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ORDINANCE 1176

AN ORDINANCE AMENDING THE MIXED-USE ZONING DISTRICT FOR THE WILLISTON SQUARE PLANNED UNIT DEVELOPMENT SECTION F. CORE AREA SUBDISTRICT WHICH CLARIFIES THE PERMITTED USES AND STRUCTURES AND PROHIBITED USES

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA, TO-WIT:

MIXED-USE DISTRICT for the WILLISTON SQUARE PUD

A. Intent.

This district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public services, including sewer, water, fire protection, and arterial streets, or are intended to be provided with such services in the near future. This district is intended to encourage those types of development which are in core areas of the planned community where a mix of differing uses are desired and compliment the local arrangement of land uses and neighborhoods and are different in scale and tradition from the downtown business area. Mixed-use areas under this district may include both vertically and horizontally mixed uses and building types. The character of this district encourages shared access, shared parking, direct pedestrian connections and thematic building design and character.

The allowable uses in this district shall not be limited to those enumerated as permitted uses and structures or special permitted uses; however, all uses shall be similar in character. Also, uses similar to those specified in the district shall not be dangerous or detrimental to persons living or working in the vicinity, or to the public welfare, nor shall they impair the use, enjoyment or value of any property in the district.

B. Components of the Mixed-Use District.

The Mixed-Use (MU) (Williston Square (WS)) District shall be composed of the following sub-districts:

1. Mixed-Use (Williston Square) Core Area Sub-District (MU (WS) - CA): This is intended to to mixed-use neighborhoods adjacent to or connected to civic centers or nodes of activity.

2. Mixed-Use (Williston Square) Transition Sub-District (MU (WS) - T): This is intended to apply to areas in transition from civic or regional centers of activity and adjacent to areas of urban employment types of uses and neighbors.

C. Application of This District.

The M-U (WS) District is intended for areas contained within the Planned Unit Development Overlay (P-2) District for the Williston Square PUD.

D. Approvals Required.

As stated above, the intent of this district is to provide opportunities to allow both residential and certain non-residential uses within the context of a master plan concept, with residential uses being the dominant component per the approved PUD plan. To verify this, any application for the purchase and/or development of a property within this district shall be required to submit a conceptual plan and description of the proposed development that identifies the land use components that are intended to occupy the property. Within the PUD, the maximum number of residential units and non-residential square footage approved for the mixed-use area shall not be exceeded.

E. Minimum Dimensional Requirements.

The minimum area for this district shall be as approved in the Williston Square PUD.

F. Core Area Subdistrict.

1. Applicability.

This district is intended to be applied to Lots 2,5, 16, part of Lot 20 (Beginning at a point which is North 02°24'17" East 1351.51 feet along the East section line and North 90°00'00" West 1486.69 feet from the East 1/4 corner of Section 11, Township 154 North, Range 101 West of the 5th Principle Meridian said point also being a point on the Easterly boundary line of Lot 20 of the Williston Square Subdivision and running thence along said boundary through the following four (5) courses: South 02°36'16" West 280.50 feet to the point of curvature of a curve to the left having a radius of 266.00 feet; thence Southwesterly 19.52 feet along the arc of said curve through a central angle of 04°12'13" to a point of non-tangency; thence North 87°25'59" West 160.74 feet; thence South 02°36'16" West 112.90 feet; thence North 87°38'27" West 392.56 feet; thence leaving said boundary of Lot 20 North 02°24'13" East 445.13 feet; thence South 87°38'27" East 393.51 feet to a point on said Easterly boundary line of said Lot 20; thence along said boundary line through the following two (2) courses: South 01°33'13" West 33.01 feet; thence South 87°42'32" East 160.02 feet to

the point of beginning. Contains 5.12 acres.), Lot 23 of the Williston Square Subdivision; Lot IR, a Rearrangement of Lot 19, Williston Square Subdivision; PSAP Subdivision; Lots 1-6, Block 8 Sloulin Field Second Addition, and any future replats, sub-plats or other reconfigurations of these parcels as originally identified for the Williston Square PUD. It is not intended for any other properties.

2. Permitted Uses and Structures.

The following uses shall be permitted:

- a. Small business machine sales, bicycle shops, and auto supply.
- b. Amusement places, theaters, bowling alleys, commercial recreation uses, sports training facilities, public and quasi-public event centers.
- c. Art and art supply stores.
- d. Department stores, apparel and accessory stores, clothing and costume rental shops, custom dressmaking shops, tailor shops, jewelry and metal and handicraft stores, leather goods and luggage stores, shoe and shoe repair stores, sporting and athletic goods stores, toy stores, and variety stores, and other specialty shops.
- e. Governmental services, auditorium and similar places of public assembly, libraries and museums, arenas and conference centers.
- f. Banks and other savings and lending institutions, office and office buildings, office supply and office equipment stores, newspaper offices, printing offices, and publishing offices.
- g. Barber and beauty shops, laundry establishments, book and stationary stores, drug stores, florist, and gift shops.
- h. Business and technical schools; schools for photography, music, and dance; music stores; photographic studios; and picture frame shops.
- i. Churches and places of worship.
- j. Delicatessen and catering establishments, grocery stores, and restaurants.
- k. Furniture and home furnishing stores, hardware stores, interior decorating shops.
- l. Hotels, motels.
- m. Medical, dental, and health clinics; medical and orthopedic appliance stores; optician and optometrist shops.
- n. Pet stores.
- o. Nursing homes and medical clinics.
- p. Townhouse and multi-family dwellings.
- q. Child-care centers.
- r. Internalized storage facilities.
- s. Convenience stores- no fuel.

3. Permitted Accessory Uses and Structures.

Uses and structures that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including solar energy systems.

4. Special Permitted Uses.

The following shall be considered for special permitted uses:

- a. Parking lots and parking ramps.
- b. Bed and breakfast Inns.
- c. Schools.

5. Special Permit Temporary Uses.

None, other than those allowed under Section 25.0.

6. Prohibited Uses.

The following uses shall be considered prohibited uses:

- a. Payday/advance loans.
- b. Tattoo parlors.
- c. Auto repair and service stations
- d. Dollar/discount stores, pawn shops, thrift stores, antique stores.
- e. Liquor stores, taverns, cigar, tobacco, vape, hemp shops and marijuana dispensaries.
- f. Outdoor storage.
- g. Fuel stations

7. Minimum Lot Requirements.

None.

8. Minimum Yard Requirements.

a. For property frontage on 33rd Street, 36th Street, the Civic Center Loop Road, 34th Street and 2nd Avenue (extended), the following shall apply:

- i. All residential, retail, office and similar buildings shall be placed a minimum of 10 feet from a street right-of-way.
- ii. All residential, retail, office and similar buildings shall not be placed further than 18 feet from a street right-of-way unless approved within a master site plan.
- iii. All parking and accessory buildings, walls and other vertical structures shall be placed a minimum of 20 feet from a street right-of-way.
- iv. Parking areas shall not be placed between a building and the street the building fronts onto.

- b. For all other property frontages, the following shall apply:
 - i. The minimum setback from a street right-of-way for all buildings and parking areas shall be 20 feet.

9. Maximum Lot Coverage by Buildings and Parking Areas.

The maximum surface coverage by buildings and parking areas shall be 85%.

10. Minimum Floor Area.

The minimum floor area for individual dwelling units which are located with permitted principal uses, shall be 450 square feet.

11. Maximum Height of Buildings.

Except as provided in section 25.D., no structure shall exceed 5 stories, or 56 feet in height, provided that no structure or portion of a structure shall be erected to a height exceeding 35 feet on any portion of a lot less than 20 feet in distance from any portion of a lot in any Single-Family or Two-Family Residential District.

12. Minimum Lot Requirements.

		Minimum Lot Area	Minimum Lot Width
a.	Townhouse	2,300 sq.ft.	24 ft.
b.	Multi-Family		
	i. Per structure	10,000 sq.ft.	60 ft.
	ii. Per dwelling unit	2,210 sq.ft.	N/A

13. Off-Street Parking and Other Requirements.

a. See Section 25.H. for parking requirements and standards. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

b. See Section 25 of the Williston Zoning Ordinance for additional standards and requirements except those included in Section 13.a. below.

14. Other Williston Square PUD Requirements.

a. See the approved Williston Square Design Guidelines for standards and requirements applicable to the property. If there is a conflict between the standards and requirements contained in this document and Section 25 of the

City of Williston Zoning Ordinance, these shall prevail. This document is on file and accessible at the City of Williston.

G. Transition Sub-District.

1. Applicability.

This district is intended to be applied to Lot 21 of the Williston Square Subdivision, and any future replats, sub-plats or other reconfigurations of these parcels as originally identified for the Williston Square PUD. It is not intended for any other properties.

2. Permitted Uses and Structures.

The following uses shall be permitted:

- a. Small business machine sales, bicycle shops.
- b. Amusement places, taverns or lounges, package liquor stores, theaters, bowling alleys, commercial recreation uses.
- c. Antique shops and stores, providing all merchandise is displayed and sold inside a building, art and art supply stores.
- d. Apparel and accessory stores, clothing and costume rental shops, custom dressmaking shops, forrier shops, tailor shops, jewelry and metal and handicraft stores, watch repair shops, leather goods and luggage stores, shoe and shoe repair stores, sporting and athletic goods stores, toy stores, and variety stores, and other specialty shops.
- e. Governmental services, auditorium and similar places of public assembly, libraries and museums.
- f. Banks and other savings and lending institutions, office and office buildings, office supply and office equipment stores, newspaper offices, printing offices, and publishing offices.
- g. Barber and beauty shops, laundry establishments, book and stationary stores, cigar and tobacco shops, drug stores, florist, and gift shops.
- h. Business and technical schools; schools for photography; music and dance; music stores; photgraphic studios; and picture frame shops.
- i. Churches and places of worship.
- j. Delicatessen and catering establishments, grocery stores, and restaurants.
- k. Furniture and home furnishing stores, hardware stores, interior decorating shops.
- l. Hotels, motels.
- m. Medical, dental, and health clinics; medical and orthopedic appliance stores; optician and optometrist shops.
- n. Nursing homes and medical clinics.

- o. Mortuaries.
- p. Townhouse and multi-family dwellings.
- q. Child care centers.
- r. Quasi-institutional homes.
- s. Animal hospitals or veterinary clinics, provided they are in a completely enclosed building, and pet shops.
- t. Internalized storage facilities.
- u. Shopping centers.

3. Permitted Accessory Uses and Structures.

Uses and structures that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including solar energy systems.

4. Special Permitted Uses.

The following shall be considered for special permitted uses:

- a. Parking lots and parking ramps.
- b. Bed and breakfast inns.
- c. Schools.
- d. Compassion Center - Distributer. (Ord. No. 1075)

5. Special Permit Temporary Uses.

None, other than those allowed under Section 25.0.

6. Minimum Lot Requirements.

None.

7. Minimum Yard Requirements.

- a. All residential, retail, office and similar buildings shall be placed a minimum of 16 feet from a street right-of-way.
- b. All residential, retail, office and similar buildings shall not be placed further than 28 feet from a street right-of-way unless approved within a master site plan.
- c. All parking and accessory buildings, walls and other vertical structures shall be placed a minimum of 20 feet from a street right-of-way.
- d. Parking areas shall not be placed between a residential building and the street the building fronts onto

8. Maximum Lot Coverage by Buildings and Parking Areas.

- a. The maximum surface coverage by buildings and parking areas shall be 80%.

9. Minimum Floor Area.

The minimum floor area for individual dwelling units which are located with permitted principal uses, shall be 450 square feet.

10. Maximum Height of Buildings.

Except as provided in section 25.D., no structure shall exceed 10 stories, or 100 feet in height, provided that no structure or portion of a structure shall be erected to a height exceeding 45 feet on any portion of a lot less than 20 feet in distance from any portion of a lot in any Single-Family or Two-Family Residential District.

11. Minimum Lot Requirements.

		Minimum Lot Area	Minimum Lot Width
a.	Townhouse	2,300 sq.ft.	24 ft.
b.	Multi-Family		
	i. Per structure	10,000 sq.ft.	60 ft.
	ii. Per dwelling unit	1,210 sq.ft.	N/A

12. Off-Street Parking and Other Requirements.

- a. See Section 25.H. for parking requirements and standards. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.
- b. See Section 25 of the Williston Zoning Ordinance for additional standards and requirements except those included in Section 13.a. below.

13. Other Williston Square PUD Requirements.

- a. See the approved Williston Square Design Guidelines for standards and requirements applicable to the property. If there is a conflict between the standards and requirements contained in this document and Section 25 of the City of Williston Zoning Ordinance, these shall prevail. This document is on file and accessible at the City of Williston.

Commissioner Siemieniewski moved the adoption of the foregoing Ordinance. The motion was seconded by Commissioner Gjovig. On roll call vote of the Commissioners, the following Commissioners voted

"AYE": Siemieniewski, Gjovig, Bekkedahl, Klug, and the following Commissioners voted

"NAY": None. Absent and not voting: Bervig.

WHEREUPON, the motion was passed and the Ordinance declared adopted this 24th day Of March, 2026.

ATTEST:



Hercules Cummings,
City Finance Director

APPROVED:



Howard Klug,
President of Commission

PASSED FIRST READING: March 10, 2026 PASSED

SECOND READING: March 24, 2026 PUBLISHED: N/A

ADOPTED THIS 24th Day of March, 2026