway, avenues, road or court on the official records and maps.

**Arterial Streets and Highways**

Those which are used primarily for fast or heavy traffic.

**Collector Streets**

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

**Marginal Access Streets**

Minor streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

**Minor Streets**

Those which are used primarily for access to the abutting property.

**Modular Home**

A dwelling structure located on a permanent foundation and permanently connected to public utilities, consisting of pre-selected, prefabricated units or modules and transported to and/or assembled on the site of its permanent location; also in contradistinction to a mobile home, either single-wide, double-wide, or of multiple widths, located on a permanent location and permanently connected to utilities; and further that it conforms to the present City of Wilton building, housing, electrical, and plumbing codes.

**Storage Shed**

Any accessory building used for the purpose of storing household maintenance items.

**Structural Alterations**

Any change to the supporting members of a building such as bearing walls, partitions, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

**Structure**

Anything constructed or erected, the use of which required permanent location on the ground or attached to something having a permanent location on the ground.

**Subdivision**

The division of land into two or more lots for the purpose, immediate or future, of sale or lease for building development; however, if a new street is involved, any division of a parcel of land constitutes a subdivision, but, the division of agricultural land into five (5) acres or more in size, where no new street is created does not constitute a subdivision.

**Tract**

A plot, piece or parcel of land, other than a lot which is recorded in the office of the Register of Deeds of McLean County or Burleigh County.

**Use**

The specific purpose for which land or a building is used.

**Variance**

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

**Vehicle**

See Motor Vehicle.

**Yard**

A space on the same lot with the principle building or structure, open, unoccupied, and unobstructed by building or structure from the ground upward.

**Yard, Front**

A yard extending across the full width of the lot side lot lines, the depth of which is the distance between the front line and the front building line.

**Yard, Rear**

A yard extending from the rear line of the required front yard to the rear lot line, the depth which is the least distance from the sides of principle building and side lot line.

**Yard, Side**

A yard extending from the rear line of the required front yard to the rear lot line, the depth of which is the least distance from the sides of principle building and the side lot line.

**Zoning Administrator**

The officer appointed by the City Commission of Wilton to administer the zoning affairs of the City of Wilton and issue building permits.

**Zoning Commission**

The body appointed by the City Commission of Wilton to conduct the zoning affairs of the city. Also known as the Planning and Zoning Commission.

**Zoning District Map**

The map showing the zoning district of the City of Wilton officially adopted by the City Commission of the City of Wilton.

## II. General Provisions

### 2.1 **Jurisdiction**

The City of Wilton Zoning Regulations shall apply to all land within the corporate limits of the City of Wilton, and to any quarter section of unincorporated territory, if a majority of the quarter section is located within one (1) mile of the corporate limits of the City of Wilton.

### 2.2 **Compliance and Effective Date**

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

From this Tenth day of November, 2004, each new use shall be in compliance with the provisions of this Ordinance.

### 2.3 **Amendments**

From time to time, because no area is static, the Zoning Ordinance and Zoning District Map may have to be amended, supplemented, changed or repealed. No action on an amendment can be made until a public hearing has been held.

#### 2.3.1 **Procedure for Making Amendments**

- a. Application for amendments shall be filed with the City Auditor.
- b. The City Auditor shall present said application to the City Planning and Zoning Commission at its next regular scheduled meeting.

#### 2.3.2 **Notice of Amendment Hearings**

- a. At least fifteen (15) days notice of the time and place of the hearing shall be published in the official newspaper of the City of Wilton.
- b. The City Auditor shall notify applicant of the time and place of said hearing.
- c. the Land Use Administrator shall post notice of time and place of said hearing on the affected site.

#### 2.3.3 **Public Hearings by Planning and Zoning Commission and City Commission**

- a. Following a public hearing conducted by the Planning and Zoning Commission, said Commission shall submit its recommendations concerning the proposed amendment to the City Commission.
- b. Upon receipt of the Planning and Zoning Commission's recommendations, the City Commission shall set a final hearing date for the proposed amendment.
- c. Procedure for the notice of the final hearing shall follow that of the hearing conducted by the Planning and Zoning Commission.
- d. Following the final hearing, the City Commission shall approve or disapprove the proposed amendment.

#### 2.3.4 **Protest to Amendments**

- a. If a protest against an amendment is signed by the owners of twenty percent or more:
  1. of the area of the lots included in such proposed changes; or
  2. of the area adjacent, extending one hundred and fifty (150) feet from the area to be changed, excluding the width of the streets
 the amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Commission of Wilton.
- b. A public hearing shall be held on all protests to amendments.
- c. At least fifteen (15) days notice of the time and place of the hearing shall be published in the official newspaper of the City of Wilton.
- d. All protests to amendments shall be filed in writing with the City Auditor within (10) days following approval of the amendment.

#### 2.3.5 **Appeals**

Any person aggrieved by the decision of the City Commission may appeal to the Board of Adjustment as provided in Section 40-47-08 of the North Dakota Century Code.

#### 2.4 **Non-Conforming Use**

- a. Any use which is lawful at the time of adoption of this Ordinance, but would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments, shall be known as Non-Conforming.
- b. Non-Conforming Uses shall not be enlarged upon, expanded or extended.
- c. A building in which non-conforming use is located may be repaired or reconstructed without structural alteration, to the extent not greater than fifty (50) percent of the assessed value of the building exclusive of foundations; however, the combined cost of alterations and repairs in any 10 (ten) year period shall not exceed the assessed valuation of the building at the time the last allowable building permit was applied for.
- d. If a non-conforming is discontinued for a period of twelve (12) consecutive months, any future use of such building or premises shall conform to the provisions of this Ordinance.
- e. If a building housing a non-conforming use is destroyed to the extent of fifty (50) percent or more of assessed value, said use shall be discontinued.

#### 2.5

- a. no building shall be erected on any residential building plot nearer than 25 feet to nor further than 35 feet from the front lot line, nor nearer than 6 feet to any side lot line. The side lot line restriction shall not apply to a garage located on the rear one-quarter of a lot, except on corner lots no shall be permitted nearer than 25 feet to the side line. For the purpose of this covenant, eaves and steps shall not be considered as a part of the building provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot. This restriction shall not be applicable to lots associated with a cul-de-sac and in such instance regulations as provided by the City Building Code shall prevail.
- b. No residential lot shall be re-subdivided into building plots having less than 9,500 square feet of area or a width of less than 75 feet and then only by this owner and developer.

- c. No trailer, basement, tent, shack, garage, barn, or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted.
- d. No building shall be erected, altered, placed or permitted on any lot unless the design, location, materials, and workmanship is in harmony with existing structures and locations in the tract and does not violate any protective covenants.

## III. Districts

### 3.1 **District Zoning Map**

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

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

- a. The district boundaries are the center lines of streets or alleys, unless otherwise shown.
- b. Where the district boundaries are no center lines of streets or alleys and where the land has been or may hereafter be divided into lots or block and lots, the district boundaries shall be construed to be lot lines.
- c. Where land has not been subdivided into lots or block and lots, the district boundary lines on the District Zoning Map shall be determined by the use of the scale of measurement shown on said map.
- d. Where uncertainty ay exists as to the exact boundary line or district, the same shall be determined by the Board of Adjustment and a record kept thereof.

### 3.2 **Residential Districts**

#### 3.2.1 **(R-1) Residential District**

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

#### Permitted Uses

1. Single-Family Dwellings
2. Churches
3. Schools
4. One Attached Garage & One Detached Garage Per Dwelling
5. Park and Recreation Facilities

#### District Regulations

1. Minimum lot size
  - a. Minimum width – fifty (50) feet.
  - b. Minimum area – eight thousand (8,000) square feet.  
Existing area – six thousand two hundred fifty (6,250) square feet.
2. Maximum Intensity
  - a. The principle building and all accessories shall not cover more than thirty (30) percent of an inside lot, nor more than thirty-five (35) percent of a corner lot.
3. Sidewalks
  - a. All sidewalks to be a minimum of four (4) feet in width.

4. Storage Shed
  - a. Maximum size of two hundred (200) square feet.
  - b. Must have a cement slab as a foundation.
  
5. Minimum residence size
  - a. Minimum square footage of one thousand (1,000) square feet of living space not to include garage.
  
6. Setback Requirements
  - a. Front yard – minimum depth of twenty-five (25) feet from curb.
  - b. Rear yard – minimum depth of twenty (20) feet, exclusive of a ten foot ally easement.
  - c. Side yard – minimum width of ten (10) feet.
  
7. Maximum Height Requirement
  - a. No building shall exceed forty (40) feet or three (3) stories on height.
  - b. No garage shall exceed fourteen (14) foot side walls.
  
8. Fences
  - a. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
  - b. Fences in the front yard shall not exceed 36” (wood) or 48” (chain link) in height.
  - c. Fences in the back and side yards shall be in the owner’s right-of-way.
  - d. No fence higher than 36” (wood) or 48” (chain link) shall be in the line of sight.
  - e. Applicant must submit a drawing which includes what size fence. Material being used and location in relation to street, house and adjoining property.
  - f. No fence shall exceed 72”.
  
9. Garages – Detached
  - a. Detached garages shall not exceed one thousand five hundred (1,500) square feet or the 30/35 rule. (See 2a.)
  - b. Garage side walls shall not exceed fourteen (14) feet in height.
  - c. Garage must be on a floating slab with a minimum of one (1) foot footings along the perimeter of the slab.
  - d. If using footings that are not part of floating slab, the area that is above the slab will be included in the height of the side wall.
  - e. The garage shall be similar in design to the main house.
  - f. Pole barn type garages will not be permitted.
  
10. Motor Vehicle Parking
  - a. Adequate off-street motor vehicle parking shall be provided.
  - b. No abandoned or unused vehicles or vehicles that do not run will be permitted in the residential yards.

11. Miscellaneous Storage
  - a. Storage of used lumber, metal, concrete blocks, fence, etc. will not be allowed in residential Districts.
12. No steel buildings allowed in residential areas.

## **(R-2) Residential District**

### Permitted Uses:

1. Two-Family Dwellings
2. Single-Family Dwelling
3. Schools
4. Churches
5. Park and Recreational Facilities

### District Regulations

1. Minimum lot size
  - a. Minimum width – eighty (80) feet.
  - b. Minimum area – eight thousand (8,000) square feet.
2. Maximum Intensity
  - a. The principle building and all accessories shall not cover more than thirty (30) percent of an inside lot, nor more than thirty-five (35) percent of a corner lot.
3. Sidewalks
  - a. All sidewalks to be a minimum of four (4) feet in width.
4. Storage Shed
  - a. Maximum size of two hundred (200) square feet. One per dwelling unit.
  - b. Must have a cement slab as a foundation.
5. Minimum District Size
  - a. Minimum square footage of one-bedroom unit – seven hundred (700) square feet.
  - b. Minimum square footage of two-bedroom unit – eight hundred fifty (850) square feet.
  - c. Minimum square footage of three-bedroom unit – one thousand (1,000) square feet.
6. Setback Requirements
  - a. Front yard – minimum depth of twenty-five (25) feet from curb.
  - b. Rear yard – minimum depth of twenty (20) feet, exclusive of a ten foot ally easement.
  - c. Side yard – minimum width of ten (10) feet.

7. Maximum Height Requirements

- a. No building shall exceed forty (40) feet or three (3) stories on height.
- b. No garage shall exceed fourteen (14) foot side walls.

8. Fences

- a. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
- b. Fences in the front yard shall not exceed 36" (wood) or 48" (chain link) in height.
- c. Fences in the back and side yards shall be in the owner's right-of-way.
- d. No fence higher than 36" (wood) or 48" (chain link) shall be in the line of sight.
- e. Applicant must submit a drawing which includes what size fence. Material being used and location in relation to street, house and adjoining property.
- f. No fence shall exceed 72".

9. Garages Attached

- a. Detached garages shall not exceed one thousand five hundred (1,500) square feet or the 30/35 rule. (See 2a.)
- b. Garage side walls shall not exceed fourteen (14) feet in height.
- c. Garage must be on a floating slab with a minimum of one (1) foot footings along the perimeter of the slab.
- d. If using footings that are not part of floating slab, the area that is above the slab will be included in the height of the side wall.
- e. The garage shall be similar in design to the main house.
- f. Pole barn type garages will not be permitted.

10. Motor Vehicle Parking

- a. Adequate off-street motor vehicle parking shall be provided. Motor vehicle parking shall be allowed o yards and setbacks.
- b. No abandoned or unused vehicles or vehicles that do not run will be permitted in the residential yards.

11. Miscellaneous Storage

- a. Storage of used lumber, metal, concrete blocks, fence, etc. will not be allowed in residential Districts.

12. No steel buildings allowed in residential areas.

3.2.2 **(R-3) Residential District**

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

Permitted Uses:

- 1. All permitted used in R-1
- 2. All permitted used in R-2
- 3. All multi-family dwellings with three or more units.

4. Community garages
5. Parks
6. Schools
7. Churches

District Regulations

1. Minimum lot size
  - a. Minimum width – one hundred (100) feet.
  - b. Minimum area – ten thousand (10,000) square feet.
2. Maximum Intensity
  - a. The principle building and all accessories shall not cover more than fifty (50) percent of an inside lot, nor more than more than fifty (50) percent of a corner lot.
3. Sidewalks
  - a. All sidewalks to be a minimum of four (4) feet in width.
4. Storage Shed
  - a. Maximum size of two hundred (200) square feet. One per dwelling unit.
  - b. Must have a cement slab as a foundation.
5. Minimum District Size
  - a. Minimum square footage of one-bedroom unit – seven hundred (700) square feet.
  - b. Minimum square footage of two-bedroom unit – eight hundred fifty (850) square feet.
  - c. Minimum square footage of three-bedroom unit – one thousand (1,000) square feet.
6. Setback Requirements
  - a. Front yard – minimum depth of twenty-five (25) feet from curb.
  - b. Rear yard – minimum depth of twenty (20) feet, exclusive of a ten foot ally easement.
  - c. Side yard – minimum width of ten (10) feet.
7. Maximum Height Requirements
  - a. No building shall exceed forty (40) feet or three (3) stories on height.
  - b. No garage shall exceed fourteen (14) foot side walls.
8. Fences
  - a. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
  - b. Fences in the front yard shall not exceed 36" (wood) or 48" (chain link) in height.
  - c. Fences in the back and side yards shall be in the owner's right-of-way.
  - d. No fence higher than 36" (wood) or 48" (chain link) shall be in the line of sight.

- e. Applicant must submit a drawing which includes what size fence. Material being used and location in relation to street, house and adjoining property.
- f. No fence shall exceed 72”.

9. Garages Attached

- a. Detached garages shall not exceed one thousand five hundred (1,500) square feet or the 30/35 rule. (See 2a.)
- b. Garage side walls shall not exceed fourteen (14) feet in height.
- c. Garage must be on a floating slab with a minimum of one (1) foot footings along the perimeter of the slab.
- d. If using footings that are not part of floating slab, the area that is above the slab will be included in the height of the side wall.
- e. The garage shall be similar in design to the main house.
- f. Pole barn type garages will not be permitted.

10. Motor Vehicle Parking

- a. Adequate off-street motor vehicle parking shall be provided. Motor vehicle parking shall be allowed o yards and setbacks.
- b. No abandoned or unused vehicles or vehicles that do not run will be permitted in the residential yards.

11. Miscellaneous Storage

- a. Storage of used lumber, metal, concrete blocks, fence, etc. will not be allowed in residential Districts.

12. No steel buildings allowed in residential areas.

3.2.4 **(MH-1) Mobile Home District**

It is the intent of these district regulations to provide for an area of mobile home and industrialized housing development.

Permitted Uses

- 1. Mobile Homes
- 2. Industrialized Housing
- 3. Accessory Use

District Regulations

- 1. Minimum lot size
  - a. Minimum width – seventy five (75) feet.
  - b. Minimum area – seven thousand (7,000) square feet.
- 2. Setback Requirements
  - a. Front yards – minimum depth twenty-five (25) feet.

- b. Side yards – minimum width of fifteen (15) feet.
3. Fences
- a. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
  - b. Fences in the front yard shall not exceed 36” (wood) or 48” (chain link) in height.
  - c. Fences in the back and side yards shall be in the owner’s right-of-way.
  - d. No fence higher than 36” (wood) or 48” (chain link) shall be in the line of sight.
  - e. Applicant must submit a drawing which includes what size fence. Material being used and location in relation to street, house and adjoining property.
  - f. No fence shall exceed 72”.
4. Motor Vehicle Parking
- a. Adequate off-street motor vehicle parking shall be provided. Motor vehicle parking shall be allowed o yards and setbacks.
  - b. No abandoned or unused vehicles or vehicles that do not run will be permitted.
5. Miscellaneous Storage
- a. Storage of used lumber, metal, concrete blocks, fence, etc. will not be permitted.

**(MH-2) Mobile Home Park**

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

Permitted Uses

- 1. Mobile homes
- 2. Industrialized housing
- 3. Accessory use

District Regulations

- 1. Mobile home parks shall be a minimum of five (5) continuous acres and a maximum of six (6) homes per gross acres.
- 2. A minimum of twelve (12) percent of the gross site area shall be devoted to open space or recreational facilities.
- 3. Underground utilities hookups shall be provided for each lot. These utilities shall include water, sewer, gas, electricity and telephone.
- 4. Minimum lot size
  - a. Minimum width – sixty (60) feet.
  - b. Minimum area – six thousand (6,000) square feet.

5. Setback Requirements
  - a. Front yards – minimum depth twenty-five (25) feet.
  - b. Side yards – minimum width of fifteen (15) feet.
  
6. Fences
  - a. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
  - b. Fences in the front yard shall not exceed 36” (wood) or 48” (chain link) in height.
  - c. Fences in the back and side yards shall be in the owner’s right-of-way.
  - d. No fence higher than 36” (wood) or 48” (chain link) shall be in the line of sight.
  - e. Applicant must submit a drawing which includes what size fence. Material being used and location in relation to street, house and adjoining property.
  - f. No fence shall exceed 72”.
  
7. Motor Vehicle Parking
  - a. Adequate off-street motor vehicle parking shall be provided. Motor vehicle parking shall be allowed o yards and setbacks.
  - b. No abandoned or unused vehicles or vehicles that do not run will be permitted.
  
8. Miscellaneous Storage
  - a. Storage of used lumber, metal, concrete blocks, fence, etc. will not be permitted.

3.3 **(C-1) Commercial District**

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

District Regulations

1. Maximum Height Requirement
  - a. No building shall exceed seventy (70) or four (4) stories in height.
2. All buildings located within the fire limits of the City, so defined by ordinance, shall conform to the construction as prescribed in said ordinance.
3. Garages and buildings must be on a floating slab with a minimum of one (1) foot footings along the perimeter of the slab or foundation and cement floor.
4. Fences shall not exceed 96”.

3.4 **(I) Industrial District**

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

Permitted Uses – such as

1. Bottling plant
2. Farm equipment sales
3. Gasoline station

4. Grain and feed elevator or mill
5. Heavy equipment sales, service, or repair
6. Lumber yard
7. Sewage disposal plant
8. Solid waste landfill and transfer stations
9. Trucking or freight terminal
10. Vocational training schools
11. Warehouses
12. Welding shops

#### District Regulations

1. Maximum Height Requirement
  - a. No building shall exceed seventy (70) or four (4) stories in height.
2. All buildings located within the fire limits of the City, so defined by ordinance, shall conform to the construction as prescribed in said ordinance.
3. Motor Vehicle Parking

Adequate motor vehicle parking shall be provided off street for all rolling equipment at a ratio of one-to-one employee; for visitors and customers at a ratio of one-per-management employee. Motor vehicle parking shall be allowed on yards and setbacks. Fences shall not exceed 96”.
4. Outdoor Storage of Material

Outdoor storage of material for process or sale shall not be permitted on any front yard or in any sight line.
5. Garages and buildings must be on a floating slab with a minimum of one (1) foot footings along the perimeter of the slab or foundation and cement floor.
6. Fences shall not exceed 96”.

#### 3.5 **(Rec 1) Parking and Recreation District**

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

#### Permitted Uses

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

### 3.6 **Agriculture**

It is the intent of this regulation to provide orderly annexation of areas surrounding Wilton into the city proper.

The following sections excluding part already in the city are zoned agricultural:

1. Section 34 – Township 143 – Range 80
2. Section 35 – Township 143 – Range 80
3. Section 2 – Township 142 – Range 80
4. Section 3 – Township 142 – Range 80

#### Permitted Uses

1. Farming – ranching

### 3.7 **Residential District RR**

The Residential District RR is established as a district in which the principal use of the land shall be for low density, large lot, single dwelling, limited agriculture and limited equine husbandry. For Residential District RR and promoting the general purpose of this title, the specific intent of this section is:

- a. To encourage the construction or placement of and use of land for single-family dwellings on large rural lots and for limited agricultural uses.
- b. To prohibit general commercial and industrial uses of the land and to prohibit any use which would substantially interfere with the development or the continuation of single-family dwellings and limited agricultural uses.
- c. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this title.
- d. To discourage any use which would generate traffic on the streets of the district other than normal traffic to serve the single-family residence of the area.

#### Permitted Uses

1. Single- family dwellings
2. Education group
3. Public recreational group
4. Private riding stable provided that animals shall be used for private use only; that no animal, animal stable, barn, or shelter shall be located within one hundred (100) feet of any neighboring residence or structure; that two (2) horses shall be permitted any premises which contains at least ten (10) acres. For the purposes of this ordinance the definition of a horse will only be those horses that are one calendar year of age or older.
5. Family foster home for adults

The following special uses are permitted as per approval by the Wilton City Commission:

- a. Day care center

- b. Church
- c. Group day care

Restricted Uses

The following uses are restricted and not allowed:

- a. Beekeeping and hive storage
- b. Honey manufacturing of any type

District Regulations

1. Lot area  
Each principle building erected, together with its accessory buildings, shall be located on a lot containing a minimum area of 106,450 square feet with a minimum lot width of 150 feet and a minimum lot depth of 200 feet.
2. Front Yard  
Each platted lot shall have a front yards of not less than forty (40) feet in depth a measured from the front property line
3. Side Yard  
Each lot shall have two (2) side yards, one on each side of the principle building and accessory buildings. The sum of the width of the two (2) side yards shall not be less than twenty (20) percent of the average width of the lot, and in no case less than fifteen (15) feet per yard.
4. Rear Yard  
Each lot or premises shall have a rear yard depth of not less than fifty (50) feet or twenty (20) percent of the depth of the lot or remises whichever is the larger, but need not exceed seventy-five (75) feet.
5. Height Limits  
No single-family dwelling shall exceed thirty-five (35) feet in height nor shall any other principle structure exceed fifty (50) feet in height not shall any accessory structure exceed twenty-five (25) feet in height. For each foot or faction thereof, that a building exceeds thirty-five (35) feet in height there shall be added four (4) to the minimum depth of each rear yard required by this section.
6. Automobile Parking  
Adequate automobile parking shall be provided for each dwelling.
7. Minimum road standards.  
Sufficient temporary construction easement shall be given to allow for proper road construction. All streets to be used for on-street parking shall be forty (40) feet in roadway width of constructed without curb and gutter section.

8. Accessory Buildings

All allowable accessory building to a residence shall be limited to a maximum of fifteen hundred (1,500) square feet for each lot of three acres or less. For lots larger than three (3) acres, the ground area occupied by the accessory buildings combined shall not exceed one (1) percent of the total area of the lot up to a maximum of five thousand (5,000) square feet. Accessory building for the above computations shall include the following buildings: barns, stables and storage buildings, attached and detached garages provided that one thousand (1,000) square feet of attached garages may be exempted from the maximum allowable accessory building coverage computations delineated above.

9. Building and moving permit required

A building permit from the City is required before any construction may take place upon any property with in a Residential District RR zone. A moving permit is required from the City before any building may be moved into or removed from property within a Residential District RR zone.

10. Subject to City Ordinances

The ordinances of the City of Wilton shall apply to all Residential District RR property. This zoning ordinance shall take precedence over any ordinance that conflicts with this ordinance.

## IV. Special Provisions

### **Purpose**

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

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

### 4.1 **Exceptions to Maximum Height Requirements**

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

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

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

Towers exceeding 50 ft. in height shall be erected in an Industrial Zoned District.

### 4.2 **Gasoline filling stations an bulk stations; where prohibited**

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

4.2.2 No bulk oil or bulk gasoline shall be located within the city limits of Wilton

### 4.3 **Churches and Schools – Exceptions to maximum intensity and setback requirements**

Churches and schools shall be permitted to occupy seventy-five (75) percent of corner lots and sixty-five (65) percent of inside lots.

Rear yards shall be a minimum depth of six (6) feet

Side yards shall be a minimum width of eight (8) feet.

#### 4.4 Conditional Use Permit

A Conditional Use Permit shall be granted following compliance with both conditions set forth in the district regulations and the following procedure.

##### Procedure:

1. Application for Conditional Use Permits shall be submitted to the City Auditor. The application shall include:
  - a. Name and address of the applicant
  - b. Date of application
  - c. Description of the site and its relationship to the surrounding area.
  - d. Preliminary map showing boundary lines and location of structures to be developed on the site.
  - e. Topographic map in five (5) foot contours of the site
  - f. General soils of the site.
  - g. Location of existing utilities and/or proposed utility extension.
  - h. Parking plan showing off-street parking areas and/or loading areas.
  - i. A timing schedule indicating the anticipated starting and completion dates of the development.
  - j. Names and addresses of adjacent property owners.
  - k. Any reasonable information the Planning Commission deems necessary.
2. The Planning Commission shall hold a public hearing before any action is taken on the application. Notice of said hearing shall be published on the official newspaper of the city at least one (1) week prior to said hearing and is to be the responsibility of the applicant.
3. Following the public hearing, the Planning Commission shall submit its recommendations concerning the permit request to the City Commission for their decision.

## V. Administration and Enforcement

### 5.1 City of Wilton Planning and Zoning Commission

#### 5.1.1 Authority

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

#### 5.1.2 Duties

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

#### 5.1.3 Certificates of Zoning Compliance

1. A Certificate of Zoning Compliance shall be required of all new or altered permitted uses.
2. No non-conforming use shall be maintained, renewed, changed or extended until a Certificate of Zoning Compliance is issued.
  - a. Said Certificates shall state specifically wherein the non-conforming use differs from the provisions of this ordinance
  - b. Upon adoption of this Ordinance, or any amendment thereto, owners or occupants of non-conforming uses shall have three (3) months to apply for said Certificate.
3. Failure to obtain a Certificate of Zoning Compliance shall constitute a violation of this Ordinance.
4. Fees
  - a. Building & Fence permits – for all building & fence permits a fee of thirty dollars (\$30.00) minimum. A maximum fee will be calculated at the rate of (\$10.00/\$10,000 of estimated construction costs) with a maximum fee of two hundred dollars (\$200.00), whichever is greater shall be paid to the City Auditor.
  - b. Moving Permit – the movement of any building or structure requires a fee of twenty-five dollars (\$25.00) to be paid to the City Auditor.
  - c. Cleanup bond – for the removal of any building or structure a cleanup bond of five hundred dollars (\$500.00) shall be posted with the City Auditor.
  - d. Variance & Conditional Use request – for all variance and conditional use requests a fee of twenty five dollars (\$25.00) will be paid to the City Auditor regardless of decision.

5.2 **Board of Adjustment**

5.2.1 **Authority**

The City Commission shall act as a Board of Adjustment in accordance with the North Dakota Century Code, Chapter 40-47-07

5.2.2 **Duties**

1. The Board shall hear and decide appeals from and shall review any order, requirements, decision or determination made by the administrative official charged with enforcement of the provisions of this Ordinance.
2. The Board shall grant variance from terms of this Ordinance when the literal enforcement of this provisions of this Ordinance would result in unnecessary hardship and said variance would not be contrary to the public interest. Application for a variance shall show:
  - a. The special conditions and circumstance which are peculiar to the land or structure and applicable to other land or structures in the same district.
  - b. The special conditions and circumstances do not result from the actions same applicant.
  - c. The literal interpretation of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the district.
  - d. The granting of the variance shall not confer any special privilege in the applicant that s denied by the Ordinance to others in the same district.

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

5.3 **Zoning Administrator**

5.3.1 **Authority**

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

5.3.2 **Duties**

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

5.4 **Violations and Penalties**

5.4.1 **Actions to correct Violations**

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure or land is used in violation of this chapter, the proper county authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceedings:

1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or, use;
2. To restrain, correct, or abate such violations;
3. To prevent the occupancy of the building, structure, or land, or
4. To prevent any illegal act, conduct, business, or use in or about such premises  
(North Dakota Century Code, Section 40-47-12)

5.4.2 **Penalty**

Any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the County Jail for not more than ninety (90) days, or both fine and imprisonment. Each and every day that a violation of this Ordinance shall be continued shall constitute and be considered a spate offense.