

ORDINANCE NO. 1337

An Ordinance to Amend and Re-enact Section 101-1-3 and Add Section 105-1-5 (k) of the Mandan Municipal Code related to multi-use shops.

WHEREAS, Multiple complaints have been received from occupants of multi-use shops regarding commercial rates being charged for utilities and insurance when the occupant is utilizing their respective unit for residential storage purposes, requesting the City provide a solution to this issue; and

WHEREAS, Multi-use shops are being divided and used for purposes that they were not constructed to accommodate, creating health and safety hazards for all occupants within the structure.

WHEREAS, When the number of units and corresponding square footage of each unit is amended the administration of special assessments for each resulting unit is unnecessarily burdensome; and

WHEREAS, Public Works Department has indicated multiple times that shut-offs for individual units are inaccessible, leading the City to continue providing services without receiving payment for such services.

NOW, THEREFORE, BE IT ORDAINED by the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, as follows:

Section 1. Amended. Section 101-1-3 is hereby amended, adding a definition for multi-use shop immediately after the definition for Mortuary as follows:

Multi-use shop means two or more attached units that are designed and constructed as a single structurally dependent building or designed and constructed to allow individual units to be structurally independent from each other sharing a common wall on one or more sides. These are sometimes referred to as "shop-condos". These structures are unique from a twin/row home in that the residential use is accessory in nature. They are unique from a commercial strip mall in that they often include a large garage or RV bay and rarely include the retail of products and visitation by the general public.

Section 2. Added. Section 105-1-5 (k) related to multi-use shops requiring a special use permit and outlining minimum standards:

Multi-use shops. Each multi-use shop development may be permitted as a special use subject to the following minimum standards:

- (1) Each individual unit within the structure shall have an open space/yard or public way on no more than three sides.
- (2) Each individual unit within the structure shall have its own separate means of egress.
- (3) Such units shall only contain group Business, Factory, Mercantile, or Storage occupancy classifications as set forth by Section 3 of the North Dakota State Building Code.
- (4) Uses, whether commercial or accessory to residential, shall be declared at the time of the conditional use permit issuance. No change in use may be conducted unless reevaluated through the special use permitting process and the structure meets all building code requirements for the desired change of use.
- (5) Traditional mixed-use (residential and commercial combined) multi-use shops shall not be permitted. The declaration of either commercial or accessory to residential shall apply to all units within the structure and the structure will be constructed according to the minimum standards of the building code for the declared use.
- (6) Minimum off-street parking requirements shall be planned and provided for based on the declared uses. Any inadequate provision of parking within the development for a combination of uses may result in the revocation of the special use permit.
- (7) Each structure shall be limited to one (1) curb stop accessible by City staff.
- (8) The declaration of commercial or accessory to residential shall in no way affect the way valuation, special assessments, utility rates, and other city fees are determined. These shall remain determined by separate city policy.
- (9) Covenants, Conditions, and Restrictions (CC&Rs) or another form of recorded agreement approved by the City attorney shall set out, at a minimum, provisions for access and responsibility for costs of inspections related to the fire suppression system, if any.
- (10) For the City's utility billing purposes, a recorded development association or another form of recorded agreement approved by the City Attorney is required if any of the individual units within the development are not owned by the same owner of the development. The recorded development association or recorded agreement shall set out, at a minimum, the allocation of costs and statement of understanding of the collective responsibility of owners for payment of City utilities. If a recorded development association or another form of recorded agreement approved by the City Attorney is in place, the City will issue one utility bill per month to one owner or representative of the structure for the entire structure's base charges and consumption or usage. The monthly utility bill will not be sent to each individual owner within the structure. If ownership is divided after a special use permit has been obtained, the property owner shall furnish a copy of said recorded agreement to the City showing it meets this provision.

Section 3. Sec 101-1-3 is amended and re-enacted.

Section 4. Sec. 105-1-5 (k) is enacted.



Timothy A. Helbling, President
Board of City Commissioners

Attest:



James Neubauer,
City Administrator

Planning and Zoning:

First Consideration:

Second Consideration and Final Passage:

March 23, 2020

April 7, 2020

April 21, 2020