

**ORDINANCE NO. 437**

**AN ORDINANCE AMENDING AND RE-ENACTING A PORTION OF THE ZONING ORDINANCE NO. 420 OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA RELATED TO SETBACK EXCEPTIONS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA, AS FOLLOWS:

1. That Ordinance No. 420, Section 4.53 of the City Ordinances of the City of Beulah, Mercer County, North Dakota is hereby amended and re-enacted as follows:

4.53 Setback Exceptions

(A) Description

Sight visibility triangle requirements superseded all setback requirements. Otherwise, every part of the required yard setback must be open and unobstructed from the ground to the sky except as set out in this subsection:

- (1) Trees, shrubbery, or other landscape features may be located within any required setback;
- (2) Fences and walls may be located within any required setback;
- (3) Driveways and sidewalks may be located within any required setback;
- (4) Utility lines, wires, and associated structures, such as power poles, may be located within any required setback;
- (5) Signs, where permitted, may be located within any required setback;
- (6) Uncovered decks, terraces, steps, earthworks, and other similar landscaping or design elements placed directly on finished grade that do not exceed an average height of thirty (30) inches above the surrounding grade may project up to eight (8) feet into the required setback; and
- (7) Sheds, as defined in 9.0194, may be located three (3) feet from the rear property line and three (3) feet from a side yard property line that does not face a street. This applies to all zoning districts.

2. EFFECTIVE DATE. This ordinance shall be in full force and effect after second reading.
3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith are hereby rescinded and appealed.
4. SAVINGS CLAUSE. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

  
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TRAVIS FREY, Mayor

ATTEST:

  
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HEATHER FEREBEE, City Auditor

Introduction and First Reading: April 5, 2021

Second Reading: April 19, 2021

Publication Date: N/A

Effective Date: April 19, 2021