

Stark County, North Dakota
Office of Planning & Zoning
51 3rd St E
Dickinson, North Dakota 58602-0130
Phone: (701) 456-7672
sjosephson@starkcountynd.gov

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PLANNING & ZONING

STEVEN JOSEPHSON, AICP

From: Steve Josephson, AICP, Planning and Zoning Director
Subject: Staff Recommendation for Agenda Item #5, Amendments to the Stark County Zoning Code
Date: July 30, 2020

AGENDA ITEM #5- Public Hearing-ZTA 02-20-Amendments to Article II Rules and Regulations: Article III: General Provisions, and Article V: Zoning District Regulations of the Stark County Zoning Ordinance as adopted on October 2, 2012 regarding accessory dwelling units.

2.3 Definitions

Accessory dwelling unit means a second dwelling unit on a lot developed with a principal single-family dwelling unit. The accessory dwelling units may either be added onto, created within or detached from an existing single-family detached dwelling for use as a completely independent or semi-independent unit with provisions for cooking, eating, sanitation and sleeping.

3.10 Accessory Dwelling Units

- 1) The accessory dwelling unit shall be subject to approval of a conditional use permit.
- 2) The accessory dwelling shall be located on a conforming residential lot. A minimum lot area of 60,000 square feet shall be required.
- 3) The owner of the accessory dwelling unit must reside on the lot in either the principal residence or the accessory dwelling unit.
- 4) A detached accessory dwelling unit shall only be allowed in either the side yard or the rear yard.

- 5) A detached accessory dwelling unit shall be located within one hundred fifty feet of the principal residence or shall be a conversion of an existing detached structure (i.e. garage).
- 6) The minimum square footage for an accessory dwelling unit shall be 600 square feet.
- 7) The accessory dwelling unit area shall not exceed eighty percent of the square footage of the habitable area of the primary residence or 1,500 square feet, whichever is smaller.
- 8) The accessory dwelling unit shall meet minimum setback requirements for the zoning district.
- 9) No recreational vehicle shall be allowed as an accessory dwelling unit.
- 10) One accessory dwelling unit is allowed on any residential property less than 40 acres. Two accessory dwelling units are allowed on residential properties 40 acres or larger.
- 11) An additional off-street parking space shall be provided for the accessory dwelling unit.
- 12) A title notice will be placed on the property which generally states the accessory dwelling located on the property may not be sold as a separate residence until such time as the accessory dwelling is located as the sole residence on a legally subdivided parcel.
- 13) Accessory dwelling units shall be developed in accordance with all applicable building code provisions. Accessory dwelling units shall also meet all applicable regulations for water and sewer services.

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.

5.1.2 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) Hunting lodges.
- 7) Bed and breakfast inns.
- 8) Anhydrous ammonia storage facilities.
- 9) Wastewater plants and systems.
- 10) Water depots.
- 11) Gravel pits, crushing and stockpiling.
- 12) Communication towers.
- 13) Airport and landing field.
- 14) Wind energy facilities.
- 15) Child care and child nurseries.
- 16) Adult care centers.
- 17) Agricultural equipment storage.
- 18) Family home day care.
- 19) Firing range, outdoor.

- 20) Hospitals and medical centers.
- 21) Stables.
- 22) Livestock transfer and feeding operations.
- 23) Kennels.
- 24) Mineral and other substance excavation and mining
- 25) Temporary uses, including, but not limited to
 - i. Bazaars, Carnivals, or Fairs;**
 - ii. Musical Events;
 - iii. Racing Events;
 - iv. Rodeos;
 - v. Public gatherings for a single-purpose event;
 - vi. Temporary building or yard for construction materials and/or equipment incidental and necessary for current construction in the immediate surrounding area;
 - vii. Temporary office incidental and necessary for the construction, sale, or rental of the property in the immediate surrounding area;
 - viii. Temporary operations for road improvement projects, including a temporary asphalt plant.

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.

- 26) Correctional facilities.
- 27) Components of water and wastewater systems
- 28) Radio and television transmitting and receiving facility.
- 29) Colleges and universities.
- 30) Dormitories.

- 31) On site storage of equipment and material related to oil exploration and production.
- 32) MET Towers.
- 33) Manufacturing Compassion Centers
- 34) Accessory Dwelling Units

5.2 Agricultural Residential: Purpose

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

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) Hunting lodges.
- 8) Bed and breakfast inns.
- 9) Anhydrous Ammonia storage facilities.
- 10) Wastewater plants and systems
- 11) Water depots.
- 12) Gravel Pits, Crushing and Stockpiling
- 13) Communication towers.

- 14) Airport and landing field.
- 15) Wind energy facilities.
- 16) Child care and child nurseries
- 17) Adult care centers
- 18) Agricultural Equipment Storage
- 19) Family Home Day Care
- 20) Firing Range, Outdoor
- 21) Hospitals and Medical Centers, including mental health facilities
- 22) Stables
- 23) Livestock transfer and feeding operations
- 24) Kennels
- 25) Mineral and other substance excavation and mining.
- 26) Temporary uses, including, but not limited to,
 - i. Bazaars, Carnivals, or Fairs;
 - ii. Musical Events;
 - iii. Racing Events;
 - iv. Rodeos;
 - v. Public gatherings for a single-purpose event;
 - vi. Temporary building or yard for construction materials and/or equipment incidental and necessary for current construction in the immediate surrounding area;
 - vii. Temporary office incidental and necessary for the construction, sale, or rental of the property in the immediate surrounding area.

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.

- 27) Correctional facilities
- 28) Components of water and wastewater systems
- 29) Radio and television transmitting and receiving facility
- 30) Colleges and universities
- 31) Dormitories
- 32) MET Towers
- 33) Accessory Dwelling Units

5.3 Rural Residential: Purpose

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

5.3.2 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) Hunting lodges.
- 5) Bed and breakfast inns.
- 6) Wastewater plants and systems.
- 7) Water depots.
- 8) Gravel pits, crushing and stockpiling.

- 9) Communication towers.
- 10) Wind energy facilities.
- 11) Child care and child nurseries.
- 12) Adult care centers.
- 13) Family home day care.
- 14) Hospitals and medical centers, including mental health facilities.
- 15) Stables.
- 16) Livestock transfer and feeding operations.
- 17) Kennels.
- 18) Temporary uses, including, but not limited to,
 - i. Bazaars, Carnivals, or Fairs;**
 - ii. Musical Events;
 - iii. Racing Events;
 - iv. Rodeos;
 - v. Public gatherings for a single-purpose event;
 - vi. Temporary building or yard for construction materials and/or equipment incidental and necessary for current construction in the immediate surrounding area;
 - vii. Temporary office incidental and necessary for the construction, sale, or rental of the property in the immediate surrounding area.

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.

- 19) Correctional facilities.
- 20) Components of water and wastewater systems.
- 21) Radio and television transmitting and receiving facility.

- 22) Colleges and universities.
- 23) Dormitories.
- 24) MET Towers.
- 25) Accessory Dwelling Units

5.4 Estate Residential District: Purpose

The estate residential district is established to promote single-family residential development immediately adjacent to existing unincorporated residentially-zoned communities consisting of lots that are less than five (5) acres in area. Application of the estate residential district shall be limited to properties within one mile of the following highway corridor:

- **Highway 10 East from Lehigh Drive to 102st Avenue SW.**

The ability to rezone properties to the Estate Residential Zoning District shall be restricted to properties located on the map maintained by the Stark County Zoning Administrator.

5.4.2 Conditional Uses

- 1) Transmitting towers, relaying stations and pipelines.
- 2) Bed and breakfast inns.
- 3) Child care and child nurseries.
- 4) Adult care centers.
- 5) Family home day care.
- 6) Hospitals and Medical Centers, including mental health facilities.
- 7) Home occupations.
- 8) Municipal buildings.
- 9) Museums, art galleries and studios.
- 10) Radio and television transmitting and receiving facility.
- 11) Communication towers.
- 12) Components of water and wastewater systems.

13) 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.

14) Accessory Dwelling Units

15) Temporary uses, including, but not limited to;

- viii. Bazaars, Carnivals, or Fairs;
- ix. Musical Events;
- x. Racing Events;
- xi. Rodeos;
- xii. Public gatherings for a single-purpose event;
- xiii. Temporary building or yard for construction materials and/or equipment incidental and necessary for current construction in the immediate surrounding area;
- xiv. Temporary office incidental and necessary for the construction, sale, or rental of the property in the immediate surrounding area.

Temporary use 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.

STAFF RECOMMENDATION: Approval of the proposed amendment based upon the following findings.

The proposed amendment is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE- Provide for proper growth management practices; and
- LAND USE-Avoid conflicts between land uses.

The proposed amendment is consistent with the following implementation strategy of the Stark County Comprehensive Plan:

- GOVERNMENTAL- Stark County supports the periodic review of county codes and ordinances to ensure their current relevancy.