

ORDINANCE NO. 985-B

AN AMENDMENT OF ORDINANCE NO. 613, ALSO REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF WILLISTON, AMENDING SECTION 31 "DEFINITIONS" TO ESTABLISH FURTHER RESTRICTIONS ON HOME OCCUPATIONS WITHIN THE CITY LIMITS AND THE EXTRA-TERRITORIAL JURISIDICITION

BE IT ORDAINED, by the Board of Commissioners of the City of Williston, North Dakota, as follows:

SECTION 31: DEFINITIONS

1. **Vehicle, Fleet-** More than two vehicles owned, leased, or operated by a business or government entity.
2. **Vehicle, Heavy Commercial-** A vehicle with a gross vehicle weight greater than 10,000 lbs. Personal vehicles such as boats, RV's, and campers are exempt from this weight requirement.
3. **Vehicle, Occupation or Trade-** A vehicle that is designed specifically to perform a type of function or service associated with an occupation or trade.
4. **Vehicle, Personal-** A vehicle that is owned by an individual and used for commuting or recreational purposes not associated with an occupation or trade.
5. **Vehicle, Work-** A vehicle that is owned by a business entity, which is used by an affiliated employee for commuting purposes.

SECTION 31: DEFINITIONS- "HOME OCCUPATIONS"

Home Occupations: An occupation or activity carried on in the principal building or accessory building of a residential zoned property, which meets all the following conditions:

1. The occupation is carried on by a member or members of the immediate family residing on the premises, and up to one additional person who is not a member of the immediate family.
2. The occupation is incidental to the use of the premises. The main activity of the dwelling place remains a dwelling and such home occupation does not alter the character or appearance of the existing residence.
3. Not more than one non-illuminated nameplate is used. The nameplate shall be attached flush against the building and shall not exceed four square feet in area.

4. The occupation does not occupy more than 25 percent of the floor area of the principal or accessory building. The occupation may be conducted within the garage provided the operation does not interfere with the minimum off-street parking requirements.
5. No outdoor storage or display of products is allowed to be located from the exterior of the building indicating that the premises are being used in part for any purpose other than a dwelling.
6. Occupation or trade vehicles used in conjunction with a home occupation shall be restricted to 2 vehicles per residence. The parking of such vehicle shall not interfere with the minimum off-street parking requirements for the property. Heavy commercial vehicles are prohibited.
7. No mechanical equipment is used except of a type that is normally used for purely domestic or household purposes.
8. The operation of the occupation does not emit loud noise, foul odors, or bright lights in a manner which disturbs or interferes with the peace and comfort of a nearby residence.
9. No alteration of the principal building changes the character thereof as a dwelling.
10. The following are hereby declared to be customary home occupations as intended by this section:
 - a. Office for the emergency consultation and treatment including the general practice of a doctor, chiropractor, dentist, lawyer, clergyman, and other recognized professions.
 - b. Other state licensed personal services such as, but not limited to masseuses, beauticians, estheticians, etc.
 - c. Dressmaking, sewing, millinery, and similar occupations; artist, sculptor, and similar occupations.
 - d. The giving of voice, piano, or other musical instrument lessons.
 - e. Hobbies such as growing of tropical fishes, collection of articles, and loading of shot shells, provided that all safety requirements have been met.
11. Mobile commercial businesses/mobile businesses are not a permitted home occupation unless conducting private service only.
12. The determination as to whether or not a particular profession or occupation is similar to those enumerated herein and is permissible as a home occupation shall be made by the Planning and Zoning Commission, after notification by the individual requesting such determination to all property owners located within 300 feet of the property where the home occupation will be conducted. Evidence of such notification shall be presented to the Planning and Zoning Commission prior to consideration of the request for determination of home occupation.

13. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

EFFECTIVE DATE:

The proposed effective date of this ordinance is September 24, 2014.

Commissioner Cymbaluk moved the adoption of the foregoing Ordinance. The motion was seconded by Commissioner Brostuen. On roll call vote of the Commissioners, the following Commissioners voted "AYE": Bekkedahl, Piesik, Cymbaluk, Brostuen and Klug. The following Commissioners voted "NAY": none. Absent and not voting: none.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this 9th day of September, 2014.

ATTEST:

APPROVED:

John Kautzman, City Auditor

Howard Klug, President
Board of City Commissioners

PASSED FIRST READING: August 26, 2014

PASSED SECOND READING: September 9, 2014

PUBLISHED: September 22, 2014

ADOPTED THIS 9th Day of September, 2014