

ORDINANCE NO. 1485

AN ORDINANCE TO AMEND AND RE-ENACT  
SECTION 3, SECTIONS 5.2 TO 5.6, AND SECTION 7, APPENDIX C,  
OF THE CODE OF THE CITY OF JAMESTOWN, NORTH DAKOTA,  
PERTAINING TO DEFINITIONS, ALLOWED USES AND PARKING REQUIREMENTS  
FOR SENIOR AND ASSISTED LIVING USES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JAMESTOWN, NORTH DAKOTA, that Section 3, Sections 5.2 to 5.6, and Section 7, Appendix C of the Code of the City of Jamestown, North Dakota, are hereby amended and re-enacted to read as follows:

**SECTION 3. Definitions.**

For the purpose of this ordinance certain terms and words are hereby defined and shall have the following meanings unless it shall be apparent from the context that a different meaning is intended.

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure," except as may otherwise be specified. The term "used" shall mean "used or intended to be used, or arranged or designed for use." The term "occupied" shall mean "occupied or intended to be occupied, or arranged or designed for occupancy." The word "including" shall mean "including but not limited to."

Additional terms and words are hereby defined as follows:

1. *Assisted Living.* Multi-family housing with 24-hour custodial care.

*Renumber items 1 through 7 to 2 through 8*

9. *Continuing Care Communities.* Campus-like communities providing care or services to residents, which comprise a variety of housing including senior independent living, assisted living and nursing homes.

*Renumber items 8 through 24 to 10 through 26*

27. *Nursing Homes.* Multi-family housing with 24-hour custodial and skilled care.

*Renumber items 25 through 25.1 to 28 through 28.1*

29. *Senior Independent Living.* Single and multi-family housing developments inhabited by populations over 55 years of age.

*Renumber items 26 through 37 to 30 through 41*

## **SECTION 5.2. Uses permitted, R-1 Districts.**

### *A. Uses Permitted.*

1. Uses provided without use permits in P-O-C District except that no commercial gardening, commercial truck gardening, commercial greenhouses or nursing homes are permitted.
2. through 3. (Same as parent volume)
4. Senior Independent Living, comprised of only one-family dwellings.

### *B. through C. (Same as parent volume)*

## **SECTION 5.2.1. Uses permitted, R-1-A Districts.**

### *A. Uses Permitted.*

1. through 3. (Same as parent volume)
4. Senior Independent Living, comprised of only one-family and two-family dwellings.

### *B. (Same as parent volume)*

## **SECTION 5.3. Uses permitted, R-2 Districts.**

### *A. Uses Permitted.*

1. through 5. (Same as parent volume)
6. Senior Independent Living, including only one-family, two-family, and multiple dwellings, not to exceed a six-plex.

### *B. through C. (Same as parent volume)*

## **SECTION 5.3.1. Uses permitted, R-2-A Districts.**

### *A. Uses Permitted.*

1. through 2. (Same as parent volume)
3. Senior Independent Living, including only one-family, two-family, and multiple dwellings, not to exceed a twelve-plex.

### *B. (Same as parent volume)*

**SECTION 5.4. Uses permitted, R-3 Districts.**

*A. Uses Permitted.*

1. through 5. (Same as parent volume)
  6. Senior Independent Living, including only one-family, two-family, and multiple dwellings.
- B. through C. (Same as parent volume)

**SECTION 5.4.1. Uses permitted and excluded, R-M District.**

- A. through B. (Same as parent volume)

**SECTION 5.4.2. Uses permitted and excluded, R-M-I District.**

- A. through B. (Same as parent volume)

**SECTION 5.4.2.1. Uses permitted and excluded, R-M-I-A District.**

- A. through B. (Same as parent volume)

**SECTION 5.4.3. Uses permitted, R-4 Planned Residence District.**

*A. Uses Permitted.*

1. A building or premises shall be used only for the following purposes, when the development and use of property is undertaken in accordance with the procedures of Section 5.4.3.B:
  - a. Planned Residential District (R-4), including but not limited to luxury apartments, town houses, condominiums, and senior independent living, provided such uses shall be laid out and developed as a unit according to an approved plan for the purpose of providing modern residential facilities of integrated design in appropriate locations.
  - b. Assisted Living
  - c. Nursing Homes
  - d. Continuing Care Communities

- B. through D. (Same as parent volume)

## **SECTION 5.5. Uses permitted and excluded, C-1 and C-1-S Districts.**

### *A. Uses Permitted.*

1. through 10. (Same as parent volume)

11. Senior Independent Living, including only one-family, two-family, and multiple dwellings.

12. Assisted Living, Nursing Homes, and Continuing Care Communities, provided the development and use of the property is undertaken in accordance with the procedure established in section 5.4.3, uses permitted, planned residence district.

B. through C. (Same as parent volume)

## **SECTION 5.6. Uses permitted and excluded, C-2 and C-2-S Districts.**

A. through B. (Same as parent volume)

### *C. Uses excluded.*

1. through 6. (Same as parent volume)

7. Senior Independent Living, Assisted Living, Nursing Homes and Continuing Care Communities.

## **SECTION 7. Automobile parking and loading spaces required.**

Whenever any plan or requirement for providing off-street automobile parking spaces in one (1) or more sections of the city shall be adopted by the city council, then such plan or requirement shall govern within such sections. Otherwise, off-street automobile parking spaces shall be provided in various districts, for buildings hereafter erected, constructed, or moved, uses hereafter established, and for extensions and enlargements of buildings and uses, as follows:

(a) Off-street parking spaces shall be provided on the basis of the following minimum requirements:

### *(1) Dwellings*

a. Single-family and two-family dwellings: Two (2) spaces for each dwelling unit.

b. Multiple-family dwellings: One (1) space for each efficiency unit, one and one-half (1.5) spaces for each two (2) bedroom unit, and two and one-half (2.5) spaces for each three (3) bedroom unit or larger.

c. Senior Independent Living: Two (2) spaces for each single-family dwelling unit, one (1) space for each one (1) bedroom multi-family unit, one and one-half (1.5) spaces for each 2 bedroom multi-family unit, and two and one-half (2.5) spaces for each three (3) bedroom or larger multi-family unit.

(2) through (19) (Same as parent volume)

(20) *Assisted Living.*

- a. Assisted living facilities with no shared kitchen facilities or community space: One (1) space for each one (1) bedroom unit, one and one-half (1.5) spaces for each two (2) bedroom unit, two and one-half spaces for each three (3) bedroom or larger unit, and one (1) space for each peak hour employee.
- b. Assisted living facilities with a communal kitchen or community space: One (1) space for every three (3) beds, and one (1) space for each peak hour employee.

(21) *Nursing Home.* One (1) space for every four (4) beds, and one (1) space for each peak hour employee.

(22) *Continuing Care Communities.*

- a. Senior Independent Living: Two (2) spaces for each single-family dwelling unit, one (1) space for each one (1) bedroom multi-family unit, one and one-half (1.5) spaces for each 2 bedroom multi-family unit, and two and one-half (2.5) spaces for each three (3) bedroom or larger multi-family unit.
- b. Assisted living facilities with no shared kitchen facilities or community space: One (1) space for each one (1) bedroom unit, one and one-half (1.5) spaces for each two (2) bedroom unit, two and one-half spaces for each three (3) bedroom or larger unit, and one (1) space for each peak hour employee.
- c. Assisted living facilities with a communal kitchen or community space: One (1) space for every three (3) beds, and one (1) space for each peak hour employee.
- d. Nursing Home: One (1) space for every four (4) beds, and one (1) space for each peak hour employee.

(23) *Filling stations.* Adequate off-street parking must be provided for all operator equipment and at least one (1) space for each two (2) employees, and at least five (5) spaces for each service stall or bay on the premises.

(b) through (c) (Same as parent volume)

ATTEST:

APPROVED:

Jeff Fuchs  
City Administrator

Katie Andersen  
Mayor

Introduced by Council Member Brubakken  
Seconded by Council Member Gumke  
First Reading: October 3, 2016  
Second Reading: November 7, 2016  
Final Passage: November 7, 2016

Roll Call No. 4 showed: 5 Ayes, 0 Nays, 0 Absent