

**STARK COUNTY
NORTH DAKOTA**

**ZONING
ORDINANCE**

**Adopted:
October 2, 2012**

TABLE OF CONTENTS

ARTICLE I: INTRODUCTION	1
1.1 Title	1
1.2 Authority.....	1
1.3 Purpose and Intent.....	1
1.4 Interpretation	1
1.5 Severability	1
1.6 Repeal.....	1
1.7 Effective Date.....	1
ARTICLE II: RULES AND DEFINITIONS	2
2.1 Compliance	2
2.2 Word Use.....	2
2.3 Definitions	2
ARTICLE III: GENERAL PROVISIONS.....	14
3.1 Jurisdiction	14
3.2 Compliance with Ordinances, Statutes, Regulations and Plans	14
3.3 Exceptions	14
3.4 Nonconformities.....	14
3.5 Land Suitability.....	17
3.6 Highway Access	17
3.7 Highway/County Road Setbacks.....	17
3.8 Residential Development.....	18
3.9 On Site Sewer System.....	18
ARTICLE IV: ZONING DISTRICTS	19
4.1 Zoning Districts	19
4.2 Zoning Map	19
4.3 Location of District Boundaries	19
ARTICLE V: ZONING DISTRICT REGULATIONS.....	20
5.1 Agriculture District - Purpose.....	20
5.2 Agricultural Residential:	23
5.3 Rural Residential and Purpose.....	25
5.4 Mobile Home District: Purpose	28
5.5 Commercial District: Purpose	29
5.6 Industrial District: Purpose:	32
5.7 Recreation and Open Space District: Purpose	34
5.8 Floodplain Overlay District: Purpose	35
5.9 Planned Unit Development (PUD) Overlay District.....	41
ARTICLE VI: ADDITIONAL PROVISIONS.....	44
6.1 Off-Street Parking.....	44
6.2 Junk or Salvage Yards	45
6.3 Commercial Feedlots	46

6.4	Sanitary Landfills and Solid Waste Sites.....	48
6.5	Recycling Facilities	49
6.6	Public Nuisances.....	49
6.7	Noise.....	49
6.8	Fences	49
6.9	Home Occupations.....	50
6.10	Oil and Gas Exploration.....	51
6.11	Oil and Gas Drilling and Production.....	51
6.12	Oil, Gas, and Other Related Gathering Line Systems	51
6.13	Coal Mining	52
6.14	Other Subsurface Mineral Exploration	52
6.15	Other Subsurface Mineral Mining	53
6.16	Excavation and Mining of Sand, Gravel, Rock, Stone, Scoria and Clay	53
6.17	Mobile Home Parks	54
6.18	Adult Entertainment Centers	56
6.19	Wind Energy Facility	56
6.20	Recreational Vehicle Parks, Tourist and Trailer Camps	61
6.21	Animal Hospitals and Veterinary Clinics.....	61
6.22	Agricultural Manufacturing.....	61
6.23	Communications Towers.....	62
6.24	Golf Driving Range, Archery Range, Miniature Golf Course	62
6.25	Height Restriction.....	62
6.26	Signs.....	62
6.27	Temporary Crew Housing (Workforce Temporary Housing)	63
6.28	Utilities – Underground and Overhead	67
6.29	Enchanted Highway Setbacks.....	67
6.30	Temporary Use Permit	67
6.31	Farm Animals.....	67
ARTICLE VII: SUBDIVISION REGULATIONS		68
7.1	Intent.....	68
7.2	Compliance with Chapter.....	68
7.3	Minor Subdivision	69
7.4	Sketch Plan	69
7.5	Preliminary Plat	70
7.6	Data Omitted on Minor Subdivision Plats	73
7.7	Final Plat (Major Subdivision)	74
7.8	Amendment of Any Project Development Plan.....	77
7.9	Filing of Subdivision Plat.....	77
7.10	Design Standards – Conformance	77
7.11	Street Design	77
7.12	Block Design.....	79
7.13	Lot Design.....	79
7.14	Street Names.....	80
7.15	Utility Easements.....	80
7.16	Grading and Drainage	80
7.17	Drainage Way Easement.....	81
7.18	Tree Planting.....	81
7.19	Street Lights.....	81

7.20	Required Improvements	81
7.21	Sanitary Sewer.....	82
7.22	Storm Sewer.....	82
7.23	Grading and Surfacing.....	82
7.24	Curbs, Gutters and Sidewalks.....	82
7.25	Installation of Improvements.....	82
ARTICLE VIII: ADMINISTRATION AND ENFORCEMENT		83
8.1	County Commission.....	83
8.2	Planning and Zoning Commission.....	83
8.3	Conditional Use Permits	84
8.4	Variance	85
8.5	Uses by Temporary Permit	87
8.6	County Zoning Administrator.....	87
8.7	Amendments.....	88
8.8	Protest and Appeal.....	89
8.9	Permits and Fees.....	90
8.10	Violations and Penalties	90
8.11	Building Code	91

ARTICLE I

INTRODUCTION

1.1 Title

This Ordinance shall be known as the "Stark County Zoning Ordinance."

1.2 Authority

This Ordinance is adopted under the authority granted by Chapter 11-33 and 11-33.2 of the North Dakota Century Code.

1.3 Purpose and Intent

The purpose of these regulations is to promote public health, safety, and the general welfare of the citizens of Stark County; to promote the orderly development of the county and to prevent conflict among land uses and structures; to regulate the use and division of land within the county and unincorporated territorial jurisdiction; to facilitate adequate provisions for water, sewer, transportation and other customary services to its county unincorporated communities; to protect existing properties against nuisances that interfere with the use and enjoyment of property, endanger personal health and safety, or is offensive to the senses; to conserve and develop resources, and to implement the goals, objectives, policies and implementation strategies of the Stark County Comprehensive Plan Update 2010.

1.4 Interpretation

These regulations shall be held to be the minimum requirements. Whenever these requirements are at variance with other requirements, rules, regulations, deed restrictions, or covenants, the most restrictive shall govern, unless otherwise specifically stated.

1.5 Severability

If any part of these regulations is found to be invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected.

1.6 Repeal

The existing zoning Ordinance together with any amendments thereto is hereby repealed.

1.7 Effective Date

This Ordinance shall be effective thirty (30) days following its adoption by the County Commission of Stark County.

ARTICLE II

RULES AND DEFINITIONS

2.1 Compliance

No structure, land and building shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a building application, and the same shall be in compliance with this Ordinance.

2.2 Word Use

In the construction of this Ordinance, the following words, rules, and definitions shall be observed and applied except when the context clearly indicates otherwise.

- 1) Words used in the present tense shall include the future.
- 2) Words used in a singular number shall include the plural; words used in the plural shall include the singular.
- 3) Shall is a mandatory word and not discretionary.
- 4) May is a permissive word.
- 5) The word “lot” shall also mean “parcel”, “piece”, and “plat”.
- 6) The word “building” includes all structures and “structure” includes buildings.

2.3 Definitions

- 1) **Access** – The place or way by which pedestrians and vehicles have safe and suitable entrance and exit to a property.
- 2) **Accessory Building and Uses** – A subordinate building or portion of the main building the use of which is clearly incidental to and serves exclusively to the principal building or principal use and shall be located on the same zoning lot.
- 3) **Adult Bookstore** – An enclosed building having as a substantial or significant portion of its stock in trade books, magazines, or other periodicals that are distinguished or characterized by their emphasis on matter depicting or describing sexual activities or anatomic areas, such as genitals, breasts or buttocks.
- 4) **Adult Cinema** – An enclosed building used on a regular basis for presenting pictorial materials or other visual images by way of direct or indirect projection, which materials are distinguished or characterized by an emphasis on the depiction of sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks for observation by patrons in return for the payment of consideration,

irrespective of the number of persons who may be able to view the presentation at one time.

- 5) **Adult Entertainment Center** – An adult bookstore, adult cinema, adult entertainment facility, or any combination thereof.
- 6) **Adult Entertainment Facility** – An enclosed building wherein an admission is charged for entrance, or food or nonalcoholic beverages are sold or intended for consumption, and wherein may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks.
- 7) **Affected Area** – An area having a radius of one mile from a proposed change.
- 8) **Agriculture** – The process of producing food and fiber customary to the family farming operation with a minimum of forty (40) acres in area, excluding commercial feed lots and the processing and manufacturing of farm-based products. Agriculture refers to all types of farming and ranching operations including, but not limited to, dairying, livestock, poultry raising, apiaries, and fur farming.
- 9) **Alley** – A public way which affords only secondary access to abutting property.
- 10) **Allowed Uses** – Those uses, buildings or structures which comply with the requirements of specific zoning districts because of the similarities in nature and relationship to each other. Allowed uses are distinct from conditional uses in that they are authorized only if certain requirements of this Ordinance are met after a public hearing and approval by the County Commission.
- 11) **Alteration** – As applied to a building or structure, a change, re-arrangement, relocation, or enlargement in the structural parts or in the existing facilities, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- 12) **Amendment** – Any change, revision or modification of the text of these regulations and the zoning district map.
- 13) **Animal Hospital or Kennel** – A building or premises set up for treatment and boarding of domestic animals including veterinary facilities.
- 14) **Animal Unit Equivalent** – A unitless number developed from the nutrient and volume characteristics of manure from a specific livestock type. The term animal unit is used to normalize the number of animals (e.g. head) for each specific livestock type which produce comparable bulk quantities of manure.
- 15) **Area of Special Flood Hazard** – The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

- 16) **Basement** – That level of a building, partly underground with more than one-half of its height below grade.
- 17) **Base Flood** – The flood having a one percent chance of being equaled or exceeded in any given year.
- 18) **Bed and Breakfast Inn** – An establishment which provides overnight lodging to the public for compensation; caters to the traveling public; is located in the proprietor's residence; and serves only a limited breakfast to registered guests.
- 19) **Block** – A part of the platted area bounded by rights-of-way, intersecting streets and/or railroad.
- 20) **Boarding House (Rooming House)** – Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire, with or without meals.
- 21) **Board of Adjustment** – The body authorized by the County Commission to hear appeals on the enforcement of the provisions of this Ordinance and to grant variances.
- 22) **Building** – any structure designed or intended for shelter or protection of persons, animals or property.
- 23) **Building Area** – That portion of the zoning lot that may be occupied by the principal use, excluding the front, rear and the side yards.
- 24) **Building Height** – The vertical distance from the grade to the highest point of the roof.
- 25) **Building Line** – A line establishing the minimum distance from which structures must be placed from the lot lines or street right-of-way. For the purposes of this Ordinance the building line is the same as the setback line.
- 26) **Certificate of Compliance** – A certificate stating compliance with this Ordinance.
- 27) **Club** – A facility at which any private branch, lodge, or chapter of a nonprofit association of persons gathers for the purpose of its members.
- 28) **Commercial Building** – Any structure which is not used for residential, medical, religious, industrial or instructional purposes and which is constructed in compliance with the adopted building Code.
- 29) **Commercial Feedlot** – Any building, structure, enclosure, or premises used, designed or intended for the commercial feeding of three hundred (300) animals which is operated as a separate pursuit and not as incidental to farming on a given piece of land regardless of its size.
- 30) **Comprehensive Plan** – The Stark County Comprehensive Plan.

- 31) **Conditional Use** – A use of a special nature not automatically permitted in a zoning district and which requires a public hearing and review and approval by the County Zoning Administrator, the Planning and Zoning Commission, or County Commission. It is a use which would not be appropriate in a particular zoning district, but which if controlled as to the number, location, or relation to the surrounding uses and the area, would be consistent with the purpose and the intent of these zoning regulations. A conditional use is permitted in a district specifically permitting it, subject to the approval of the County Commission and only when the commission finds that such use meets all applicable requirements, including but not limited to those contained in this Ordinance.
- 32) **Conforming Building or Structure** – A building or structure which complies with all requirements of this Ordinance and other regulations adopted by the county.
- 33) **County** – The Board of County Commissioners.
- 34) **Development** – Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures, or accessory structures, the construction of additions or alterations to buildings or structures, ditching, dredging, paving, excavation or drilling operations.
- 35) **Development Plan** – A document including maps and data for physical development of an area as provided by this Ordinance.
- 36) **District Zoning** – A section or sections of Stark County for which regulations governing the use of building and premises, the building heights, the size of yards, lot area, lot width, and the use thereof are uniform.
- 37) **Dwelling** – Any building or portion thereof, used exclusively for human and other temporary occupancy habitation including single family units and multiple family units but not including hotels or motels, or vehicles designed for camping, such as vacation vehicles.
- 38) **Dwelling, Single Family** – A building containing one (1) dwelling unit only
- 39) **Dwelling Unit** – One or more rooms in a building designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.
- 40) **Easement** – A right to the use of land for specific purposes, such right being held by someone other than the owner who holds title to the land.
- 41) **Establishment** – A place of business for processing, production, assembly, sales, service of goods and materials.
- 42) **Extraterritorial Jurisdiction** – The extension of a city’s zoning regulations to any quarter quarter section of unincorporated area outside of the corporate limits of the cities of Stark County subject to the provisions of NDCC 40-47-01.1.

- 43) **Family** – A group of one or more persons occupying premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined.
- 44) **Farm** – A zoned area of Stark County containing at least forty (40) acres, which is used for the production of agricultural crops or livestock, or the raising, feeding or producing livestock, poultry, milk, or fruit. The term does not include the production of timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services. Feedlots which are operated as a separate pursuit shall be deemed commercial feed lots and shall not be construed as farming or incidental to a farming operation.
- 45) **Farmer** – In order to be considered a farmer for the purposes of this Code, the owner or tenant of the farm shall earn fifty-one (51) percent or more of his or her annual income from the operation of the farm.
- 46) **Farm-to-Market Road** – That part of the road system of Stark County designated as farm-to-market roads by the County and as Federal Aid Secondary Roads by the North Dakota State Highway Department.
- 47) **Flood or Flooding** – A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams and/or the unusual and rapid accumulation or runoff of waters from any source.
- 48) **Flood Insurance Rate Map (FIRM)** – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones.
- 49) **Flood Insurance Study** – The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.
- 50) **Garage** – A building used as an accessory to a main building permitted in a residential district and providing for the storage of motor vehicles and in which no business, occupation or service for profit is conducted.
- 51) **Grade** – The land elevation at the horizontal intersection of the ground and the building.
- 52) **Gravel Pit** – Any mining and extraction of earth minerals for commercial or private sale.
- 53) **Highway** – Any public right-of-way designated as a state highway or a county road or highway.
- 54) **Home Occupation** – Any occupation which: (a) is carried on in a dwelling unit by members of the family; (b) is clearly secondary to the use of the residential dwelling

units; and (c) does not create a nuisance, excessive noise, traffic, or conflict with adjoining uses.

- 55) **Hotel or Motel** – A building with lodging accommodations, either with or without meals, which are provided for compensation.
- 56) **Hunting Lodge** – A building containing basic amenities providing sleeping accommodations and reserved for huntsman during the hunting season.
- 57) **Improvements** – Street grading, surfacing, installation of sidewalks, curb, gutter, water, sanitary and storm sewer systems, culverts, bridges, and trees as may be required by the county.
- 58) **Industrial Districts** – The areas designated by the Stark County Commission to the District Zoning Map which provides for the grouping of manufacturing, assembly and heavy commercial activities.
- 59) **Industrial Waste** – All waste resulting from an industrial, manufacturing service or commercial activity that is managed as a separate waste stream and as defined by N.D.C.C. 23-29-03.
- 60) **Inert Waste** – Non-putrescent solid waste which will not generally contaminate water or form a contaminated leachate. Inert waste does not serve as food for vectors. Inert waste includes, but is not limited to construction and demolition material, such as metal, wood, brick, masonry, and concrete, asphalt concrete, tires and tree branches.
- 61) **Junk or Salvage Yard** – A business establishment or a place which is maintained, operated, or used for placing, storing, keeping, buying, or selling junk, including old or scrap paper, copper, brass, rope, rags, batteries, paper trash, rubber, debris, or waste or junked, dismantled, or wrecked automobiles or parts thereof or iron, steel, and other old or scrap ferrous or nonferrous material, or for the maintenance, use, or operation of an automotive graveyard.
- 62) **Kenel** – Any premises where dogs, cats, and other household pets are boarded, bred, and maintained for compensation.
- 63) **Landfill** – Specially selected, designed, and operated sites for disposal of solid waste in accordance with N.D.C.C. 23-29-03 and the provisions of this Ordinance.
- 64) **Lot** – A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, and having its principal frontage upon a street or road, together with such open spaces and yards as required by this Ordinance.
- 65) **Lot Area** – The total horizontal area within the lot lines exclusive of streets, roads, and highways.
- 66) **Lot, Corner** – A lot abutting on two or more streets other than an alley at their intersection.

- 67) **Lot, Depth** – The mean horizontal distance between the front and rear lot lines.
- 68) **Lot, Double Frontage** – A lot having frontage on two non-intersecting streets as distinguished from a corner lot.
- 69) **Lot, Line** – The property line bounding a lot.
- 70) **Lot of Record** – A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Stark County, or a parcel of land, the deed to which was recorded in the office of the County Recorder prior to the adoption of these regulations.
- 71) **Lot Width** – Any average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
- 72) **Manufactured Home (formerly mobile home)** – A structure, transportable in one or more sections and has at least nine hundred (900) or more square feet and an exterior width of at least twenty (20) feet is designed as a place for human habitation which is not equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles; and bears a label certifying that it was built in compliance with the latest Manufactured Home Safety Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development. A recreational travel trailer is not a mobile home.
- 73) **Master Plan** – The comprehensive plan, or any portion thereof made and adopted by the planning commission in accordance with the laws of the state of North Dakota and regulations of Stark County indicating the general or specific locations recommended for streets, parks, public buildings, zoning districts and all other public improvements to include local policies and standards.
- 74) **MET Tower** – Temporary and permanent meteorological towers used for the measurement of wind speed.
- 75) **Mobile Home District** – The area designated by the County Commission on the District Zoning Map for development of mobile home residential dwelling units.
- 76) **Mobile Home Park** – A tract of land designed and developed to accommodate mobile homes, each occupying a portion of the site which is purchased, leased or rented and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for permanent residential occupancy.
- 77) **Modular Home (formerly manufactured home)** – A factory built dwelling unit, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site and which does not have permanently attached to its body or frame any wheel or axel and bears a label

certifying that it was built in compliance with the latest standards adopted by the U.S. Department of Housing and Urban Development.

- 78) **NDCC** – North Dakota Century Code.
- 79) **Nonconforming Lot** – Lots that were legally created in accordance with zoning district minimum lot size and dimensional standards in effect at the time of their creation, but which, because of amendments to the zoning regulations, no longer comply with the minimum lot size or other dimensional standards of the zoning district.
- 80) **Nonconforming Structure** – Buildings or structures that were established in accordance with all zoning regulations in effect at the time of their establishment, but which, because of amendments to the zoning regulations, no longer comply with the dimensional standards of the underlying zoning district.
- 81) **Nonconforming Uses** – A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.
- 82) **Outlot** – A plot of land devoted to and recorded as a single principal use which has proper road and utility access.
- 83) **Parking Space** – An off-street area designated for parking of automobiles accessible from a public street or alley and which shall be no less than nine (9) feet by twenty (20) feet.
- 84) **Permanent Foundation** – A wood, concrete or masonry foundation which extends below ground level and is set on footings.
- 85) **Permitted Use** – Any use which complies with the requirements of a particular zoning district.
- 86) **Permittee (Wind Energy Facility)** – An individual, group of individuals, corporations, partnerships, joint venture, owners, or any other business entity, or combination thereof, that leases or owns the wind rights, wind turbines and the associated improvements, and all subsequent assignees and/or transferees of these rights, and that submits a Wind Energy Facility Siting Permit application, develops the wind energy facility, and subsequently operates such facility.
- 87) **Person** – Any natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate or government.
- 88) **Planning Commission** – The Stark County Planning and Zoning Commission.
- 89) **Prohibited Use** – Any use or structure which is not allowed in a particular district. Any use not identified explicitly in this Code shall be considered prohibited and shall not be allowed until incorporated through the amendment procedure.

- 90) **Public Utility** – Any person, municipal department or board authorized to furnish under municipal regulation to the public electricity, gas, transportation, or water
- 91) **Recreational Vehicle** – A vacation trailer or other vehicular or portable unit which is either self-propelled or towed and which is intended for human occupancy and is designed for vacation or recreational purposes but not permanent residential use.
- 92) **Recreational Vehicle Park** – A lot which is operated on a fee or other basis as a place for the parking of occupied recreational vehicles.
- 93) **Regional Flood** – A flood determined by the state and Federal Emergency Management Agency which is representative of large floods known to have occurred in Stark County, North Dakota.
- 94) **Residential District** – The areas dedicated by the County Commission on the District Zoning Map for development of residential dwelling units.
- 95) **Right-of-Way** – A strip of land designated or dedicated for public way, including streets, sidewalks, railroads, electric transmission lines, telephone and telecommunications lines, oil or gas pipelines, sanitary sewer, storm sewer or water.
- 96) **Rooming House (Boarding House)** – Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire, with or without meals.
- 97) **Rotor Diameter** – The diameter of the circle formed by the swept area of the wind turbine’s blades.
- 98) **Salvage Yard** – A place where used parts of automobiles or other equipment are collected and processed for resale.
- 99) **Service Station** – Any building or premises where automotive fuels, automotive related services, lubricants, parts, and supplies are made available to the motorist.
- 100) **Setback** – The line within a property defining the required minimum distance between the front lot line and the building line.
- 101) **Sign** – Any emblem, name, identification, description or illustration which is used for outdoor advertising having a permanent location on the ground or attached to or painted on a building including bulletin boards, poster boards and billboards, but excluding real estate for sale signs, political campaign signs, and public information and traffic signs.
- 102) **Site Plan** – A detailed plan for making improvements to parcel(s) of land for the purpose of building and development as provided in this Ordinance.
- 103) **Solid Waste** – Any garbage, refuse, sludge from a waste treatment plant, water treatment plant, or air pollution control facility and other discarded waste material, including solid, liquid, semisolid, or contained gaseous material resulting from

industrial, commercial, mining and agricultural operations, and from community activities. The term does not include the following: 1) agricultural waste, including manures and crop residues returned to the soil as fertilizers; or 2) solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to Permit Section 402 of the Federal Water Pollution Control Act, as amended, or source, special nuclear or the by-product material as defined by the Atomic Energy Act of 1954, as amended.

- 104) **Stable, Private** – A building used for the housing of animals for private recreational use.
- 105) **Stable, Public** – A building used for the housing of animals for sale to or use by the public for recreational purposes.
- 106) **Street** – A public right-of-way for vehicular and pedestrian traffic.
- 107) **Structural Alterations** – Any change in the supporting elements of a building or structure including bearing elements, partitions, columns, beams, girders, roofs, exterior walls and embankment.
- 108) **Structure** – Anything constructed or erected, which requires permanent location on the ground excluding fences.
- 109) **Subdivision** – The division of a lot, parcel of land, or tract, creating two or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale, rent, or of building development, and any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights-of-way, whether public or private, for access to or from any such lot, tract or parcel, and the creation of new or enlarged parks, playgrounds, plaza, or open spaces.
- 110) **Substantial Improvements** – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- 111) **Temporary** – Means one year or less.
- 112) **Temporary Use** – A conditional use which has a definite time period as one of its conditions.
- 113) **Temporary Workforce Housing (crew housing)** – Employee housing occupied by employees of a business on a temporary conditional basis.
- 114) **Total Height** – When referring to a wind turbine, the distance measured from the ground level to the blade extended at its highest point.

- 115) **Variance** – A relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, the literal enforcement of these regulations would result in unnecessary and undue hardship.
- 116) **Wind Energy Conversion System** – Any device that is designed to convert wind power to another form of energy such as electricity, mechanical or heat (also referred to by such common names as wind charger, wind turbine, and wind mill).
- 117) **Wind Energy Facility** – A facility directly generating electricity or indirectly generating electricity or energy through production of hydrogen, compressed air or other energy carrier from conversion of wind to energy and consisting of one or more wind turbines under common ownership or operating control, and includes substations, temporary and permanent MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity directly, or through wind energy conversion to another form of energy, to off-site customer(s).
- 118) **Wind Energy Facility Perimeter** – The boundary of the wind energy facility as defined by the external property lines of landowners who have a contractual relationship with the permittee and who will receive wind energy compensation payments or other forms of revenue derived from wind turbine sited within such wind energy facility.
- 119) **Wind Energy Facility Siting Permit** – A construction and operating permit granted in accordance with the provisions of this Ordinance.
- 120) **Wind Turbine** – A wind energy conversion system which converts wind energy into electricity, hydrogen, compressed air, or some other energy carrier and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a wind turbine for the purposes of Section 6.11, if it has a nameplate capacity of 100 kilowatts or greater. Wind turbines of less than 100 kilowatts will be regulated as a utility.
- 121) **Yard** – The required open space on the zoning lot which is unoccupied or unobstructed by any portion of a structure from the ground upward.
- 122) **Yard, Rear** – A yard that extends across the full width of the lot, as the least distance between the rear lot line and the rear building line.
- 123) **Yard, Side** – A yard between the front and rear yards, as the least distance between the side of the principal building and the side lot line.
- 124) **Zoning Administrator/Director** – The person assigned the responsibility for the day-to-day administration of the Zoning Ordinance and map.

- 125) **Zoning District** – Those areas of the county to which regulations governing the use of lands, buildings, and structures, including the height of buildings, the size of yards, lot area, lot width, uniformly apply.
- 126) **Zoning District Map** – The map showing the zoning districts adopted by the Stark County Commission.

ARTICLE III

GENERAL PROVISIONS

3.1 Jurisdiction

These regulations shall apply to all unincorporated areas of Stark County except those areas where the incorporated cities have elected to exercise extraterritorial zoning as authorized by Section 40-48-18, NDCC.

3.2 Compliance with Ordinances, Statutes, Regulations and Plans

No building, structure or land shall hereafter be occupied unless in conformity to this Ordinance and:

- 1) The provisions of the North Dakota Century Code.
- 2) The North Dakota Administrative Code; and
- 3) The Comprehensive Plan of Stark County.

This Ordinance shall not prohibit or prevent the use of land or buildings for agriculture or any of the normal incidents of farming.

3.3 Exceptions

These regulations shall not apply to the land and buildings for agricultural uses, as herein defined, except for setbacks from roads and floodplain regulations.

3.4 Nonconformities.

The purposes of these regulations are:

- 1) To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts.
- 2) To provide for reasonable use of legally constructed structure which does not meet current site development regulations for their respective zoning districts.
- 3) To allow for the reasonable continuation of legally established uses which do not meet current site development regulations for their respective zoning districts.
- 4) To limit the continuation and provide for the gradual replacement of nonconforming uses.

3.4.1 Nonconforming Lots

1) Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area in the lot width requirements of each zoning district. Such lots may be developed with use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Zoning Ordinance.

2) Reductions Due to Public Acquisition

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

3.4.2 Nonconforming Structures

These regulations apply to buildings and structures which were constructed legally under regulations in effect before the effective date of this Ordinance.

1) Continuation

A lawful nonconforming structure existing on the effective date of this Ordinance may be continued, repaired, maintained, or altered, subject to the provisions of this Section.

2) Additions or Enlargements to Nonconforming Structures

- a) A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:
- i. The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.
 - ii. The nonconforming building and impervious surface coverage's on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.
 - iii. The addition projects no further into a required side yard setback than the existing building wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.

3) Moving of Nonconforming Structures

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.

4) Repair of Nonconforming Structures

A lawful nonconforming building damaged by fire, explosion, storm or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity. Repair and reconstruction within the designated floodplain shall be in conformance with floodplain development regulations.

5) Conversion of a Conforming Building

A conforming building shall not be changed in any way that will result in a nonconforming development.

3.4.3 Nonconforming Uses

1) Continuation of Nonconforming Uses

Any nonconforming use lawfully existing on the effective date of this Ordinance may continue, subject to the limitations of this Section.

2) Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may not be added to or enlarged.

3) Abandonment of Nonconforming Use

If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of one year, any subsequent use must conform to all use regulations applicable to the property's zoning district.

4) Change of Use

A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal to or less intensive than that normally required for the previous use.

5) Allowance for Repair

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

6) Damage or Destruction of Structures

Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the replacement cost of the structure, the nonconforming use shall no longer be permitted.

7) Nonconforming Uses and Conditional Use Permits

A lawful pre-existing use which would require a Conditional Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of permits, set forth in Chapter 8.3 of this Code.

3.5 Land Suitability

No land shall be used for seasonal or permanent non-farm uses because of inadequate drainage, soil limitation, flooding or incompatible land use, or any other condition likely to be harmful to the health and safety of the area residents and the public.

3.6 Highway Access

- 1) The points of access to any highway shall be limited to four (4) per mile per side of the highway.
- 2) Additional access points may be provided via frontage roads where the landowner shall dedicate a suitable right-of-way by deed or easement.

3.7 Highway/County Road Setbacks

- 1) The minimum setback for buildings from the centerline of all section lines and the center line of county roads shall be one hundred twenty-five (125) feet.
- 2) The minimum setback for buildings from the centerline of all state highways shall be two hundred fifty (250) feet.
- 3) The minimum setback for tree plantings from all section lines and the center line of county roads shall be one hundred twenty-five (125) feet.

3.8 Residential Development

No lot in a residential zoning district shall contain more than one principal single family residential building, and no dwelling unit shall be built on a lot which does not abut a dedicated public right-of-way or private access easement. Accessory buildings shall be smaller than the principal building and shall be limited to fifteen (15) feet in height and be located at least ten (10) feet from all lot lines.

3.9 On Site Sewer System

To protect the public health, to control water pollution, and to reduce nuisance and odor, all new subdivision development within the county shall be connected to an approved on-site sewage system.

ARTICLE IV

ZONING DISTRICTS

4.1 Zoning Districts

The following zoning districts are hereby established to carry out the purposes of this Ordinance:

- 5.1 Agricultural District
- 5.2 Agriculture Residential District
- 5.3 Rural Residential District
- 5.4 Mobile Home District
- 5.5 Commercial District
- 5.6 Industrial District
- 5.7 Recreation and Open Space District
- 5.8 Floodplain Overlay District
- 5.9 Planned Unit Development (PUD) Overlay District

4.2 Zoning Map

The location and boundaries of the zoning districts are hereby established as shown on the map entitled "Zoning District Map" on file in the office of the County Auditor and/or the County Zoning Administrator. The County Zoning Administrator shall regularly update the map to show any changes in the zoning district boundary line resulting from amendments.

4.3 Location of District Boundaries

The following rules shall apply to the boundaries of the zoning districts as shown on the Zoning District Map.

- 1) Where zoning district boundary lines follow streets, highways, roads, railroad right-of-way, alleys, and extensions thereof, such boundary lines shall be the center lines, streets, highways, roads, railroad rights-of-way or alleys unless clearly shown to the contrary.
- 2) Where a zoning district boundary line coincides approximately, but not exactly, with a lot line, the zoning district boundary shall be construed to be the lot line at that location. All section lines, quarter section lines, and quarter quarter section lines may be construed as the property lines.
- 3) Where any uncertainty exists as to the exact location of zoning district boundary lines, the Commission shall determine the location of such boundary lines.

ARTICLE V

ZONING DISTRICT REGULATIONS

5.1 Agriculture District - Purpose

The Agricultural District is established to encourage preservation and protection of agricultural lands and the ideal of the family farm and to discourage uses incompatible with agricultural operations or detrimental to agricultural lands.

5.1.1 Permitted uses

- 1) All types of farming and ranching operations including dairying, livestock, poultry raising, apiaries, and fur farming.
- 2) Truck gardening, nurseries, greenhouse and roadside stands offering for sale only those farm products which have been grown on the premises.
- 3) Accessory buildings and structures necessary to the operation of farms or ranches.
- 4) Animal hospitals and clinics provided they are not located nearer than five hundred (500) feet from any residence except the residence of the owner-operator.
- 5) Cemeteries.
- 6) Churches and related facilities.
- 7) Grain elevators and accessory structures.
- 8) Home occupations and rural home occupations.
- 9) Public parks and recreational facilities, wildlife and game management areas and refuges.
- 10) Public, private, and parochial schools.
- 11) Single-family residence.
- 12) Oil and gas drilling and production.
- 13) Libraries.
- 14) Oil and gas exploration.
- 15) Livestock auction facilities.

- 16) Non-commercial golf courses, country clubs and other private recreational club.
- 17) Fire and police stations.

5.1.2 Conditional Uses

- 1) Commercial feedlots subject to the provisions of this Code.
- 2) Manufacturing and processing of agricultural resources and products indigenous to the county but not including rendering plants, fertilizer plants and the like.
- 3) Solid waste disposal facilities subject to the provisions of the Code
- 4) Electrical substations, high voltage transmission lines and accessory buildings used for the primary purpose of transmission of electrical energy from one area to another. These provisions shall not apply to those transmission lines which directly serve the county.
- 5) Transmitting towers, relaying stations and pipelines.
- 6) Mobile Homes (Manufactured Homes) - Manufactured or modular homes on a permanent type of foundation.
- 7) Hunting lodges.
- 8) Bed and breakfast inns.
- 9) Anhydrous ammonia storage facilities.
- 10) Oil, Gas, and other related gathering line systems.
- 11) Wastewater plants and systems.
- 12) Water depots.
- 13) Gravel pits, crushing and stockpiling.
- 14) Communication towers.
- 15) Airport and landing field.
- 16) Wind energy facilities.
- 17) Child care and child nurseries.
- 18) Adult care centers.

- 19) Agricultural equipment storage.
- 20) Family home day care.
- 21) Firing range, outdoor.
- 22) Hospitals and medical centers.
- 23) Stables.
- 24) Livestock transfer and feeding operations.
- 25) Kennels.
- 26) Mineral and other substance excavation and mining
- 27) Temporary uses, including, but not limited to.
- 28) Correctional facilities.
- 29) Components of water and wastewater systems
- 30) Radio and television transmitting and receiving facility.
- 31) Colleges and universities.
- 32) Dormitories.
- 33) On site storage of equipment and material related to oil exploration and production.

Development Standards

- 1) Minimum lot size: 40 acres
- 2) Minimum lot width: 300 feet
- 3) Minimum front yard setbacks: 50 feet
- 4) Minimum side yard setbacks: 15 feet
- 5) Minimum rear yard setbacks: 50 feet
- 6) Maximum lot coverage: N/A
- 7) Maximum height: 35 feet for residential structures

5.2 Agricultural Residential:

Purpose of this district is to protect farmland and related farming activities while providing for the development of one large residential housing lot.

5.2.1 Permitted Uses

- 1) All types of farming and ranching operations including dairying, livestock, poultry raising, apiaries, and fur farming.
- 2) Truck gardening, nurseries, greenhouse and roadside stands offering for sale only those farm products which have been grown on the premises.
- 3) Accessory buildings and structures necessary to the operation of farms or ranches.
- 4) Animal hospitals and clinics provided they are not located nearer than five hundred (500) feet from any residence except the residence of the owner-operator.
- 5) Cemeteries.
- 6) Churches and related facilities.
- 7) Home occupations and rural home occupations.
- 8) Public parks and recreational facilities, wildlife and game management areas and refuges.
- 9) Public, private, and parochial schools.
- 10) Oil and gas drilling and production.
- 11) Single-family residences.
- 12) Libraries.
- 13) Fire and police stations.
- 14) Long-term care and group home facilities.
- 15) Family home day care.
- 16) Non-commercial golf courses, country clubs and other private recreational clubs.
- 17) Fire and police stations.

5.2.2. Conditional Uses

- 1) Commercial feedlots subject to the provisions of this Code.
- 2) Manufacturing and processing of agricultural resources and products indigenous to the county but not including rendering plants, fertilizer plants and the like.
- 3) Solid waste disposal facilities subject to the provisions of the Code.
- 4) Electrical substations, high voltage transmission lines and accessory buildings used for the primary purpose of transmission of electrical energy from one area to another. These provisions shall not apply to those transmission lines which directly serve the county.
- 5) Transmitting towers, relaying stations and pipelines.
- 6) Coal mining.
- 7) Mobile homes (manufactured homes): manufactured or modular homes on a permanent type of foundation.
- 8) Hunting lodges.
- 9) Bed and breakfast inns.
- 10) Anhydrous Ammonia storage facilities.
- 11) Oil, Gas, and other related gathering line systems.
- 12) Wastewater plants and system.
- 13) Water depots.
- 14) Gravel Pits, Crushing and Stockpiling.
- 15) Communication towers.
- 16) Airport and landing field.
- 17) Wind energy facilities.
- 18) Child care and child nurseries.
- 19) Adult care centers.
- 20) Agricultural equipment storage.
- 21) Family home day care.

- 22) Firing range, outdoor.
- 23) Hospitals and medical centers, including mental health facilities.
- 24) Stables.
- 25) Livestock transfer and feeding operations.
- 26) Kennels.
- 27) Mineral and other substance excavation and mining.
- 28) Temporary uses, including, but not limited to.
- 29) Correctional facilities.
- 30) Components of water and wastewater systems.
- 31) Radio and television transmitting and receiving facility.
- 32) Colleges and universities.
- 33) Dormitories.

Development Standards

- 1) Minimum lot size: 10 acres
- 2) Minimum lot width: 150 feet
- 3) Minimum front yard setbacks: 50 feet
- 4) Minimum side yard setbacks: 15 feet
- 5) Minimum rear yard setbacks: 50 feet
- 6) Maximum lot coverage: N/A
- 7) Maximum height: 35 feet for residential structures

5.3 Rural Residential and Purpose

The rural residential district is established to promote a suitable residential environment uninterrupted by conflicting uses and incompatible activities in unincorporated communities.

5.3.1 Permitted Uses

- 1) All types of farming and ranching operations including dairying, livestock, poultry raising, apiaries, and fur farming.
- 2) Truck gardening, nurseries, greenhouse and roadside stands offering for sale only those farm products which have been grown on the premises.
- 3) Accessory buildings and structures necessary to the operation of farms or ranches.
- 4) Animal hospitals and clinics provided they are not located nearer than five hundred (500) feet from any residence except the residence of the owner-operator.
- 5) Cemeteries.
- 6) Churches and related facilities.
- 7) Home occupations and rural home occupations.
- 8) Public parks and recreational facilities, wildlife and game management areas and refuges.
- 9) Public, private, and parochial schools.
- 10) Single-family residence.
- 11) Oil and Gas Drilling and Production.
- 12) Libraries.
- 13) Oil and gas exploration.
- 14) Non-commercial golf courses, country clubs and other private recreational clubs.
- 15) Fire and police stations.
- 16) Museums, art galleries and studios.

5.3.2 Conditional Uses

- 1) Electrical substations, high voltage transmission lines and accessory buildings used for the primary purpose of transmission of electrical energy from one area to another. These provisions shall not apply to those transmission lines which directly serve the county.
- 2) Transmitting towers, relaying stations and pipelines.

- 3) Coal mining.
- 4) Mobile homes (manufactured homes): Manufactured or modular homes on a permanent type of foundation.
- 5) Hunting lodges.
- 6) Bed and breakfast inns.
- 7) Oil, Gas, and other related gathering line systems.
- 8) Wastewater plants and systems.
- 9) Water depots.
- 10) Gravel pits, crushing and stockpiling.
- 11) Communication towers.
- 12) Wind energy facilities.
- 13) Child care and child nurseries.
- 14) Adult care centers.
- 15) Family home day care.
- 16) Hospitals and medical centers, including mental health facilities.
- 17) Stables.
- 18) Livestock transfer and feeding operations.
- 19) Kennels.
- 20) Temporary uses, including, but not limited to.
- 21) Correctional facilities.
- 22) Components of water and wastewater systems.
- 23) Radio and television transmitting and receiving facility.
- 24) Colleges and universities.
- 25) Dormitories.

Development Standards

- 1) Minimum lot size: five (5) acres
- 2) Minimum lot width: one hundred fifty (150) feet
- 3) Minimum front yard setbacks: fifty (50) feet
- 4) Minimum side yard setbacks: fifteen (15) feet
- 5) Minimum rear yard setbacks: fifty (50) feet
- 6) Maximum lot coverage: N/A
- 7) Maximum height: thirty-five (35) feet for residential structures

5.4 Mobile Home District: Purpose

The purpose of this district is to provide for the development of lots for permanent mobile homes on a permanent foundation and temporary mobile homes.

5.4.1 Permitted Uses

- 1) Single-family residential units and modular homes on permanent foundations.
- 2) Mobile home parks.
- 3) Parks, recreational areas and playgrounds.

5.4.2 Conditional Uses

- 1) Fire Halls.
- 2) Licensed recreational vehicle parks.
- 3) Commercial and office uses accessory to a mobile home park or a recreational vehicle park.
- 4) Self-serve laundromat accessory to a mobile home park or a recreational vehicle park.
- 5) Recreational uses, private community.

5.4.3 Area and Density Requirements

Structures placed in this district shall comply with the following area and density requirements:

- 1) Permanent mobile homes and modular homes shall not be placed on a lot smaller than seven thousand (7,000) square feet.
- 2) Recreational vehicles and trailers in a recreational vehicles park shall not be placed on a lot under one thousand five hundred (1,500) square feet.
- 3) Trailer homes or recreational vehicles shall not cover more than fifty (50) percent of the area of the pad, lot or site.

Additional development standards are found in “Additional Provisions” chapter of this Code.

5.5 Commercial District: Purpose

The commercial district is established to accommodate the concentration of commercial and related uses. Commercial uses must be compatible with adjoining uses and shall not negatively affect the adjoining properties. The Commercial District shall be utilized primarily in areas either adjacent to the City of Dickinson and its Extraterritorial Zoning Area, and or rural business centers adjacent to the I-94 corridors surrounding Richardton and Belfield as well as the Highway 10 corridor between Dickinson and South Heart.

5.5.1 Permitted Uses

- 1) Dry cleaning, pressing, tailor shops and Laundromats.
- 2) Electrical and plumbing shops.
- 3) Lumber yards.
- 4) Professional offices including, but not necessarily limited to, banks, insurance, real estate, medical clinics and offices, newspapers and law offices.
- 5) Retail and service uses including, but not necessarily limited to, grocery, drugs, hardware, clothing, furniture stores, bakeries, restaurants, taverns, liquors stores, athletic and health clubs, automobile service station, used and new car lots, print shops, barber and beauty shop and sale and service of appliances.
- 6) Sales and service of farm implements.
- 7) Wholesale establishments.
- 8) Amusement places including bowling alleys, athletic clubs, pool halls and similar indoor facilities.
- 9) Automobile dealerships.
- 10) Grain elevators.

- 11) Nurseries, greenhouses, commercial gardens.
- 12) Accessory structures.
- 13) Churches and related facilities.
- 14) Research activities.
- 15) Membership organizations/private membership clubs and lounges.
- 16) Commercial, vocational and business schools.
- 17) Hospitals and medical centers.
- 18) Motion picture theaters.
- 19) Lumberyards.
- 20) Oil and gas drilling and production.
- 21) Oil and gas exploration.
- 22) Fire and police stations.
- 23) Colleges and universities.
- 24) Trade schools.

5.5.2 Conditional Uses

- 1) Contractor's yard and operations.
- 2) Second story residential dwelling units.
- 3) Processing and packaging of materials.
- 4) Warehouses and wholesale dealerships.
- 5) Commercial grain bins, grain elevators or related activity.
- 6) Private membership clubs and lodges.
- 7) Small animal veterinary hospitals.
- 8) Dairy, locker plant.
- 9) Hotels and motels.

- 10) Golf driving range, miniature golf course, go-cart track, or race track.
- 11) Dormitories.
- 12) Child care and child nurseries.
- 13) Adult care centers.
- 14) Firing range, indoor, small arms.
- 15) Kennels.
- 16) Mini-warehouses.
- 17) Open storage.
- 18) Truck stops.
- 19) Vehicle parts sales.
- 20) Animal hospitals and clinics provided they are not located nearer than five hundred (500) feet from any residence except the residence of the owner-operator.
- 21) Drive-in theaters.
- 22) Communications towers.
- 23) Airport.
- 24) Correctional facilities.
- 25) Radio and television transmitting and receiving facility.
- 26) Wastewater plants and systems.
- 27) Water depots.
- 28) Temporary uses, including, but not limited.
- 29) Wind energy facilities.
- 30) Water and ski slides and resorts.
- 31) Electrical substations, high voltage transmission lines and accessory buildings used for the primary purpose of transmission of electrical energy from one area to another. These provisions shall not apply to those transmission lines which directly serve the county.

5.5.3 Setbacks

No commercial use shall be located within fifty (50) feet of a residential lot or residential district.

5.6 Industrial District: Purpose:

The purpose of this district is to provide convenient access for the manufacturing and processing of the natural resources of Stark County and also to accommodate those uses which because of land requirements or unique features are most suitable in unincorporated areas. The Industrial District shall be utilized primarily in areas adjacent to the City of Dickinson and its Extraterritorial Zoning Area or in rural business centers adjacent to the I-94 corridors surrounding Richardton and Belfield as well as the Highway 10 corridor between Dickinson and South Heart.

5.6.1 Permitted Uses

- 1) Agriculture.
- 2) Manufacturing of clay and concrete products.
- 3) Repair and storage of heavy equipment and machinery.
- 4) Sewage treatment facilities.
- 5) Truck or freight terminal.
- 6) All uses permitted in commercial district except residential.
- 7) Public utility buildings including water and waste water facilities and accessories.
- 8) Petroleum storage facilities.
- 9) Warehouses.
- 10) Cement and ready mix facilities.
- 11) Any industrial or manufacturing operation providing that: (a) dust, fumes, odors, smoke, vapor, noise, lights, and vibrations shall be confined within the industrial district, and (b) outdoor storage, equipment and refuse areas shall be concealed from view of abutting rights-of way.
- 12) Oilfield service business and industries.
- 13) Anhydrous storage facilities.
- 14) Industrial laundry; industrial dry cleaning plants.

- 15) Garbage haulers.
- 16) Large scale printing plants.
- 17) Power plants.
- 18) Rail switching and classification yards.
- 19) Vehicle auction-wholesale.
- 20) Rail yards and terminals.

5.6.2 Conditional Uses

- 1) Coal gasification and liquefaction plants.
- 2) Electric power generating plants, transmission lines and accessory structures.
- 3) Fuel and bulk storage plants.
- 4) Oil refineries and petrochemical plants.
- 5) Radio, television and microwave towers.
- 6) Salvage and junk yards.
- 7) Adult entertainment centers.
- 8) Noxious waste disposal sites.
- 9) Wind energy generation.
- 10) Workforce temporary housing.
- 11) Exploration, drilling, excavation and mining for coal, sand, gravel, clay and other subsurface minerals as provided by in this Code.
- 12) Solid waste landfill.
- 13) Special waste disposal sites (industrial waste) subject to compliance with North Dakota Health Department rules and regulations.
- 14) Water depots.
- 15) Kennels.
- 16) Open storage.
- 17) Mini warehouses.

- 18) Vehicle parts sales.
- 19) Dairy, locker plants.
- 20) Fuel and bulk storage plants.
- 21) Recycling Facility.
- 22) Communication tower.

5.6.3 Performance Standards

- 1) A buffer strip between industrial and residential sites may be required by the County Commission.
- 2) The open storage of material, including waste products or salvage, shall not be permitted closer than three hundred (300) feet from any residence. All combustible material shall be stored in such a way to permit free access to firefighting equipment.
- 3) Dust, fumes, odors, smoke, vapor, noise, lights, and vibrations from any industrial or manufacturing operations shall be confined within the industrial district. Associated outdoor storage, equipment and refuse areas shall be concealed from view of abutting rights-of way.

5.6.4 Lot Area, Width, and Yard Requirements

- 1) The minimum lot area for the industrial district shall be forty thousand (40,000) square feet.
- 2) The minimum lot width shall be two hundred (200) feet.
- 3) There shall be at least a one hundred (100) foot setback from the centerline of the front public road or access.
- 4) The minimum side building line, measured from the side lot line, shall be twenty-five (25) feet.
- 5) No building or structure shall be located within one thousand two hundred fifty (1,250) feet from the boundary of a residential district.
- 6) Setback requirements for temporary crew housing shall be as listed in the conditional use permit and in Article VI of this Code.

5.7 Recreation and Open Space District: Purpose

The purpose of this district is to set aside areas for conservation, public recreation and full access facilities.

5.7.1 Permitted Uses

- 1) Agriculture.
- 2) Public parks including golf courses and outdoor recreation facilities.
- 3) Hunting, fishing and trapping.
- 4) Raising of game animals, waterfowl and fish.
- 5) Harvesting of any natural crops.
- 6) Communication and power transmission lines and other public utility lines
- 7) Accessory buildings or structures to any permitted uses

5.7.2 Conditional Uses

- 1) Refreshment stands accessory to a public park.
- 2) Restaurants that are accessory to a public park.
- 3) Sports facilities, fields, and arenas.
- 4) Retail accessory to a park.

5.8 Floodplain Overlay District: Purpose

The purpose of this district is to minimize private and public losses due to flood conditions.

5.8.1 Land to Which Ordinance Applies

Applicability – The floodplain overlay district consists of the lands which have been or may be covered by flood waters as delineated on maps of Stark County prepared by the Federal Emergency Management Agency (FEMA) for administration of the National Flood Insurance Program or other maps and information provided by the State of North Dakota. The areas delineated as floodplain shall be an overlay for all zoning districts.

5.8.2 Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Stark County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

5.8.3 Permitted Uses:

- 1) General building uses including general farming, pasture, and grazing and related uses provided that the buildings and structures for residential uses are flood-proofed above the one hundred (100) year floodplain as established by FEMA.
- 2) Non-structural uses including ponding of run-off water and treated waste water.
- 3) Public utilities including railroads, roads and highways, channels, and pipelines.
- 4) Outdoor recreational uses including golf courses, bicycle trails, picnic areas, and boat launching ramps.

5.8.4 Conditional Uses

Temporary buildings and structures not related to flood control and farming such as stands, fences, shelters, signs, and temporary parking.

5.8.5 Additional Permit Requirements

Before construction or development begins within any area of special flood hazard, a permit shall be obtained from the Code Administrator. The permit shall include all the information required in this Ordinance. In addition, the permit shall specifically include:

- 1) Elevation in relation to mean sea level of the lowest floor (including basement) of all proposed structures.
- 2) Elevation in relation to mean seal level to which any structure will be flood-proofed.
- 3) Certification by registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Section 5.8.8.
- 4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

5.8.6 General Standards

In all areas of special flood hazards the following standards are required:

- 1) Anchoring

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b) All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - i. Over-the-top ties be provided at each of the corners of the mobile home, with two additional ties per at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;
 - ii. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four additional ties per side;
 - iii. All components of the anchoring system be capable of carrying a force of 4,800 pounds and;
 - iv. Any additions to the mobile homes shall be similarly anchored.

2) Construction Materials and Methods

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3) Utilities

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- c) On-site waste disposal systems shall be located to avoid impairment to the systems or contamination from them during flooding.

4) Subdivision Proposals

- a) All subdivision proposals shall be consistent with the need to minimize flood damage;

- b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.

5) Encroachments

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

5.8.7 Specific Standards

In all areas where base flood elevation data is available, the following provisions are required:

1) Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

2) Non-residential Construction

New construction and substantial improvement of any non-residential structure shall either have the lowest floor, including basement elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

- a) Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

3) Mobile Homes (manufactured homes)

- a) Mobile homes shall be anchored in accordance with Section 5.8.6.

- b) For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivision, require that:
- i. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
 - ii. Adequate surface drainage and access for a hauler are provided; and,
 - iii. In the instance of elevation on pilings, that
 - lots are large enough to permit steps,
 - piling foundations are placed in stable soil no more than ten (10) feet apart, and
 - reinforcement is provided for pilings more than six (6) feet above the ground level.

4) Crawlspace

Below-Grade Residential Crawlspace Construction.

New construction and substantial improvement of any below-grade crawlspace shall:

- a) Have the interior grade elevation that is below base flood elevation no lower than two (2) feet below the lowest adjacent grade;
- b) Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four (4) feet at any point;
- c) Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;
- d) Be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads;
- e) Be constructed with materials and utility equipment resistant to flood damage;

- f) Be constructed using methods and practices that minimize flood damage;
- g) Be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- h) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - ii. The bottom of all openings shall be no higher than one (1) foot above grade;
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5.8.8 Flood Proofing Measures

Permitted and conditional uses proposed for the Floodplain District that incorporate flood-proofing techniques must comply with Section 209 through 1406 of the 1972 Edition of "Flood Proofing Regulations" (FPR), as developed by the Office of the Chief of Engineers, U.S. Army, Washington, DC, a copy of which is hereby incorporated herein by reference and declared to be a part of this Code. Where definition of terms as set forth in Section 301 of FPR conflict in meaning with the definition of terms as set in this Code, the latter shall prevail. Appropriate conditions may be attached to the granting of a Conditional Use Permit, including, but not limited to, the following:

- 1) Anchorage to resist flotation and lateral movement.
- 2) Installation of watertight doors, bulkheads, or similar methods of construction.
- 3) Reinforcement of walls to resist water pressure.
- 4) The usage of paints, membranes, or mortar to reduce the seepage of water through walls.
- 5) The construction of water supply and waste treatment systems which will prevent the entrance of flood waters.

- 6) The addition of mass or weight to structures to reduce flotation.
- 7) The installation of pumps to lower water levels in structures.
- 8) The location of all electrical equipment, circuits, and installed appliances in a manner which will insure they are not subject to flooding and to provide protection from inundation by the regional flood.
- 9) The location of all structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare above the flood protection elevation or the provision of adequate flood-proofing to prevent flotation of storage containers which could result in the escape of toxic materials into flood waters.

5.9 Planned Unit Development (PUD) Overlay District

The Planned Unit Development (PUD) Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this Ordinance. The PUD District, which is adopted by the County Commission with the recommendation of the Planning and Zoning Board, assures specific development standards for each designated project.

5.9.1 Permitted Uses

Uses permitted in a PUD Overlay District are those permitted in the underlying base district.

5.9.2 Site Development Regulations

Site Development Regulations are developed individually for each Planned Unit Development District but must comply with minimum or maximum standards established for the base district, with the following exceptions:

- 1) Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded.
- 2) Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60 percent.

5.9.3 Access to Public Streets

Each PUD District must abut a public street for at least 50 feet and gain access from that street.

5.9.4 Application Process

1) Development Plan

The application for a Planned Unit Development District shall include a Development Plan containing the following information:

- a) A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations.
- b) A land use plan designating specific uses for the site and establishing site development regulations, including setback height, building coverage, impervious coverage, density, and floor area ratio requirements.
- c) A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans.
- d) A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities.
- e) Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design.
- f) A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

5.9.5 Adoption of District

- 1) The Planning and Zoning Board and County Commission shall review and evaluate each Planned Unit Development application. The County may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- 2) The Planning and Zoning Board, after proper notice, shall hold a public hearing and act upon each application.
- 3) The Planning and Zoning Board may recommend amendments to PUD district applications.
- 4) The recommendation of the Planning and Zoning Board shall be transmitted to the County Commission for final action.

- 5) The County Commission, after proper notice, shall act upon any Ordinance establishing a PUD Planned Unit Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
- 6) An Ordinance adopting a Planned Unit Development Overlay Zoning District shall require a favorable simple majority of the County Commission for approval.
- 7) Upon approval by the County Commission, the Development Plan shall become a part of the Ordinance creating or amending the PUD District. All approved plans shall be filed with the Zoning Administrator.

5.9.6 Amendment Procedure

Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 8.7 of this Code.

ARTICLE VI

ADDITIONAL PROVISIONS

6.1 Off-Street Parking

6.1.1 General Requirements

- 1) An off-street vehicle parking space shall be at least nine (9) feet wide and twenty (20) feet long, exclusive of access drives.
- 2) All open off-street parking areas with four (4) or more spaces and all loading berths shall be: (a) gravel, concrete, or asphalt surfaces; and (b) graded to dispose of all surface water run-off but not be diverted to adjoining properties.

6.1.2 Special Requirements

No building shall be erected or enlarged without meeting the following parking requirements:

- 1) Commercial businesses, professional or public office buildings, studios, banks, medical or dental clinics: three (3) parking spaces plus one additional space for each four hundred (400) square feet of floor space over one thousand (1,000) square feet.
- 2) Private clubs or lodges: two parking spaces for each two hundred (200) square feet of service area.
- 3) Restaurants and other eating and drinking establishments: one parking space for each three (3) persons of seating capacity. Drive-through restaurants: one (1) space per 50 square feet of customer service area.
- 4) Industrial uses: one off-street parking space for every one and one-half employees.
- 5) Residential uses: two (2) parking spaces for each dwelling unit.
- 6) Landscape and Screening Requirements

Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations:

- a) Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
- b) Each parking facility that abuts an agricultural or residential district shall provide a ten foot landscaped buffer along its common property line with the agricultural or residential district.

- c) Any parking facility which abuts property in an agricultural or residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Administrator

7) Lighting Requirements

Any lighting used to illuminate any off-street parking area shall be arranged to direct light away from adjoining properties in any residential district.

8) Safety Features

- a) Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility, and shall not create blind, hidden, or hazardous areas.

- b) Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.

9) Maintenance

All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas.

6.2 Junk or Salvage Yards

6.2.1 Site Approval Requirements

All sites for salvage and junkyards require approval by the Commission.

6.2.2 Location Standards

- 1) No salvage or junk yard shall be located within one thousand two hundred and fifty (1,250) feet of any residence, residential district or within two hundred (200) feet of commercial buildings and structures.
- 2) No salvage or junk yard shall be located in areas, which due to high water table, flooding, and soil conditions may affect the quality of surface or ground water.
- 3) No salvage or junk yard shall be located nearer than five hundred (500) feet off all road and highway rights-of-way.

- 4) All salvage yard or junk yard operations shall be screened from public view. Such screening shall be by natural vegetation, fences of at least ten (10) feet in height, building and or land form.
- 5) Storage items shall not be higher than fences or screens.

6.3 Commercial Feedlots

6.3.1 Purpose

These regulations are designed to allow feedlots for feeding of livestock, furbearers, and poultry at the same time to protect the adjoining uses from odor, run off, and other incompatible or undesirable characteristics associated with feedlots.

6.3.2 General Requirements

- 1) All feedlots as defined by this Ordinance are permitted as conditional uses subject to the provisions of this Ordinance, the requirements of the North Dakota Health Department, and approval by the Commission.
- 2) All commercial feedlots shall be designed and constructed with all reasonable preventative measures to avoid surface run-off including construction of sealed collection and retention ponds.
- 3) Where appropriate, there shall be sufficient drainage to avoid pollution of the ground and surface water from the standing effluents.
- 4) Commercial feedlots shall not be placed in the floodplains.
- 5) An applicant, as part of the site approval application, shall submit a plan for removal and disposal of the liquid solid waste generated by the commercial feedlot.
- 6) An “animal unit equivalent” is a unitless number developed from the nutrition and volume characteristics of manure for a specific livestock types. The term “animal units” is used to normalize the number of animals (e.g., head) for each specific livestock type which produce comparable bulk quantities of manure. The animal equivalent units for types of livestock and the number of livestock for facility size thresholds of three hundred (300) animal units (AUE), and so forth, are listed in the following table.
- 7) No feedlot shall be located nearer than .5 (one-half) mile from a residence, residential development in an unincorporated area or city limits in the county, park, cemetery, church, or school, other than the owner/operator’s residence.

6.3.3 Water Resource Setbacks

An applicant of a new commercial feedlot operation that has more than three hundred (300) animal units shall not locate or establish that operation:

- 1) Within a delineated source water protection area for a public water system.
- 2) Within one thousand two hundred (1,200) feet of a private ground water well which is not owned by the operator or within one thousand five hundred (1,500) feet of a public ground water well which does not have a delineated source water protection area.
- 3) Within one thousand (1,000) feet of surface water which is not included in a source water protection area.

Equivalent Numbers of Livestock

For Four Sizes (a.u.) of Animal Feeding Operations

Livestock Equivalent	Type	Animal Unit	300 a.u.	1,000 a.u.	2,000 a.u.	5,000 a.u.
1 horse		2	200 hd	666 hd	1,333 hd	3,333 hd
1 dairy cow		1.33	225	750	1,500	3,750
1 mature beef		1.0	300	1,000	2,000	5,000
1 beef feeder-finishing		1.0	300	1,000	2,000	5,000
1 beef feeder-backgrounding		.75	400	1,333	2,667	6,667
1 mature bison		1.0	300	1,000	2,000	5,000
1 bison feeder		1.0	300	1,000	2,000	5,000
1 swine >55 lbs		0.4	750	2,500	5,000	12,500
1 goose or duck		0.2	1,500	5,000	10,000	25,000
1 sheep		0.1	3,000	10,000	20,000	50,000
1 turkey		0.018	16,500	55,000	110,000	275,000
1 chicken		0.01	30,000	100,000	200,000	300,000

Setback Distances for Animal Feeding Operations

Number of Animal Units	Hog Operations	Other Operations
100-299	1 mile	0.50 mile
300-999	2 miles	1 mile
1,000 or more	3 miles	2 miles

6.3.4 Application Procedure and Requirements

The application for a conditional use permit to operate a facility for a commercial feeding operation shall include a scaled site plan. If the facility will handle more than three hundred (300) animal units, the scaled site plan shall be prepared by a

registered land surveyor, a civil engineer, or other person having comparable experience or qualifications. The application shall also list or provide:

- 1) The proposed number of animal units.
- 2) Total acreage of the site of the facility.
- 3) Existing and proposed roads and access ways within and adjacent to the site of the facility.
- 4) Surrounding land uses and ownership, if the operation will have the capacity to handle more than three hundred (300) animal units.
- 5) A copy of the permit application submitted by the applicant to the North Dakota State Department of Health.

6.4 Sanitary Landfills and Solid Waste Sites

6.4.1 Solid Waste Disposal Facility

Solid waste disposal facilities as regulated by this Section shall include all facilities for the incineration of disposal of solid waste or solid waste residue which are required to be permitted under statute or rule by the North Dakota Department of Health and Consolidated Laboratories. A solid waste disposal facility may be allowed in any Agricultural District as a conditionally permitted use provided:

- 1) It is located at least one (1) mile from any residence or residential zone area unless written approval is obtained from the owner(s) of any residence within this area.
- 2) It is continuously licensed and approved by the North Dakota Department of Health as to location and operation.
- 3) There is no substantive evidence that the facility will endanger the public health or the environment.
- 4) The conditional use permit will be valid for a period of time set by the Commissioners.
- 5) For the permit to be approved, sixty percent (60%) of all property owners within one (1) mile of the proposed location must approve of the proposed facility.

6.4.2 County Code and Procedures

The County hereby adopts solid waste provisions of NDCC 11-33-20, to assure meeting the purposes of this Ordinance.

6.4.3 Collection of Solid Waste

No person may collect or transport waste materials for a fee without obtaining a permit from the County. Storage of solid waste materials shall be confined to buildings and structures designed specifically for such purpose and shall be secured by appropriate fences and gates. The openings to the buildings and structures, including but not limited to conveyors, doors, ramps, and other points of access for use by transport or moving vehicles when not in use shall be closed air tight to minimize the impact from odor and concentration of insects and rodents.

6.5 Recycling Facilities

A recycling facility by definition is a place where any material including yard waste, oil, glass, metal, plastic, paper, or cardboard is processed for an end-use. Because of the nature of the recycling facilities as permanent structures, zoning approval and a conditional use permit is required. The following are required to obtain a conditional use permit:

- 1) The facility shall not abut residential and public uses.
- 2) The facility will be screened from the public right-of-way when it is abutting a residential district. The screen shall consist of a solid fence or wall of at least eight (8) feet in height.
- 3) The facility shall not be placed in the floodplain.
- 4) The site shall be free of litter and other undesirable materials. Containers shall be clearly marked to identify the type of material that may be deposited.
- 5) There shall be pest control plan for review and approval.

6.6 Public Nuisances

The maintenance of public nuisances including, but not limited to noxious weeds, smoke, gases, odors, radio interference, blighted structures or buildings, accumulation of junk, trash, rubbish, automobiles, dead or diseased trees shall be prohibited.

6.7 Noise

Sustained noise of over eighty (80) decibels (dB) during the day and seventy (70) decibels (dB) at night is prohibited.

6.8 Fences

- 1) No site-obscuring fence over forty-eight (48) inches in height shall be erected within the front yard of any lot used for residential purposes.
- 2) No permanent fence shall be constructed on a road right-of-way or within the confines of the ditch backslope.

- 3) Electrical fences shall conform in all respects to the State of North Dakota regulations for electrical wiring and shall be energized only with Underwriters Laboratories approved equipment.

6.9 Home Occupations

6.9.1 A home occupation in an unincorporated community:

The following requirements must be satisfied in order for a home occupation located in an unincorporated area within the county to constitute a conforming use in any zoning district where such uses are authorized:

- 1) The occupation shall be limited to the dwelling and the area of the occupation shall not exceed twenty-five (25) percent of the main floor area, excluding any basement or garage floor space.
- 2) Structural changes shall not be made in the dwelling, unless a certificate/application is first obtained.
- 3) Employees are limited to two full-time or four part-time besides the owners.
- 4) No sign may be permitted larger than four (4) square feet.
- 5) Evidence of the home occupation shall not be visible from the road.
- 6) The home occupation shall not adversely affect the character of the uses permitted in the zoning district in which it is located.

6.9.2 Rural Home Occupations:

Rural home occupations shall conform to the requirements for home occupations except:

- 1) Rural home occupations may be located in a separate non-residential or farm building provided any building principally used for the home occupation shall not exceed one thousand two hundred eighty (1,280) square feet. The minimum lot size for a separate non-residential building shall be one (1) acre.
- 2) Employees are limited to two full-time or four part-time personnel.
- 3) Structural additions may be made to a dwelling provided the applicant obtains approval from the Commission and the alterations shall not exceed twenty-five (25) percent of the main floor area of the dwelling, but not including basement or garage floor area.

6.10 Oil and Gas Exploration

No person, partnership, association, corporation shall engage in the exploration for oil or gas within the county without first providing to the Zoning Administrator evidence of compliance with the provisions of NDCC Chapters 38-08 and 38-08.1.

6.11 Oil and Gas Drilling and Production

Oil and gas drilling and production are permitted in the Agricultural District provided the person engaged in such oil and gas drilling and production has met the following requirements:

- 1) Obtained a County Road Approach Permit from the County Road Superintendent.
 - a) The County Road Superintendent shall charge each applicant for a County Road Approach Permit a fee, the amount of which is to be determined by the Commission, to cover processing and administrative expenses, plus any mileage and expenses of the County Road Superintendent at the rate allowed county officials by state law, should it be deemed necessary to conduct on-site inspections. Said fee or expenses, if any, must be paid prior to the approval and issuance of the County Road Permit.
 - b) The County Road Superintendent, in reviewing any application for a County Road Approach Permit, shall consider all relevant criteria, including the proposed use and the condition of the county roads and bridges at the time of the application, public safety concerns, maintenance costs to the county, weather conditions, etc.

6.12 Oil, Gas, and Other Related Gathering Line Systems

- 1) The applicant must submit the following data to the Zoning Administrator prior to the placement of any lines:
 - a) A map of the line route which clearly indicates that the pipeline right-of-way does not pass within two hundred (200) feet of a building or surface water body and is not within one hundred (100) feet of a highway right-of way or section line unless perpendicular to said right-or way or line;
 - b) An identification of pipeline origin, destination, size, minimum burial depth, road crossing methods, and product;
 - c) An identification of areas where the pipeline right-of-way transverses a slope which exceeds 15 degrees and a plan for the construction of waterbars to reduce erosion in such areas;
 - d) An indication of the steps that will be used to reclaim and revegetate the right-of way;
 - e) The name and address of the contractor doing the actual work;

- f) The name of the affected landowners and written proof of their consent of placement of proposed lines;
 - g) The approximate date of commencement of operations;
 - h) A permit fee, the amount of which shall be determined by the County Commission, will be charged for each proposed project;
 - i) A certification of completion is to be submitted to the Zoning Administrator within ten (10) days of the completion date;
 - j) As-builds may also be required.
- 2) Depth and boring requirements:
- A minimum depth of six (6) (feet) measured from the bottom of the ditch when crossing roads is required. A distance of 4 (four) feet is required from the shoulder of the roadway to the beginning of the boring. All county roads must be bored and cased.

6.13 Coal Mining

An applicant for a coal mining conditional use permit shall meet the following requirements:

- 1) Provide to the County Zoning Administrator a copy of all non-confidential information that was submitted to the North Dakota Public Service Commission concerning site operations, locations, ownership patterns and site reclamation.
- 2) Provide the County Zoning Administrator with evidence of approval, where approval is required by state law, by the North Dakota Public Service Commission of the proposed mining operations.
- 3) Conform to all state and federal laws relating to the preservation, removal or relocation of historical or archaeological artifacts and to reclamation of strip-mined lands.
- 4) Post performance bond for reclamation of the site, with the County Auditor, if not already posted with the state.
- 5) Mining activities within a within a two-mile radius of a jurisdictional limits of any incorporated city within the County shall be prohibited.

6.14 Other Subsurface Mineral Exploration

An applicant for a subsurface mineral exploration conditional use permit shall meet the following requirements:

- 1) Provide to the County Zoning Administrator evidence of approval by the North Dakota State Industrial Commission and the State Geologist of the proposed subsurface mineral exploration.
- 2) Provide to the County Zoning Administrator with evidence of approval by the North Dakota State Industrial Commission and State Geologist of any surety bond or cash bond, or alternate form of security, where such security is required by the North Dakota Industrial Commission.
- 3) The duration of a subsurface mineral exploration conditional use permit shall be no more than 90 days.
- 4) Upon completion of the operations, the operator shall file with the County Recorder the actual location of testing.

6.15 Other Subsurface Mineral Mining

An applicant for a subsurface mineral mining conditional use permit shall meet the following requirements:

- 1) Provide the County Zoning Administrator with a copy of all non-confidential information that was submitted to the North Dakota Industrial Commission and the State Geologist concerning site operations, site reclamation, location, and ownership patterns.
- 2) Provide the County Zoning Administrator with written evidence of approval by the North Dakota Industrial Commission and the State Geologist for the proposed mining or excavation operation, if such approval is required by state law.
- 3) Conform to all state and federal laws relating to the preservation, removal, or relocation of historical or archaeological artifacts and to reclamation of strip-mined land.
- 4) Post a performance bond for reclamation of the site, with the County Auditor if not already posted with the State.
- 5) Mining activities within a within a two-mile radius of a jurisdictional limits of any incorporated city within the County shall be prohibited.

6.16 Excavation and Mining of Sand, Gravel, Rock, Stone, Scoria and Clay

All mining and excavation sites shall be located so as to protect and preserve agricultural land and to minimize the traffic, noise, dust, fumes, vibration impact on adjoining uses, and disruption of known water sources. The provisions of this section shall not apply to any excavations for agricultural purposes or for uses requiring less than five thousand (5,000) cubic yards of aggregate.

An applicant for a conditional use permit to excavate or mine sand, gravel, rock, stone, scoria, or clay shall meet the following requirements:

- 1) Provide the County Zoning Administrator with a site plan for operation and reclamation of the mined land, including maps showing the location of the land to be mined; the location of roads and points of access to the site; maps showing the existing and proposed contours after the land is mined; and a timetable for operation of the site.
- 2) Provide the County Zoning Administrator with evidence of written agreement between the applicant and property owner that excavation or processing shall not take place within three hundred (300) feet of an adjacent property line or within five hundred (500) feet of an existing residence.
- 3) Demonstrate compatibility with the existing landform including the vegetation, surface, and ground water resources.
- 4) All mining and excavation sites must have at least a 3-to-1 slope.
- 5) Provide the County Zoning Administrator with written evidence of a reclamation agreement between the applicant and the surface owner.
- 6) Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned, or closure of the operation of the site. All top soil shall be replaced and planted to natural protected vegetation.
- 7) Post bond as follows in an amount to be determined by the County Commission

Mining activities within a within a two-mile radius of a jurisdictional limits of any incorporated city within the County shall be prohibited.

6.17 Mobile Home Parks

The applicant shall meet the following requirements for obtaining a permit for construction and operation of a mobile home park.

- 1) A site plan showing location of streets, utilities, off-street parking, driveways, walkways, blocks, lots, playground and park area, accessory buildings to be used for all park residents.
- 2) The park shall contain a minimum of ten (10) acres of land.
- 3) The maximum number of mobile homes in a park shall be five (5) units per gross acre.
- 4) Approval of the County Commission for access to county roads is required.
- 5) Each mobile home shall be placed on a lot at least sixty (60) feet wide with a minimum area of seven thousand (7,000) square feet.

- 6) A minimum of ten (10) percent of the park area shall be allocated for open space and recreational facilities. If an applicant can demonstrate a compelling reason why he/she should not comply with the requirements of this section, cash may be offered in lieu of the land required for public dedication. The cash shall be used for land for public parks or other public uses and must be used for land in the vicinity of the proposed mobile home park. The amount required shall be determined by the County Commission and shall be consistent with the value of the land which would otherwise be offered for public dedication.
- 7) Each unit shall be placed on a stand which provides a firm foundation for anchoring purposes to avoid accidental movement and overturning.
- 8) All lots in the park shall be accessible at all time to emergency vehicles and comply with the numbering or signage requirements of the State Department of Transportation.
- 9) Each unit shall have a minimum setback of ten (10) feet within the park and fifty (50) feet from public roads outside of the park.
- 10) Each unit shall have a minimum side yard of ten (10) feet.
- 11) Where the park is served by private streets those streets shall conform to the design standards recommended by the County Commission.
- 12) Evidence of compliance with the rules and regulations of North Dakota State Health Department and North Dakota Laboratories Department.
- 13) All units in the park shall be served by underground utilities unless waived by the County Commission.
- 14) There shall be two off-street parking spaces per unit.
- 15) Each unit in the park shall be numbered or otherwise identified according to the signage requirements adopted by the County Commission.

6.18 Adult Entertainment Centers

- 1) An adult entertainment center shall not be located within one thousand two hundred fifty (1,250) feet of any religious institution, cemetery, school, park or recreation area.
- 2) An adult entertainment center shall be located only in an Industrial Zoning District
- 3) An adult entertainment center shall not be located within one thousand two hundred fifty (1,250) feet of any establishment that dispenses alcohol on-premises.
- 4) An adult entertainment center shall not be located within one thousand two hundred fifty (1,250) of any other adult entertainment center.
- 5) An adult entertainment center must prohibit entrance by persons less than eighteen (18) years of age.
- 6) An adult entertainment center may not display any signs visible from the exterior of the adult entertainment center, except for signs identifying it as an adult entertainment center, as an adult book store, adult entertainment facility, adult cinema, or combination thereof.
- 7) No material depicting specified sexual activities or specifies anatomical areas shall be visible from the exterior of an adult entertainment center.
- 8) The business premises of an adult entertainment center that are generally open to its patrons are open equally at the same time to members of any law enforcement agency who may wish to enter thereon provided the entry is in the course of the discharge of the law enforcement officer's duties.

6.19 Wind Energy Facility

The purpose of these regulations is to provide a regulatory framework for the siting, construction and operation of wind energy facilities in the county, subject to reasonable restrictions, that will preserve the safety and well-being of the residents of the county, while allowing equitable and orderly development of wind energy facilities.

6.19.1 Regulatory Framework

1) Zoning

Wind energy facilities may be constructed within the county, subject to the restrictions and conditions of this Ordinance.

2) Principal or Accessory Use

A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in

accordance with the provisions of this Ordinance shall not be deemed to constitute expansion of a nonconforming use or structure.

3) **Applicability**

The requirements of this Ordinance shall apply to all wind energy facilities with one or more wind turbines rated at fifty (50) kilowatts nameplate capacity or larger constructed after the effective date of this Ordinance. No operation of an existing wind energy facility shall be allowed without full compliance with this Ordinance and its Wind Energy Facility Siting Permit, and no modification or alteration of an existing wind energy facility shall be allowed without issuance of a new Wind Energy Facility Siting Permit pursuant to Section 6.19.2 and Section 6.19.3.

6.19.2 Wind Energy Facility Siting Permit

1) **Application for Permit**

No construction, except for wind monitoring, soil testing and other survey work, may commence on a wind energy facility until a Wind Energy Facility Siting Permit (“Permit”) has been issued by the Commission. An applicant for a Wind Energy Facility Siting Permit must submit an application to the Planning and Zoning Commission. The application shall be signed by an authorized representative of the applicant, include a fee to be determined by the Commission for each proposed wind turbine, and includes the following information:

- a) The complete name, legal address and phone number of the applicant and responsible contact person.
- b) A USGS topographical map of the wind energy facility and five hundred (500) feet of all adjoining properties adjoining the wind energy facility perimeter. The map must show all existing features, including property boundaries, structures, improvements, roads, utility lines, public facilities and natural features. The map must also show the location of all proposed improvements for the wind energy facility, including wind turbines, MET Towers, electrical lines and roads. Each proposed wind turbine shall be numbered and fully described in technical details, including rotor diameter, model, and manufacturer, and distances, measured in feet, from property lines and from existing improvements for each proposed wind turbine.
- c) Details as to how the applicant will comply with each item in Section 6.19.5.
- d) A schedule for the proposed start and completion of construction of the wind energy facility.

- e) Copies or signed summaries of all leases and easements for wind turbines and associated equipment and infrastructure to be sited within the county and copies of any written agreements between the applicant and affected parties holding associated wind rights on adjoining properties.

6.19.3 Public Hearings

Upon receipt of the application, the Planning and Zoning Commission along with any experts it may retain, shall review the permit application and, in its discretion, may hold a public hearing on the application within no more than forty-five (45) days from receipt of the application, providing at least fifteen (15) day notice prior to the hearing in the official newspaper of the county and mailing written notice to property owners within five hundred (500) feet of the proposed wind energy facility perimeter.

If the Planning and Zoning Commission finds that the applicant for the Wind Energy Facility Siting Permit has satisfied all applicable requirements, it shall recommend approval by the Commission. The Commission must approve, approve with conditions, or deny the application within sixty (60) days of the date of the submission of the application, or, when held, the date of the public hearing.

6.19.4 Demonstration of Compliance

A Wind Energy Facility Siting Permit issued pursuant to Section 6.19.2 shall be contingent upon the applicant's final demonstration of compliance with the requirements of the permit following completion of construction of the wind energy facility. Within 90 (ninety) days of wind energy facility construction, the permittee shall submit to the Planning and Zoning Commission an updated and final USGS topographical map, or survey if available, providing all information pursuant to Section 6.19.2 and demonstrating actual compliance with the requirements and conditions of the permit.

6.19.5 General Requirements for Wind Energy Facilities

- 1) Appearance, Lighting, Facility Footprint, Agricultural Operations, Roads and Power Lines
 - a) Wind turbines shall be painted a non-reflective, non-obtrusive color.
 - b) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
 - c) Each wind turbine shall be marked with a visible identification number to assist with provision of emergency services, and a permittee shall file with local fire departments, law enforcement and

the county emergency management coordinator a wind energy facility map identifying wind turbine locations and numbers.

- d) Wind turbines shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
- e) At wind energy facility sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, and location that will blend the wind energy facility into the natural setting and existing environment.
- f) At wind energy facility sites, the location and construction of access roads and other infrastructure shall, to the extent reasonably possible, minimize disruption to farmland, the landscape and agricultural operations within the county. Prior to construction, the applicant shall make satisfactory arrangements (including obtaining permits) for road use access road intersections, maintenance and repair of damages with governmental jurisdiction with authority over each road. The applicant shall notify the county road superintendent on request.
- g) A permittee shall promptly replace or repair all fences or gates removed or damaged during all phases of the wind energy facility's life, unless otherwise negotiated with the affected landowner. When the permittee installs a gate where electric fences are present, the permittee shall provide for continuity in the electric fence circuit.
- h) A permittee shall ensure that, following completion of construction of a wind energy facility, county roads will be repaired or restored to a condition at least equal to the condition prior to construction of such facility.
- i) A permittee shall place electrical lines, known as collectors, and communication cables underground when located on private property. Collectors and cables shall also be placed within or adjacent to the land necessary for wind turbine access roads, unless otherwise negotiated with the affected landowner. [This paragraph does not apply to feeder lines.]
- j) A permittee shall place overhead feeder lines on public rights-of-way, if a public right-of-way exists, or a permittee may place feeder lines on private property. A change of routes may be made as long as the feeders remain on public rights of way and approval has been obtained from the governmental unit responsible for the affected right-of-way. When placing feeders on private property, the permittee shall place the feeder in accordance with the easement negotiated with the affected landowner.

2) Setbacks

The following setbacks and separation requirements shall apply to all wind turbines in a wind energy facility.

- a) Occupied Structures and Facilities: Each wind turbine shall be set back from the nearest occupied dwelling, commercial building or publicly-used structure or facility at a distance not less than two thousand (2,000) feet.
- b) Public Roads and Above Ground Communication and Electrical Lines: Each wind turbine shall be set back from the nearest public road or above ground communication and electrical lines at a distance not less than two hundred (200) feet, determined from the center of the existing right-of-way.
- c) Wind Energy Facility Perimeter: Each wind turbine shall be set back from the wind energy facility perimeter at a distance not less than two and one-half (2.5) times the rotor diameter of the wind turbine. A variance may be granted if an authorized representative or agent of the permittee and those affected parties on adjoining properties with associated wind rights signs a formal and legally-binding agreement expressing all parties' support for a variance that waives or reduces the setback requirement.

6.19.6 Minimum Ground Clearance

The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

6.19.7 Restoration of Property

Within one hundred and eighty (180) days of termination or abandonment of leases or easements for a wind energy facility in the county, the permittee shall, at its expense, comply with the following decommissioning requirements:

Decommissioning and site restoration includes dismantling and removal of all towers, turbine generators, transformers, and overhead cables; removal of underground cables to a depth of twenty-four (24) inches; removal of foundations, buildings and ancillary equipment to a depth of four (4) feet; and removal of surface road material and restoration of the roads; and turbine sites to substantially the same physical condition that existed immediately before construction of the commercial wind energy conversion facility or wind turbine. The site must be restored and reclaimed to the same general topography that existed prior to the beginning of the construction of the wind energy conversion facility.

Within one hundred and eighty (180) days of termination or abandonment of leases or easements for a wind energy facility in the county, the permittee shall cause, at its own expense, removal of all structures to a depth of four feet below pre-construction grade.

6.19.8 Transfer of Wind Energy Facility Siting Permit

In the event of a change in ownership or controlling interest in a wind energy facility and the transfer of a Wind Energy Facility Siting Permit, any successors and assigns of the original permittee shall comply with the requirements and conditions of such permit for the duration of operation of a wind energy facility permitted in the county. Within thirty (30) days of such change in ownership or controlling interest of any entity owning a wind energy facility, the parties to the transaction shall notify the Commission by letter and provide information pursuant to Section 6.19.2. The letter shall be signed by the authorized representatives or agents of both the original permittee and the entity to which the permit is being transferred.

6.20 Recreational Vehicle Parks, Tourist and Trailer Camps

In addition to the mobile home park standards listed in this chapter, the applicant shall meet the following requirements to obtain a permit:

- 1) The minimum area for campground shall be five (5) acres and maximum number of recreational trailers shall be fifteen (15) units per gross acre.
- 2) A site plan showing the boundary of property, topographic information with contour intervals of no more than five (5) feet; arrangement of streets, drives and access roads; location of service buildings; location and dimension of camp sites; location of sanitary facilities; and location of water supply.
- 3) Proof of compliance with the requirements of North Dakota State Health Department and North Dakota State Laboratories Department must be submitted.
- 4) Approval of the County Commission for ingress and egress to the property.

6.21 Animal Hospitals and Veterinary Clinics

Animal hospitals and clinics shall not be located within five hundred (500) feet from any residence except the residence of the owner-operator.

6.22 Agricultural Manufacturing

Activities allowed under Agricultural Manufacturing include the manufacturing and processing of agricultural resources and products indigenous to the county. This excludes rendering plants, fertilizer plants and similar uses.

6.23 Communications Towers

A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio or telephone communications, excluding those used exclusively for dispatch communications. Communications towers require a conditional use permit and must be based upon design standards which are adopted by the County Commission.

6.24 Golf Driving Range, Archery Range, Miniature Golf Course, Go-cart Track or Race Track

These uses require a conditional use in agricultural zoning districts.

The following requirements shall apply to each of these uses

- 1) They shall not be constructed within five hundred (500) feet of a residential district.
- 2) Floodlights used to illuminate the premises are so directed and shielded as not to be non-intrusive to any developed residential property, highways and streets.

6.25 Height Restriction

Buildings excluding those used for industrial, agricultural or institutional purposes shall not be greater than thirty-five (35) feet in height except by variance and shall not affect solar access for neighboring structures. Said height restrictions shall apply to the main frame of the building and shall not affect church spires, televisions, aerials, solar panels, satellite dishes, flagpoles, chimneys, elevator bulkheads, ventilation and heating equipment or hose towers.

All free standing structures which exceed thirty-five (35) feet in actual height shall be erected or constructed only following approval of a conditional use permit.

6.26 Signs

The purpose of regulating signs in the county is to provide for a visually pleasant environment and minimize potentially unsafe conditions while also offering opportunities for public and private information and advertising.

6.26.1 General Requirements

- 1) Signs providing directions for permitted uses shall not be larger than twenty (20) square feet in area.
- 2) Signs providing directions for conditional uses shall not be larger than forty (40) square feet.
- 3) Advertising signs shall not be larger than ninety-six (96) square feet.

6.26.2 Special Requirements

- 1) Signs in a Residential District shall be limited to: (a) one sign per dwelling structure not exceeding twelve (12) square feet in an area which may be wall, pedestal, ground or projecting type; (b) one temporary sign such as “For Sale”, or “For Rent”, not exceeding twenty (20) square feet in area.
- 2) Signs in the Commercial and Industrial Districts shall be limited to: (a) one general identification sign per business not exceeding fifty (50) square feet in area which may be wall, pedestal, ground, or projecting type; (b) temporary signs including “For Sale”, political campaign signs, greeting signs, and rally signs not exceeding fifty (50) square feet in area; (c) directory and advertising signs in the Agricultural, Commercial, and Industrial districts shall not be larger than ninety-six (96) square feet in area and placed nearer than six hundred (600) feet apart.
- 4) The placement of all signs shall be subject to the setback requirements of the district in which they are located and in no event upon a county roadway or right of way.
- 5) No flashing or bare bulb signs are allowed.
- 6) Signs if allowed in Residential Districts are limited to ten (10) feet in height.
- 7) Signs in Agricultural, Commercial, and Industrial Districts shall be limited to twenty-five (25) feet in height.

6.27 Temporary Crew Housing (Workforce Temporary Housing)

6.27.1 Definitions

1) **Temporary Crew Housing (work camp housing)**

Modular residential structures used to house workers on a temporary basis for a specified period of time. It may include one or more lodging units which are not mobile homes as defined in NDCC Section 57-02-04 and are not mobile homes as defined in NDCC Section 57-55-01.

2) **Crew Housing Permit**

A right granted by the county to locate a crew housing facility within the jurisdiction of the county and to enjoy attendant services and facilities provided by the County Commission.

3) **Skid Units**

A structure or group of structures, either single or multi-sectional, which is not built on a permanent chassis and is ordinarily designed for human living quarters, or a place of business, on a temporary basis.

4) **Closed Crew Camp**

Employee housing occupied by employees of an applicant business or premises leased to a business for the purpose of providing temporary housing to only the employees of that business.

6.27.2 Conditional Use Permit

A Temporary Closed Crew Camp Housing Permit may be granted by the County Commission as a conditional use, the issuance of which is subject to the procedures contained within Section 8.3 of this Code. It is allowable as a conditional use in the Industrial Zoning District, but in no case within three miles of the jurisdictional boundary of any incorporated city within this county unless the Planning and Zoning Board receives written approval from the affected jurisdiction to the siting of a facility within that area. Additionally, all Temporary Crew Camps shall be subject to a one-half mile set back from U.S. Interstate-94, U.S. Highway 85, North Dakota State Highway 22 and Stark County Highway 10.

6.27.3 Application Procedure

An application for a Temporary Crew Housing Permit shall be signed by the applicant and the property owner and shall include the following information:

- 1) A written description of the propose facility.
- 2) A description of the units together with a numbering system.
- 3) A description of how the proposed units are set and/or anchored.
- 4) A statement that roads to be constructed within the facility will meet county specifications and if the facility is within three miles of a city, the city's road specifications, if any.
- 5) The name and address and contact information of the applicant and the property owner
- 6) Consent of the owner to a background check
- 7) Biographies of key company employees.
- 8) Whether the applicant has ever engaged in the business of owning or operating a crew housing facility before, and if so, the dates and locations of such ownership or operation.
- 9) The name and address and contact information of the on-site manager.

- 10) A copy of the deed or lease (if applicable).
- 11) An occupancy list to be maintained and provided to the County 911 emergency coordinator on a weekly basis, including a unit numbering system where appropriate.
- 12) A site plan drawn to scale showing the location of housing units, additional structures, internal circulation and parking, including bus lanes and pick-up/drop-off areas, setbacks, utilities, including, but not limited to, potable water, wastewater, and electrical, solid waste collection areas and dumpsters, drainage and stormwater management facilities, ingress and egress, access for emergency vehicles, screens, buffers, and fencing, internal lighting, laundry facilities, and recreational facilities
- 13) Unit spacing adequate to accommodate emergency services
- 14) List of house rules and regulations, including drug and alcohol policies.
- 15) On-site security plan.
- 16) Fire and emergency evacuation plan approved by the County Emergency Management Department.
- 17) Snow removal plan.
- 18) Copy of permit/approval forms issued by the North Dakota State Health Department North Dakota Department of Commerce, North Dakota State Electrical Board, North Dakota State Plumbing Board, Southwest Water Authority Service Agreement, Southwest Health Department including fresh water, refuse disposal plan, and septic or sewer discharge plan, and any other applicable State and Federal permits.
- 19) Expansion plan, if applicable.
- 20) Pay an annual Planning and Zoning Fee in an amount to be determined by the County Commission.
- 21) A copy of the closure plan.
- 22) Submit a surety bond for clean-up purposes, the amount of which is to be determined by the County Commission based upon the recommendations county's designated engineering firm. The amount of the bond shall include a sum sufficient to clean the premises upon abandonment together with an escalator clause to cover anticipated increases in costs for such purpose. The bond posted must continue in effect for two years after the facility is abandoned.

- 23) Off-street parking shall be provided on a one-to-one ratio, one parking space per bed.
- 24) Any additional information deemed necessary by the Zoning Director, the planning and zoning board, or the county commission.

6.27.4 Prohibited Housing Types within Closed Camps

- 1) Recreational vehicles, campers, and mobile homes are prohibited as units in a crew housing facility.
- 2) Skid shacks shall be allowed as long as they meet the following conditions:
 - a) Front setbacks of twenty-five (25) feet from the front of the property line.
 - b) Rear setback ten (10) feet from a commercial lot or a thirty (30) feet setback if adjoining a residential district.
 - c) Side setback of ten (10) feet.
 - d) There must be a minimum of fourteen (14) feet between skid units or any other structures on the property.

6.27.5 Work Site Housing

Up to twenty-four (24) workforce housing units may be located upon the premises (work site) of an industrial site as a conditional use if the same are dedicated to the use of the businesses employees. This housing will not be restricted as to type but is subject to the application procedure contained within this Code and subject to rules and regulations of the North Dakota State Health Department.

6.27.6 Prohibited Activities

No illegal substances or animals are allowed on the premises of a crew housing facility. No parking will be allowed between units. The site is to be maintained free of garbage and junk.

6.27.7 Termination of Crew Housing Permit

A Crew Housing Permit is a conditional use permit subject to review by the Planning and Zoning Board at any time. The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.

6.27.8 Renewal of Conditional Use Permit

Any Temporary Crew Housing Permit granted in accordance with this section shall expire two years from the date of issuance. The permit may be extended by the Planning and Zoning Board upon written application of the owner of the property or authorized representative provided that the extension is for the same use as specified in the original permit and that the applicant is in compliance with the terms and conditions specified in the original permit.

6.28 Utilities – Underground and Overhead

The setback for utilities, whether underground or overhead, for all section lines and all roads within the county shall be a minimum of seventy-five (75) feet or the existing right-of-way easement, whichever is greater.

6.29 Enchanted Highway Setbacks

Notwithstanding anything to the contrary herein, no structure allowed in a Commercial or Industrial District shall be located within one (1) mile of the center line of the Enchanted Highway and no structure of more than thirty (30) feet in height shall be located within this restricted area.

6.30 Temporary Use Permit

A temporary use permit may be granted by the County Zoning Administrator following a ruling by the Planning and Zoning Commission on the application submitted. Temporary use permits shall apply to the structures and uses identified as appropriate under each district, and any other activities or uses considered by the Planning and Zoning Commission to warrant limitations on the length of time the land can be occupied by said use or activity. Unless otherwise provided, all temporary use permits are reviewable on an annual basis.

The application for a temporary use permit shall contain the information required for a conditional use permit and under the district's Ordinances plus a justification for the permit period requested by the applicant.

A public hearing on the temporary use permit request shall be held following proper notice pursuant to Section 11-33-08 NDCC. The notice shall include a description of the action and location in sufficient detail so that concerned parties may determine the action's impacts. A temporary use permit fee shall be paid in an amount to be determined by the County Commission.

6.31 Farm Animals

The number of farm animals allowed on properties five acres or greater in size shall be two (2) per five acres.

ARTICLE VII

SUBDIVISION REGULATIONS

7.1 Intent

- 1) To insure the orderly development of the county and its unincorporated planning area.
- 2) To provide for proper arrangement of streets in relation to other existing and planned streets.
- 3) To provide for adequate and convenient open spaces for traffic, utilities, firefighting, recreation, light and air.
- 4) To facilitate adequate provisions for access, placement of public non-profit and for profit utilities, schools, and public open spaces.
- 5) To avoid development of unsuitable areas because of soil, drainage and other physical limitations.
- 6) To facilitate subdivision of larger parcels into smaller parcels and lots.
- 7) To implement the Comprehensive Plan of the county.

7.2 Compliance with Chapter

All subdivisions made within the county and not located in any municipality or its extra-territorial jurisdiction shall be subject to and shall conform to the three-step requirements of this chapter.

7.2.1 Subdivisions in Advance of County Needs

The County shall discourage the subdividing of lands that are far in advance of the needs of the county; that by their location cannot be efficiently served by public utilities, fire protection or other county services; that are located in areas subject to flooding or that are topographically unsuitable for development; or that for any other reason are unwisely or prematurely divided.

7.2.2 Replatting and Coordination of Adjacent Areas

The County shall encourage the replatting of lands deemed to be unsatisfactorily subdivided or undeveloped. Coordinated platting of adjacent small parcels of land shall be encouraged.

7.3 Minor Subdivision

Where a proposed subdivision does not entail the establishment of any required street or road easements nor does it require any utility easements nor does the subdivision require any grading or re-contouring of the land surface, then said subdivision may be defined as a minor subdivision and may follow the guidelines of these regulations developed for minor subdivisions. All other plots are considered major subdivisions.

7.4 Sketch Plan

7.4.1 Submission

- 1) Prior to the filing of an application for tentative approval of the preliminary plat, the subdivider shall submit for review by the Planning and Zoning Commission sketch plans.
- 2) Such sketch plans will be considered as submitted for informal discussion between the subdivider and the Planning and Zoning Commission. Submission of a subdivision sketch plan shall not constitute formal filing of a plat.
- 3) Prior to presentation of the sketch plan to the Planning and Zoning Commission, the subdivider should contact the Zoning Administrator to ensure that the proposed subdivision conforms to the design standards of this chapter, the county comprehensive plan, street or utility master plans, and discuss any possible modifications necessary to ensure conformance.

7.4.2 Data Required for Sketch Plan

- 1) Tract boundaries;
- 2) North point;
- 3) Description of nature and purpose of street(s) on and adjacent to the tract;
- 4) Proposed general street layout;
- 5) Significant topographical and physical features;
- 6) Proposed general lot layout;
- 7) Proof of zoning and/or conditional use approval, including conditions of approval and site plan, if appropriate;
- 8) Existing and proposed land use: and
- 9) Land uses of adjacent tracts.

7.5 Preliminary Plat

The preliminary plat shall be prepared by a registered land surveyor and shall be submitted to the Planning and Zoning Commission for review and recommendation to the County Commission. The preliminary plat shall cover the entire contiguous area owned or controlled by the subdivider if it is less than twenty (20) acres even though only a small portion of it is proposed for the development at the time. The subdivider may be required to submit a development plan if he/she owns or controls more than twenty (20) contiguous acres of land.

7.5.1 Preliminary Plat Content (Major Subdivision)

The preliminary plat shall include the following requirements, data and information.

- 1) The preliminary plat drawn at a scale of not smaller than one inch equals one hundred feet (1" = 100'). This requirement may be waived by the Planning and Zoning Commission for large tract subdivisions.
- 2) Name of the subdivision and location by section, township and range, to the quarter section, or other legal description.
- 3) Date, graphic scale and North point.
- 4) Boundary line of the proposed subdivision indicated by a solid heavy line, accurately drawn to scale and showing distances and bearings.
- 5) Total acreage within the subdivision.
- 6) Location, right-of-way width and names of any existing or previously platted streets including type and width of surfacing or public ways, easements, railroads, utility rights-of-way, parks and other public open spaces, permanent buildings or structures, corporate boundaries and section lines within or adjacent to the subdivision.
- 7) Location of existing property lines, buildings, drives, streams, watercourses, wooded areas and drainage ways.
- 8) Existing water mains, storm sewers, sanitary sewers, culverts, bridges and other utility structures within the tracts, indicating pipe size, grades and exact locations as obtained from public records, oil wells, septic tanks drainfields/cesspools and outlets, farm drain inlets and outfalls.
- 9) Existing zoning of the proposed subdivision and the zoning of the adjacent tracts of land.
- 10) Boundary line of adjacent tracts of land or lots showing owner's name.
- 11) Contour at vertical intervals of not more than two (2) feet.

- 12) Location and dimension of any site to be reserved or dedicated for public uses including drainage ways, parks and open spaces.
- 13) Layout of the proposed streets, alleys, crosswalks and easements, showing widths and proposed street names.
- 14) Layout, number and dimensions of all lots and blocks.
- 15) Parcels of land intended to be dedicated or reserved for public use or set aside for the use of property owners within the subdivision.
- 16) Building setback lines, showing dimensions.
- 17) Name and address of the property owners(s) and registered land surveyors who prepared the plat.
- 18) A location map inset showing the boundary of the proposed subdivision and covering the area within a one-mile radius of the subdivision.
- 19) Topographic contours with a minimum contour interval of two (2) feet, with indication of datum used (NGVD29 or NAVD88 with NAVD88 required for areas with current floodplain information in that datum).
- 20) 100-year floodplain and floodway elevations if any portion of the subdivision is within the floodplain, with indication of datum used (NAVD88 required for areas with current floodplain information in that datum).
- 21) Location and identification of any section lines within or adjacent to the subdivision.
- 22) Boundary lines of tracts of subdivided and un-subdivided land within or adjacent to the proposed subdivision.
- 23) Location and dimensions of proposed utility easements, including easements for storm water management facilities and proposed locations of culverts and retention/detention areas, if available.
- 24) Traffic Impact Study analyzing the improvements required within and nearby the proposed subdivision, if deemed necessary by County staff
- 25) Detailed grading plan of part or all of the area, if required by County staff.
- 26) Statement of the general type of improvements required within and nearby the proposed subdivision.
- 27) Soil survey/report, if required by the County staff.
- 28) Proposed deed restrictions, if any.

- 29) Existing and proposed access points along public right-of-way within or adjacent to the subdivision.
- 30) Wetlands study.
- 31) Location and dimension of non-access lines.
- 32) Other information as requested by County staff.

7.5.2 Preliminary Plat Submission Requirements

- 1) The subdivider shall meet with the Zoning Administrator and other County staff, including, but not limited to, the County Engineer, County Road Superintendent, and the County Emergency Services Director, to discuss whether the proposed plat is consistent with the County's Comprehensive plan, its zoning Code, and with other County policies and regulations.
- 2) After meeting with the Zoning Administrator, the subdivider shall apply to the Planning and Zoning Commission on appropriate forms provided by the Zoning Administrator at least two (2) weeks days prior to its regularly scheduled meeting.
- 3) The subdivider shall submit two (2) 24" x 36", eleven (11) 11" x 17" prints of the preliminary plat, and a digital Code of the plat to the Zoning Administrator at the time the application is made. The plat shall comply with the provisions of this Code.
- 4) The subdivider may submit any instrument whereby he/she proposes to regulate land use in the subdivision for protecting the proposed development.
- 5) The subdivider shall provide other data related to drainage, soil suitability, financing of improvement and other related information which the Planning and Zoning Commission requests.

7.5.3 Development Plan

Where a development plan is required for a tract of land, the following shall be included in the plan.

- 1) Location of existing property lines, buildings, drives, streams, wooded areas and other significant natural features.
- 2) General layout of proposed streets and location of blocks for designated uses.
- 3) Location of open spaces and facilities for public uses.
- 4) Existing drainage pattern based on the available topographic information from the U.S. Geological Survey maps and other similar information.

- 5) The development plan shall be drawn at a scale of one inch representing four hundred (400) feet.
- 6) The Planning and Zoning Commission may require other information as a part of the development plan.

7.5.4 Review Process for Preliminary Plats

- 1) The Planning and Zoning Commission shall review the preliminary plat and may request additional information before it takes action.
- 2) The conditional approval of a preliminary plat shall clearly state the nature and extent of the conditions which shall be met before a final plat is submitted for review and approval. Conditional approval of a preliminary plat by the Planning and Zoning Commission is not an acceptance of a subdivision plat, but is an expression of approval of a general plat as a guide to preparation of a subdivision for final plat review and approval.
- 3) The Planning and Zoning Commission may require the subdivider to submit a revised preliminary plat before the subdivider proceeds with the preparation of the final plat.
- 4) Approval of the preliminary plat shall be effective for a period of two (2) years within which a final plat shall be prepared. If the final plat is not submitted within this time period, the County Commission may require the subdivider to resubmit the preliminary plat for review and approval, unless the developer had provided a detailed timetable for the preparation of the final plat(s).

7.6 Data Omitted on Minor Subdivision Plats

The following may be omitted from any preliminary plat for a minor subdivision:

- 1) Topographic contours at a two foot interval or a maximum interval of five feet if the latter is acceptable to the reviewing authority.
- 2) Location and extent of problem soil types and results of all percolation tests, if required.
- 3) Location of easements and other areas to be dedicated for public purposes.
- 4) Layout of public and private utility service lines and easements to include sewer and water, gas, electric, telephone, and communication lines.
- 5) Stream and drainage structures, sedimentation basins, altered drainage profiles and culvert or bridge specifications.

7.7 Final Plat (Major Subdivision)

The final plat shall cover the area which is realistically designated for transfer or sale of lots.

7.7.1 Final Plat Content

The final plat shall conform to all provisions of this Code and conditions set forth by the County Commission and include the following:

- 1) Name of subdivision which should not duplicate or resemble any existing subdivision within the vicinity, and the date of tentative approval of preliminary plat by the County Commission.
- 2) Location by section, township and range, to the quarter section, or other legal description.
- 3) Names and addresses of owners and surveyor or other professional person preparing the plat.
- 4) Plat map with scale of one inch representing one hundred (100) feet or less. This requirement may be waived by the Planning and Zoning Commission for large tract subdivisions.
- 5) Date, graphic scale and North point.
- 6) Boundary line of subdivision based on an accurate traverse, showing distances and bearings.
- 7) Exact location, width and name of all streets within and adjoining the subdivision, and the exact location of all alleys and crosswalks.
- 8) True bearing and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat.
- 9) City, township, county or section lines accurately tied to the boundary lines of the subdivision by bearing and distance.
- 10) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.
- 11) All easements for rights-of-way provided for public services and public utilities.
- 12) All lot and block numbers and lot lines, with accurate dimensions in feet and hundredths.
- 13) Accurate location of all monuments, which shall be of material size in accordance with the standards of the city, the county, and the state.

- 14) Accurate outlines and legal descriptions of any areas (not including streets, alleys or public utility easements) to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for common use of all property owners.
- 15) Where required, detailed engineering drawings, cross-sections or profiles of streets, utility lines, catch basins or other installations of improvements as installed.
- 16) Building or property covenants.
- 17) Certification by registered surveyor to the effect that the plat represents a survey made by him/her, and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.
- 18) Notarized certification by the owners of the land of the adoption of the plat and the dedication of sewers, water distribution lines and other improvements and of streets and other public areas.
- 19) Legal description of property being platted, including any section line right-of-way not previously deeded for plats within the extraterritorial jurisdiction.
- 20) Ties to a minimum of two (2) accepted State Plane Coordinates based on NAD 83 horizontal datum (adjusted 86), units of measurement international feet, ND south zone 3302.
- 21) Elevations referenced to a durable benchmark described on the plat with its location and elevation to the nearest hundredth of a foot, with indication of datum uses (NAVD88 required for areas with current floodplain information in that datum).
- 22) Square footage or acreage of land within the subdivision, each individual lot, each subplot created by ghost platting, and the total area in streets. If the subdivision crosses a quarter-section line, the acreage within each quarter section must also be noted.
- 23) Location and dimension of all non-access lines and any access points within a continuous non-access line.
- 24) 100-year floodplain and floodway elevations and topographic contours with a minimum contour interval of two (2) feet for the portion of the plat lying within a designated floodplain, with an indication of datum used (NAVD88 required for areas with current floodplain information in that datum).
- 25) For any waterways or bodies of water within or adjacent to the plat, the present shoreline locations (relative to the meander line).
- 26) Water elevations must be shown and dated (meander line).

- 27) All restrictive airport noise, clear zone and approach zone elevations as established by the latest available data, where applicable.
- 28) Certification from Stark County that all taxes have been paid in full.
- 29) Proper form for the approval of the Planning and Zoning Commission.
- 30) Proper form for the approval of the County Commission.

7.7.2 Final Plat Submission Requirements

The subdivider shall apply on appropriate forms to the Planning and Zoning Commission for approval of the final plat, if he/she holds a valid approval of the preliminary plat.

- 1) The subdivider shall meet with the Zoning Administrator and other County staff, including, but not limited to, the County Engineer, County Road Superintendent, and the County Emergency Services Director, to discuss whether the final plat is consistent with the County's Comprehensive plan, its zoning Code, the approved preliminary plat and with other County policies and regulations.
- 2) After meeting with the Zoning Administrator, the subdivider shall apply to the Planning and Zoning Commission on appropriate forms provided by the Zoning Administrator at least two (2) weeks prior to its regularly scheduled meeting.
- 3) The subdivider shall submit two (2) 24" x 36", eleven (11) 11" x 17" prints of the preliminary plat, and a digital Code of the plat to the Zoning Administrator at the time the application is made. The plat shall comply with the provisions of this Code.
- 4) The final plat shall comply with all provisions of this Code and conditions and requirements set forth as a part of review and approval of the preliminary plat. All filing fees shall be paid to the County at the time of filing the final plat for approval.
- 5) The Planning and Zoning Commission may require the subdivider to submit detailed drawings for grading of the lots, blocks, streets; detailed drawings for pavement, curb, gutter and sidewalk; and drawings for installation of water, sanitary and storm sewer facilities.

7.7.3 Review Process

- 1) If the Planning and Zoning Commission, after a public hearing, finds the final plat in conformance with the stipulations as presented in the preliminary plat, it shall make a recommendation for action to the County Commission.

- 2) The subdivider shall prepare an estimate of the cost of providing the required improvements based on the county design standards for street, curb, gutter, sidewalk, sanitary sewer, storm sewer and water lines.
- 3) After receiving recommendations from the Planning and Zoning Commission, the County Commission shall review the recommendations and the final plat and approve or disapprove the proposed subdivision.
- 4) Within thirty (30) days after the final plat approval is granted or after all of the required signatures have been obtained, whichever ever event occurs sooner, the final plat of record shall be filed with the County Recorder for Stark County.

7.8 Amendment of Any Project Development Plan

Upon final approval of a subdivision involving the creation of new streets, the widening, decreasing or vacation of existing streets or alleys, or the creation, enlargement or decrease of other lands devoted to public use, the County Commission and/or Planning and Zoning Commission shall approve such change in streets, alleys or public lands as an amendment to any project development plan, as it finds appropriate.

7.9 Filing of Subdivision Plat

The subdivider, upon approval of the final plat, shall file the plat with the County Recorder of Stark County. Sale of any lot prior to filing of the final plat is in violation of this Code.

7.10 Design Standards – Conformance

The subdivider shall prepare the preliminary and final plat in conformance with the standard set forth herein and in compliance with any County Road Policy Standards.

7.11 Street Design

- 1) The arrangement, character, classification, extent, width, grade, and location of all streets shall be designed in relation to existing and planned streets, topographic conditions, existing natural features, public convenience and safety and the proposed uses of land served by such streets and to the most advantageous development of adjoining uses.
- 2) Where it is not shown on the Development Plan, the arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing streets in surrounding areas or conform to a plan approved by the Planning and Zoning Commission to meet a particular situation.
- 3) Where a subdivision abuts or contains an existing or proposed major street or highway, the Planning and Zoning Commission may require service streets, reverse frontage lots with screen planting in a reservation strip along the rear property line, deep lots with rear service alleys abutting the primary street or highway, or such

other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.

- 4) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.
- 5) Reserve strips in private ownership controlling access to streets are prohibited.
- 6) Street with centerline offsets of less than one hundred fifty (150) feet shall be prohibited.
- 7) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on major streets.
- 8) When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than four hundred (400) feet for local and collector streets, and of such greater radii as the Planning and Zoning Commission shall determine for special cases.
- 9) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than eighty (80) degrees.
- 10) Curb radii on all block corners shall be twenty (20) feet.
- 11) Street rights-of-way shall conform to the County Road Policies and shall not be less than the following table:

Street Type	Minimum Right-of-Way Width (lot line to lot line)	Rural Section Minimum Roadway Top Width	Maximum Gradient	Minimum Gradient
Arterial Streets	150 feet	36 feet	4%	0.7%
Collector and Industrial Use Streets	80 feet	32 feet	6%	0.7%
Local Streets	66 feet	28 feet	10%	0.5%

- a) Cul-de-sac, if approved, one hundred forty (140) feet in diameter for a turnaround.
- b) Alleys, residential district, twenty (20) feet.
- c) Sidewalks, five (5) feet.

- d) Bike paths (per DOT standards).
- 12) Half-streets are prohibited except where essential to the reasonable development of the subdivision and in conformity with the other requirements of this Code and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever an existing half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- 13) Cul-de-sacs, if approved, shall not be longer than five hundred (500) feet.
- 14) General considerations for intersection design are that:
 - a) Intersections of more than two (2) streets at a point shall not be permitted.
 - b) Alleys shall be discouraged in residential districts but may be provided in commercial and industrial districts.
- 15) Dead-end streets without a suitable turnaround are prohibited.

7.12 Block Design

The length, width, and shape of blocks shall be suited to the planned use of land, zoning requirements, needs for convenient access, control of safety of street traffic, and the topographic conditions.

- 1) Residential block length shall not exceed nine hundred (900) feet. The length of blocks is considered to be the distance from one street centerline to opposite street centerline and is measured through adjacent back lot lines or through the center of the block.
- 2) Pedestrian crosswalks not less than ten (10) feet wide may be required in blocks longer than six hundred (600) feet where the crosswalks are deemed by the Planning and Zoning Commission to be essential to provide circulation, or access to schools, playgrounds or other community facilities, handicap access (curb cuts) required.
- 3) The width of blocks shall generally be sufficient to allow two (2) tiers of lots and shall be at least two hundred and fifty (250) feet wide.
- 4) Blocks intended for commercial and industrial use shall be specifically designated for such purposes with adequate space set aside for off-street parking and delivery facilities. The Planning and Zoning Commission may require service drives or frontage roads along major streets for commerce and industry.

7.13 Lot Design

- 1) The shape, size and orientation of the lots shall be appropriate for the location (zoning district) of the subdivision.

- 3) Residential lots abutting major streets shall have extra depth of at least twenty (20) feet to allow for proper setbacks.
- 4) All lots shall front a public street.
- 5) Side lot lines shall be substantially at right angles.
- 6) Residential corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from the side streets.
- 7) Double frontage lots shall be avoided except where essential to provide separation of development from arterial streets.
- 8) Depth and width of lots reserved or laid out for commercial or industrial uses shall be adequate to provide for off-street parking and service facilities required by the type of use a development and the provisions of the appropriate zoning district.

7.14 Street Names

- 1) The Planning and Zoning Commission may disapprove of the name of any street shown on the plat which does not conform to existing naming patterns, has already been used elsewhere in the area, or because of a similarity that may cause confusion.
- 2) Where a street maintains the same general direction, except for curvilinear changes for a short distance, the same name shall continue for the entire length of the street.

7.15 Utility Easements

- 1) Easements across lots or along rear or side lot lines shall be provided for utilities where necessary and shall be a minimum of five (5) feet wide on each side of the lot line and shall be designated as "utility easement".
- 2) All lots shall be arranged so that they can be served by underground electric, cable television, natural gas and telephone lines unless waived by the Planning and Zoning Commission due to topographic conditions or excessive costs.
- 3) All utility lines for electric power, cable television and telephone services shall be placed underground in utility easements.
- 4) Utility lines installed in the utility easement shall not be closer than one foot to the property line or three (3) feet to any survey monument.

7.16 Grading and Drainage

- 1) When required, the subdivider shall provide a detailed grading and drainage plan showing the grades of streets and drainage improvements.
- 2) The drainage shall not discharge into any sanitary sewer facility.

- 3) The drainage facilities shall be located in street right-of-way or in drainage easements.
- 4) All developers should submit a management plan for storm water.
- 5) The grading and drainage system shall be approved by the Planning and Zoning Commission.
- 6) Grading established in any subdivision shall not be changed without approval of the Planning and Zoning Commission.

7.17 Drainage Way Easement

Where a subdivision is traversed by a water course or drainage way, an adequate grading of such easement shall be set by the Planning and Zoning Commission to accommodate the anticipated discharge from the property being subdivided and also the anticipated run-off from the adjoining properties.

7.18 Tree Planting

The planting of trees of an appropriate species and at appropriate locations may be required by the Planning and Zoning Commission. Trees must be placed at a minimum setback of one hundred (100) feet from county road centerlines.

7.19 Street Lights

Street lights and their location shall be in accordance with the minimum standards to be established by the Planning and Zoning Commission.

7.20 Required Improvements

Before installation of improvements in any subdivision, the Planning and Zoning Commission shall make a determination for improvements required, based on a schedule of improvements including the standards and class of construction.

- 1) Completion Assurance

To cover the cost of improvements, as determined by the Planning and Zoning Commission, the subdivider may be required to post a bond or submit a letter of credit from an acceptable financial institution in an amount sufficient to construct such improvements and submit a plan of financial responsibility of unpaid improvement assessments.

- 2) Survey Monuments

The subdivider shall install survey monuments in all lot and block corners in the subdivision in accordance with the requirements of the State of North Dakota.

- 3) Public Water
 - a) Where appropriate, water mains shall be installed so as to provide individual service to each lot within the subdivision.
 - b) Watermains shall extend to the boundary of the subdivision, except where in the opinion of the Planning and Zoning Commission it is deemed impractical.
 - c) A rural water supply shall comply with the requirements of the State of North Dakota.

7.21 Sanitary Sewer

- 1) All subdivisions shall be provided with sanitary sewers to each lot. On an individual case review, an on-site sewage systems may be allowed.
- 2) Sanitary sewer shall be extended to the boundary of the subdivision, except where in the opinion of the Planning and Zoning Commission it is deemed impractical.
- 3) All sanitary systems shall be reviewed and approved by county sanitarian or Health District.

7.22 Storm Sewer

The storm sewer drainage facilities shall be installed in accordance with the plans and specifications approved by the Planning and Zoning Commission.

7.23 Grading and Surfacing

The full width of all rights-of-way shall be graded in accordance with the Stark County street standards.

7.24 Curbs, Gutters and Sidewalks

Concrete curb and gutters, where appropriate, may be installed in all subdivisions in accordance with the county standards. Where the county requires construction of a sidewalk, it shall be in accordance with the design standards established by the Planning and Zoning Commission.

7.25 Installation of Improvements

Construction of all improvements is contingent on approval by the Planning and Zoning Commission. The subdivider shall be responsible for furnishing the necessary data required for such approval.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this Ordinance is hereby vested in the Commissioners and the County Zoning Administrator.

8.1 County Commission

8.1.1 Duties

- 1) The Commission shall review and take action on all proposed to this Ordinance.
- 2) The Commission or its designee shall review and decide all applications for zoning modifications.
- 3) The Commission or its designee shall hear and decide all requests for variances or other relief from the provisions of this Ordinance.
- 4) The Commission or its designee shall review all applications for conditional use permits.
- 5) The Commission shall hear and decide all appeals of decisions of the Planning and Zoning Commission.
- 6) The Commission or its designee shall investigate all violations of the provisions of this Ordinance and shall determine and take appropriate remedial action.

8.2 Planning and Zoning Commission

- 1) Membership - The Planning and Zoning Commission shall consist of nine members appointed by the Commission in accordance with Chapter 11-33 of the NDCC.
- 2) Duties
 - a) The Planning and Zoning Commission shall hold public hearings on applications for all proposed amendments to this Ordinance and make written recommendations to the Commission for the approval or denial of such applications.
 - b) The Planning and Zoning Commission shall hold public hearings on applications for conditional use permits and make written recommendations to the Commission for the approval, denial, modification, and/or the imposition of conditions upon such applications.

- c) The Planning and Zoning Commission shall hold public hearings on applications for variances from the provisions of this Ordinance and make written recommendations to the Commission for the approval, denial, modification, and/or the imposition of conditions upon such applications.
- d) The Planning and Zoning Commission shall report all zoning violations to the Commission for appropriate action.

8.3 Conditional Use Permits

The development and administration of this Ordinance is based on the division of the county into districts within which the uses of land and buildings are mutually compatible. However, there are certain uses which, because of their unique characteristics cannot be classified as unrestricted permitted uses in any particular district or districts without consideration in each particular case of the impact of those uses upon adjoining lands or public facilities. Such uses, nevertheless, may be necessary or desirable in a particular district provided that due consideration is given to location, development and operation of such uses.

- 1) In order to promote and protect public health, safety and the general welfare, the Planning and Zoning Commission may stipulate conditions and restrictions upon the establishment, location, construction and operation of the proposed use. In all cases in which conditional uses are granted, the Planning and Zoning Commission shall prior to issuance of a certificate of compliance, require evidence of compliance with these provisions and with the conditions set forth.
- 2) No conditional use permit shall be recommended by the Planning and Zoning Commission or approved by the Commission unless the applicant shall have met all the following criteria:
 - a) The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.
 - b) The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.
 - c) The proposed conditional use shall not impede the normal orderly development of the surrounding property.
 - d) Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.
 - e) Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.

- f) The proposed conditional use shall conform to all applicable regulations of the district within which it is located.
- 3) The Planning and Zoning Commission shall hold a public hearing on any request for a conditional uses permit, a notice of which shall be published at least two weeks prior to the hearing in the official newspaper of the county. The notice of hearing shall include: 1) the time and place of hearing; 2) description of the property to be affected; 3) the proposed use; and 4) time and place for public inspection of documents prior to the hearing.
- 4) In cases where a proposed conditional use affects a property use, the Zoning Administrator shall notify all properties within 200 feet of the property in question by personal service or by certified or registered mail, addressed to the owner and mailed to his or her last address as shown on the records of the Stark County Treasurer. The costs of the service shall be borne by the applicant.
- 5) The Planning and Zoning Commission, following a public hearing, shall make recommendation to the County Commission for the approval or denial, modification, and/or imposition of conditions of each application for a conditional use permit. Upon approval by the County Commission, the Planning and Zoning Commission shall issue such conditional use permit.
- 6) If the Planning and Zoning Commission finds that the conditions or restrictions set forth in a conditional use are not being compiled with, it may revoke the conditional use permit after a public hearing.
- 7) In any case where a conditional use has not been instituted within one year of the date of approval of the conditional use, the permit shall be null and void without further action of the Planning and Zoning Commission or the Commission
- 8) Upon the cessation or abandonment for a period of one year of any use, for which a conditional-use permit has been issued, such conditional use permit is deemed to have been terminated and any future use of the land, building(s), or premises shall be in conformity with this Ordinance.

8.4 Variance

- 1) Where a literal enforcement of the provisions of this Ordinance would result in great difficulties, unnecessary hardship, or injustice, the Commission may adjust the application and enforcement of these regulations provided that such action shall not be contrary to the public interest or general purposes thereof. The authority for issuing variances may be delegated to the Planning and Zoning Commission. No variance shall be approved unless the applicant shall have met the following conditions:
 - a) The particular physical surroundings shape or topographic condition of the specific property should result in unnecessary hardship.

- b) The purpose of the variance is not based on a desire for economic gain.
- c) The variance shall not be detrimental to the public welfare or injurious to other properties in the area; and
- d) The unique character of the property upon which the request for variance is made is not the result of actions of the applicant.

2) Public Hearing Notice

- a) The Planning and Zoning Commission shall hold a public hearing, a notice of which shall be published at least two weeks prior to the hearing in the official newspaper of the county. The notice of hearing shall include: 1) the time and place of hearing; 2) description of the property to be affected; 3) the proposed use and requested variance; and 4) time and place for public inspection of the relevant documents before the hearing.

When a variance request is filed, the Zoning Administrator shall notify all properties within two hundred (200) feet of the property in question by personal service or by certified or registered mail, addressed to the owner and mailed to his or her last address as shown on the records of the Stark County Treasurer. The costs of the service shall be borne by the applicant.

- b) Data Submission Requirements: Applications for variances must include following data:
 - i. Name and address of the applicant. Name and address of the owner. If the applicant and the owner are different, the owner shall submit a signed statement authorizing the applicant as a representative;
 - ii. Legal description of the property;
 - iii. A map showing the existing land uses and zoning district classification of the area;
 - iv. The reason for the variance request;
 - v. The type of variance requested and an explanation of whether the hardship is unique to the applicant's property;
 - vi. Any other information that the Planning and Zoning Commission deems necessary; and
 - vii. A fee, the amount of which shall be determined by the County Commission, plus any additional costs to be paid in accordance with the schedule established by the County Commission.

8.5 Uses by Temporary Permit

- 1) Temporary use permit shall be issued by the County Zoning Administrator. Activities requiring temporary use permits shall include, but not be limited to, the following:
 - (a) Bazaars, Carnivals, or Fairs;
 - (b) Musical Events;
 - (c) Racing Events;
 - (d) Rodeos;
 - (e) Public gatherings for a single-purpose event;
 - (f) Temporary building or yard for construction materials and/or equipment incidental and necessary for current construction in the immediate surrounding area;
 - (g) Temporary office incidental and necessary for the construction, sale, or rental of the property in the immediate surrounding area.
- 2) Permits shall be valid for such period of time as determined by the County Commission and shall be renewable at the discretion of the County Commission.

8.6 County Zoning Administrator

8.6.1 Appointment

- 1) The Commission shall appoint the County Zoning Administrator.

8.6.2 Duties

- 1) Receive and file all applications for amendments to this Ordinance, the "Zoning District Map," and development permits.
- 2) Make inspections upon Commission request and maintain records.
- 3) Provide written reports of all zoning violations to the Planning and Zoning Board and the Commission for appropriate action.
- 4) Prepare and publish required notices.
- 5) Prepare written notices to property owners of any violation of this Ordinance, citing the nature of the violation and demanding compliance.

- 6) Receive, file, and forward to the Planning and Zoning Commission all applications for preliminary and final plats and the supporting documents.

8.7 Amendments

The Commission may from time to time on its own motion, by petition, or on recommendation of the Planning and Zoning Commission, amend, supplement or repeal the provisions of this Ordinance following a public hearing.

Any person, firm or corporation which owns land is entitled to submit an application for amendment to the Zoning District Map.

8.7.1 Procedure for Amendments:

- 1) Applications for amendment shall be filed with the County Zoning Administrator.
- 2) An application for amendment shall include:
 - a) Name and address of the applicant. Name and address of the owner. If the applicant and the owner are different, the owner shall submit a signed statement authorizing the applicant as a representative.
- 3) A legal description of the property (if the property has not been platted, provide a metes and bounds description), a parcel identification number, a copy of a recorded deed, the general parcel information page from the County Assessor, the Property Record Card Report from the County Assessor, and a map of appropriate scale showing the area in question, current and proposed zoning and adjacent zoning.
- 4) The nature of the change requested and reason for the change.
- 5) A detailed description of any uses, building or structures that are proposed for the area covered by the petition.
- 6) Any additional information requested by the Planning and Zoning Commission.
- 7) The Planning and Zoning Commission shall hold a public hearing on any request for a zoning map amendment, a notice of which shall be published at least two weeks prior to the hearing in the official newspaper of the county. The notice of hearing shall include:
 - a) the time and place of hearing;
 - b) description of the property to be affected;
 - c) the proposed use; and

- d) time and place for public inspection of documents prior to the hearing.

In cases where a proposed amendment to the Zoning Ordinance and Map affects a property use, the Zoning Administrator shall notify all properties within two (200) feet of the property in question by personal service or by certified or registered mail, addressed to the owner and mailed to his or her last address as shown on the records of the Stark County Treasurer. The costs of the service shall be borne by the applicant.

- 8) The Planning and Zoning Commission, following a public hearing, shall make a recommendation to the County Commission for the approval or denial of a zoning map amendment. If it is determined additional information is needed, the Planning and Zoning Commission may also table the request for a zoning map amendment to a future meeting.
- 9) Upon receipt of the recommendations of the Planning and Zoning Commission, the Commission shall approve, deny, approve with modification the proposed amendment or remand to the Planning and Zoning Commission for further consideration.
- 10) If the Commission denies an application for a zoning map amendment, an application for the same zoning district or any portion of the subject tract may not be refiled by the original applicant for six months from the date of the Commission's action on the proposed amendment

8.8 Protest and Appeal

Any person aggrieved by a decision of the zoning administrator or County Commission may protest the decision or appeal the decision to the district court. Protests or appeals to the Board of County Commission do require a formal application and are initiated with the zoning administrator.

- 1) A protest of a zoning amendment approved by the county commission shall be filed within ten (10) days of the approval of the amendment. The protest shall be signed by not less than 20 percent of the owners of:
 - a) The area of the lots included in the proposed change; or
 - b) The area adjacent, extending two hundred (200) feet from the area to be changed excluding the width of streets (roads).
- 2) Following the filing of a protest a public hearing shall be scheduled. Notice of the time and place of the public hearing shall appear in the official newspaper of Stark County not less than two (2) weeks prior to the date of the hearing.

- 3) The amendment receiving a proper protest shall not be approved except by a supermajority (four-fifths) vote of the county commission.
- 4) Any decision of the zoning administrator may be appealed to the Board of County Commissioners within 30 days from such decision. The Board of County Commissioners may reverse, affirm, amend, adjust or change any decision of the zoning administrator. Notice of hearing on the appeal shall be published at least twice not less than two (2) weeks prior to the hearing.
- 5) Any decision of the Board of County Commissioners may be appealed to the district court as provided in chapter 40-47-08, NDCC.

8.9 Permits and Fees

8.9.1 Building Application

- 1) It shall be unlawful for any person to commence construction, alteration, or conversion of any building or structure without first obtaining a building application from the County Zoning Administrator or its designee.
- 2) This section does not apply to those buildings or structures directly used in connection with farming operations and constructed by farmers as defined herein.
- 3) A building application issued pursuant to these provisions shall expire one year from date of issuance.

8.9.2 Fees

The County Zoning Administrator shall charge and collect a fee as follows;

The County Zoning Administrator shall charge and collect a fee according to the resolution of fees and schedules established by the Commission. The applicant for a conditional use permit, variance, or building application, shall be liable for and pay to the County Zoning Administrator sufficient sums of money to pay for and cover costs incurred by the County for the processing of such application, including, but not limited to: publication costs, attorney's fees, mileage, copying expense, etc. No permit shall be issued until such costs have been paid by the applicant, unless the County Zoning Administrator has otherwise provided for good cause shown.

8.10 Violations and Penalties

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure, or land is used in violation of this Ordinance, the proper county authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceeding:

- 1) To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
- 2) To restrain, correct, or abate such violations;
- 3) To prevent the occupancy of the building, structure, or land; or
- 4) To prevent any illegal act to conduct business or use in or about such premises.

A violation of any provision of this Ordinance or the regulations and restrictions made herein shall constitute the maintenance of a public nuisance and shall be a Class B Misdemeanor.

8.11 Building Code

8.11.1

The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, uses, height, area and maintenance of buildings or structures in Stark County shall meet with the provisions of the rules and regulations of the North Dakota State Building Code as set forth in NDCC Chapter 54-21.3, and any future updates and amendments to that Code, as well as the International Building Code, the International Mechanical Code, and the State Uniform Plumbing Code.

Adopted this 2 day of October, 2012

By: Ken Zander
Chairman, Stark County Board of County Commissioner

BY: Ray Haag
Stark County Auditor