

CHAPTER XVIII.

ZONING ORDINANCES

ARTICLE 1.

INTRODUCTION

18.0101 TITLE: This Ordinance and the Zoning District Map shall be known as the Zoning Ordinance for the City of Belfield, North Dakota.

18.0102 PURPOSE AND INTENT: The zoning regulations and districts, as herein set forth, are designated to promote the health, safety, and welfare of the people of the City of Belfield and are established for the purpose of promoting the sound and desirable use of land. More specifically to:

(1) To economize on the costs of municipal facilities and services and to carefully phase residential development with efficient provision of public improvements;

(2) To establish and maintain municipal control over the eventual character of development;

(3) To establish and maintain a desirable degree of balance among the various uses of the land;

(4) To establish and maintain essential quality of community services and facilities.

18.0103 INTERPRETATION AND APPLICATION: In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum for the promotion of the public health, safety, and general welfare.

It is not intended by these provision to interfere with, abrogate, or annul rules or permits previously adopted according to the law relating to the use of buildings or premises; nor is it intended to interfere with, abrogate or annul any easements covenants; or agreements between parties; provided, however, that where these provisions impose greater restrictions as to use or require large open space or less height than this Ordinance, the greater shall prevail.

18.0104 SEVERABILITY: If any section, subsection, sentence, clause, or phrase of the above Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of said Ordinance. The City Council of the City of Belfield, North Dakota, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentence, clauses, or phrases may be declared invalid or unconstitutional.

18.0105 REPEAL: All regulations, parts of regulations, existing ordinances, or resolutions in conflict with this Ordinance and its provisions are hereby repealed.

18.0106 DEFINITIONS:

18.0106(1) General Terms

Words used in the present tense include the future; the singular number includes the plural and the plural shall include the singular. The word person includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word shall is mandatory; the word may is permissive.

18.0106(2) Specific Terms

Accessory Building, Structure, or Use - A portion of the main building or building, structure, or use on the same lot with, and of a nature customarily incidental and subordinate to the principle building structure, or use.

Agriculture - Crop cultivation or farm and truck gardens, including plant nurseries.

Alley - A minor street providing vehicular service access to the back or side of two or more properties.

Board of Adjustment - The body authorized by the City Council of Belfield to hear appeals on the enforcement of the provisions of this Ordinance and to grant variances.

Buildable Area - The portion of a lot remaining after required yards have been provided.

Building - Any structure designed, or intended, for the enclosure, shelter or protection of persons, chattels, or property.

Building Height - The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

Certificate of Zoning Compliance - A certificate stating compliance with zoning district regulations.

Clear Sight Triangle - An area of unobstructed vision seventy - five feet from the point of a street intersection running along the center lines of the intersecting streets and defined by lines of sight forming a square between all intersecting streets.

Commercial District - The areas designated by the City Council of Belfield on the District Zoning Map which provides for the grouping of retail merchandising and service activities.

Community Garage - A group of private garages located jointly on any lot or premises of

two or more adjacent premises and having no shop or service in connection therewith, providing the storage space includes at least two hundred and fifty (250) square feet for each motor vehicle.

Curb Level - The level established for curb in front of a building, measured at the center of such front, and where no curb level has been established, the City Engineer shall establish such curb level or its equivalent for the purpose of this Ordinance.

District - A section or sections of the City of Belfield and the designated area for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

Dwelling - Mobile Home - A structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent basis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained herein.

Dwelling - Multi-Family - A residential building designed for and occupied exclusively by more than two families.

Dwelling - Single-Family - A detached residential living unit, other than a mobile home, designed for and occupied by one family.

Dwelling - Two-Family - A residential building designed for and occupied exclusively by two families.

Easement - A vested or acquired right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land.

Family - One or more persons occupying the premises and living as a single housekeeping unit.

Family Hotel - A place where food and lodging are provided for compensation and having less than ten (10) sleeping rooms.

Floor Area - The gross floor area of the several floors in a building.

Frontage - See Lot, Frontage

Frontage Road - See Marginal Access Street

Garage, Private - An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

Garage, Public - Any building or premises used for equipment, repairing, hiring, selling, or storing motor-driven vehicles, not including show rooms for the display of the cars.

Grade - The surface of the ground, court, lawn, yard, or sidewalks adjoining a building; the established grade is the grade of the street, curb lines fixed by the City of Belfield; the natural grade is the undisturbed natural surface of the ground, court, lawn, or yard after filling or grading to desired elevation or elevations around a building or structure; but where the finished grade is below the level of the adjoining street, the established grade shall be deemed the finished grade.

Home Occupations - Any occupation or profession carried on by members of the family residing on the premises, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Hotel - A building where lodging with or without meals is provided and offered to the public for compensation and which has more than ten (10) sleeping rooms. Hotels include motels, and automobile courts.

Improvements - Street grading and surfacing with or without curbs, gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets, and landscaping.

Industrial Districts - The areas designated by the City Council of Belfield on the District Zoning Map which provide for the grouping of manufacturing, assembly, and heavy commercial activities.

Industrialized Housing - A detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities or the like.

Land Use Administrator - The officer appointed by the City Council of Belfield to administer the zoning affairs of the City of Belfield.

Living Unit - A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Lot - A tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and open spaces as are herein required.

Lot, Coverage - The total area of building expressed as a percentage of the total lot, plot, or tract.

Lot, Depth of - The mean horizontal distance between the front and rear lot lines.

Lot, Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, either side at the discretion of the owner of a lot adjacent to streets shall be considered frontage.

Lot, Width - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the rear of the required front yard.

Lot of Record - A lot which is part of subdivision, the map of which has been recorded in the office of the County Auditor and Register of Deeds of Stark County, or a parcel of land, the deed of which was recorded in the office of the Register of Deeds prior to the adoption of this Ordinance.

Manufactured Home Dwelling or Class A Mobile Home: A factory built structure which is to be used as a place for human habitation, which is not constructed or 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; bears a label certifying that it was built in compliance with the National Manufactured Homes Construction and Safety Standards promulgated by the US Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:

- A. The home shall have at least 900 square feet of floor area.
- B. The home shall have an exterior width of at least 20 feet.
- C. The roof shall be pitched with a minimum pitch of 4:1.
- D. The exterior material shall be or have the appearance of being wood siding or masonry, but shall not be sheet siding with a vertical orientation.
- E. The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile or rock.
- F. Permanent utility connections shall be installed in accordance with local regulations.
- G. The home shall have all wheels, axles, transporting lights, and towing apparatus removed.
- H. The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations. (Ordinance 272).

Mobile Home District - The areas designated by the City Council of Belfield on the District Zoning Map for development of mobile home residential dwelling units.

Mobile Home Park - A tract of land designed and

developed to accommodate mobile homes, each occupying a portion of the site of a purpose, lease, or rental basis, and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for long-term residential occupancy.

Motor Vehicle - Any vehicle requiring a motor vehicle license by the State of North Dakota.

Non-Conforming Use - Any building or tract of land lawfully occupied by a use, at the time of the passage of this Ordinance or amendments thereto, which does not conform with the provisions of this Ordinance or amendments thereto.

Parking Space - An area for the purpose of storing one parked motor vehicle.

Permitted Use - Any use which complies with the requirements of a zoning district.

Plat - Any map, plan or chart of a tract of land or subdivision indicating the location and boundaries of individual properties.

Plot - A tract of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or metes and bounds.

Public Utility - Any business which furnishes the general public telephone, telegraph, electricity, natural gas, or water service. and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State.

Residential Districts - The areas designated by the City Council of Belfield on the District Zoning Map for development of residential dwelling units.

Right-of-way - The area, either public or private, over which the right of passage exists. The right-of-way shall not be considered as land area when computing lot size.

Set-Back - The line within a property defining the required minimum distances between any structure or use and the adjacent right-of-way or property line of any lot.

Sight Line - See Clear Sight Triangle.

Sign - Any outdoor advertising having a permanent location on the ground or attached to or painted on a building, including bulletin boards, billboards, nameplates, and poster boards.

Street - A way for vehicular traffic designated as a street, highway, boulevard, thoroughfare, parkway, throughway, avenue, road or court on the official records and maps.

Arterial Streets and Highways - Those which are used primarily for fast or heavy traffic.

Collector Streets - Those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

Marginal Access Streets - Minor streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

Minor Streets - Those which are used primarily for access to the abutting property.

Structural Alterations - Any change in the supporting members of a building such as bearing walls, partitions, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

Subdivision - The division of land into two or more lots for the purpose, immediate or future, of sale or lease for building development; however, if a new street is involved, any division of a parcel of land constitutes a subdivision, but, the division of agricultural land into lots five (5) acres or more in size, where no new street is created, does not constitute a subdivision.

Tract - A plot, piece, or parcel of land, other than a lot which is recorded in the office of the Register of Deeds of Stark County.

Use - The specific purpose for which land or a building is used.

Variance - A relaxation of the terms of the Zoning Ordinance 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, and where the literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Vehicle - See Motor Vehicle.

Yard - A space on the same lot with the principle building or structure, open, unoccupied, and unobstructed by buildings or structures from the ground upward.

Yard, Front - A yard extending across the full width of the lot from side lot lines, the depth of which is the least distance between the front lot line and the front building line.

Yard, Rear - A yard extending across the full width of the lot from side lot lines, the depth of which is the least distance between the rear lot line and the rear of the principle building.

Yard, Side - A yard extending from the rear line of the required front yard to the rear lot line, the depth of which is the least distance from the sides of principle building and the side lot line.

Zoning Commission - The body appointed by the City Council of Belfield to conduct the zoning affairs of the City.

Zoning District Map - The map showing the zoning districts of the City of Belfield officially

adopted by the City Council of the City of Belfield.

ARTICLE 2.

GENERAL PROVISIONS

18.0201 JURISDICTION: This Ordinance and the Zoning District Map shall apply to the area within the corporate limits of the City of Belfield.

18.0202 COMPLIANCE AND EFFECTIVE DATE: The regulations set by the provisions of this Ordinance shall apply uniformly within each district to each class or kind of structure or land.

From this 24th day of June, 1975, each new use shall be in compliance with the provisions of this Ordinance.

18.0203 AMENDMENTS: From time to time because no area is static, the Zoning Ordinance and Zoning District Map may have to be amended, supplemented, changed or repealed. No action on an amendment can be made until a public hearing has been held.

18.0203(1) Procedure for Making Amendments

- a. Applications for amendments shall be filed with the City Auditor.
- b. The City Auditor shall present said application to the City Zoning Commission at its next regular scheduled meeting.

18.0203(2) Notice of Amendment Hearings

- a. At least seven (7) days notice of the time and place of the hearing shall be published in the official newspaper of the City of Belfield.
- b. The City Auditor shall notify applicant of the time and place of said hearing.
- c. The Land Use Administrator shall post notice of time and place of said hearing on the affected site.
- d. Notice of the hearing shall be mailed to owners of property within one hundred fifty (150) feet of the affected site, excluding the width of streets. The notice shall be mailed at least seven(7)days prior to the date of the hearing.

18.0203(3) Public Hearings by Zoning Commission and City Council

- a. Following a public hearing conducted by the Zoning Commission, said Commission shall submit its recommendations concerning the proposed amendment to the City Council.

- b. Upon receipt of the Zoning Commission's recommendations, the City Council shall set a final hearing date for the proposed amendment.
- c. Procedure for the notice of the final hearings shall follow that of the hearing conducted by the Zoning Commission.
- d. Following the final hearing, the City Council shall approve or disapprove the proposed amendment.

18.0203(4) Protests to Amendments

- a. If a protest against an amendment is signed by the owners of twenty (20) percent or more:
 - 1. of the area of the lots included in such proposed change; or
 - 2. of the area adjacent, extending one hundred and fifty (150) feet from the area to be changed, excluding the width of streets, the amendments shall not become effective except by the favorable vote of three- fourths (3/4) of all the members of the City Council of Belfield.
- b. A Public hearing shall be held on all protests to amendments.
- c. At least fifteen (15) days, notice of the time and place of the hearing shall be published in the official newspaper of the City of Belfield.
- d. All protests to amendments shall be filed in writing with the City Auditor within ten (10) days following approval of the amendment being protested.

18.0203(5) Appeals

Any person aggrieved by the decision of the City Council may appeal to the Board a Adjustment as provided for in Section 40-47-08 of the North Dakota Century Code.

18.0204 NON-CONFORMING USE:

- a. Any use which is lawful at the time of adoption of this Ordinance, but would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments, shall be known as Non-Conforming Uses.
- b. Non-Conforming Uses shall not be enlarged upon, or expanded.
- c. If more than eighty (80) percent of the fair market value (as indicated by the most recent records of the city tax assessor) of a non-conforming structure is reinvested in repairs of that structure, the repaired structure shall conform to this Ordinance.

- d. If a non-conforming use is discontinued for a period of twelve (12) consecutive months, any future use of such a building or premises shall conform to the provisions of this Ordinance.
- e. If a building housing a non-conforming use is destroyed of its assessed value, said use shall be discontinued.
- f. Notwithstanding any provision hereof, to the contrary, a nonconforming use may be enlarged, extended, expanded, rebuilt or repaired if a conditional use permit is obtained as provided in Section 18.0206(1) of this Ordinance.

18.0205 MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS: No lot areas, yard, or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard or other open space which is required by the Ordinance for one use shall be used as the required lot area, yard, or other open space for another use.

18.0206 CONDITIONAL USE PERMITS: Some land uses that are allowed within specific zoning districts warrant the establishment of special conditions including renewable time limits for uses. Land uses for which a conditional use permit is necessary are clearly identified in this Ordinance.

18.0206(1) Procedure for Making Conditional Use Permits

- a. Applications for a conditional use shall be filed with the City Auditor.
- b. The City Auditor shall present said application to the City Zoning Commission at its next regular scheduled meeting.

18.0206(2) Notice of Conditional Use Permit Hearings

- a. At least seven (7) days notice of the time and place of the hearing shall be published in the official newspaper of the City of Belfield.
- b. The City Auditor shall notify applicant of the time and place of said hearing.
- c. The Land Use Administrator shall post notice of time and place of said hearing on the affected site.
- d. Notice of the hearing shall be mailed to owners of property within one hundred fifty (150) feet of the affected site, excluding width of streets. The notice shall be mailed at least seven (7) days prior to the date of the hearing.

18.0207 REGULAR MEETING DATE: The City Zoning Commission shall meet before the City Council's regularly scheduled monthly meeting when there is an application and business to be acted upon by the Zoning Commission.

18.0208 FEES CHARGED TO APPLICANTS: All applicants requesting a zoning amendment, conditional use permit, temporary permit and/or variance shall attach \$50.00 with the permit in payment of the zoning application fee. If action on the application requires additional expense by the Zoning Commission, a bill outlining those expenses will be submitted to the applicant for payment.

ARTICLE 3.

DISTRICTS

18.0301 DISTRICT ZONING MAP: The City of Belfield is hereby divided into zones, or districts, as shown on the District Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance. A copy of said map is on file in the office of the City Auditor.

Where uncertainty exists with respect to the boundaries of the various districts hereby established and as shown on the District Zoning Map, the following rules shall apply:

- a. The district boundaries are the center lines of streets or alleys, unless otherwise shown.
- b. Where the district boundaries are not center lines or streets or alleys and where the land has been or may hereafter be divided into lots or blocks and lots, the district boundaries shall be construed to be lot lines.
- c. Where land has not been subdivided into lots or blocks and lots, the district boundary lines on the District Zoning Map shall be determined by the use of the scale of measurement shown on said map.
- d. Where uncertainty may exist as to the exact boundary line of a district, the same shall be determined by the Board of Adjustment and a record kept thereof.

18.0302 RESIDENTIAL DISTRICTS:

18.0302(1) (R-1) Residential District

It is the intent of these district regulations to provide for low density residential use.

Permitted Uses B

- 1 Single - Family Dwellings
- 2 Parks
- 3 Churches

4. Schools Other Than Private Training Schools
5. Private Garage per Dwelling
6. Manufactured Homes (Ord. 272)

Conditional Uses --

1. Private Training Schools:

The following condition shall apply to the above use:

- a. Provide information to the Zoning Commission or the type of training to be offered.

District Regulations B

1. Minimum lot size

- a. Minimum width - fifty (50) feet
- b. Minimum area - seven thousand five hundred (7500)square feet

2. Maximum Intensity:

- a. The principle building and all accessories shall not cover more than thirty-one (31) percent of an inside lot, not more than thirty-one (31) percent of a corner lot.

3. Setback Requirements:

- a. Front yard - minimum depth of 15 feet from street and 15 feet from avenue.
- b. Rear yard -
 1. House - minimum depth of 20 feet, exclusive of a 10 feet alley easement.
 2. Garage with front access or accessory building - minimum depth of 6 feet, exclusive of a 10 foot alley easement.
 3. Garage with rear access - minimum depth of 24 feet, exclusive of a 10 foot alley easement.

- c. Side yard - minimum width of 6 feet.

4. Maximum Height Requirements:

No building shall exceed forty (40) feet or two (2) stories in height.

5. Fences:

None in sight line.

6. Motor Vehicle Parking:

Adequate off-street motor vehicle parking shall be provided. Motor vehicle parking shall be allowed on yards and setbacks.

18.0302(2) (R-2) Residential District

It is the intent of these district regulations to provide for moderate density residential use.

Permitted Uses B

1. All Uses Permitted in R-1
2. Two-Family Dwellings
3. Home Occupation
4. Manufactured home. (Ord. 272).

Conditional Uses -

1. Catering Services:

District Regulations B

1. Minimum lot size:
 - a. Minimum width fifty (50) feet
 - b. Minimum area seven thousand five hundred (7500) square feet
2. Maximum Intensity:
 - a. The principle building and all accessories shall not cover more than thirty-one (31) percent of an inside lot, nor more than thirty-one (31) percent of a corner lot.
3. Setback Requirements:
 - a. Front yard - minimum depth of 15 feet from street and 15 feet from avenue.
 - b. Rear yard
 1. House - minimum depth of 20 feet, exclusive of a 10 foot alley easement.

2. Garage with front access or accessory building - minimum depth of 6 feet, exclusive of a 10 foot alley easement.
3. Garage with rear access - minimum depth of 24 feet, exclusive of a 10 foot alley easement.

c. Side yard - minimum width of 6 feet.

4. Maximum Height Requirements:

No building shall exceed forty (40) feet or two (2) stories in height.

5. Fences:

None in sight line.

6. Motor Vehicle Parking:

Adequate off-street motor vehicle parking shall be provided. Motor vehicle parking shall be allowed on yards and setbacks.

18.0302(3) (R-3) Residential District

It is the intent of these district regulations to provide for high density residential use.

Permitted Uses B

1. All uses Permitted in R-1 and R-2
2. Multi-Family Dwellings
3. Community Garages

District Regulations B

1. Minimum lot size:
 - a. Minimum width seventy-five (75) feet
 - b. Minimum area Eleven thousand two hundred fifty(11,250) square feet.
2. Maximum Intensity:
 - a. The principle building and all accessories shall not cover more than thirty-one (31) percent of an inside lot, nor more than thirty-one (31) percent of a corner lot.

- b. Each dwelling unit shall have a minimum floor area of seven hundred fifty (750) square feet.
- 3. Setback Requirements:
 - a. Front yard - minimum depth of 15 feet from street and 15 feet from avenue.
 - b. Rear yard
 - 1. House - minimum depth of 20 feet, exclusive of a 10 foot alley easement.
 - 2. Garage with front access or accessory building-minimum depth of 6 feet, exclusive of a 10 foot alley easement.
 - 3. Garage with rear access - minimum depth of 24 feet, exclusive of a 10 foot alley easement.
 - c. Side yard - minimum width of 6 feet

4. Maximum Height Requirements:

No building shall exceed forth (40) feet or two(2) stories in height.

5. Fences:

None in sight line

6. Motor Vehicle Parking:

Off-street motor vehicle parking shall be provided at a rate of one and one-half (1.5) parking spaces per dwelling units in a multi-family dwelling.

Parking is permitted on setbacks.

18.0302(4) (MH-1) Mobile Home District

It is the intent of these district regulations to provide for an area for one single family mobile home on residential lots - not in a mobile home park (MH-2) or a licensed mobile home court (MH-3).

Permitted Uses B

- 1. Mobile Homes no more than 15 years old securely and properly anchored. (Ordinance 257).
- 2. Industrialized Housing

3. Accessory Uses

District Regulations B

1. Minimum lot size:

- a. Minimum width fifty (50) feet
- b. Minimum area seven thousand five hundred (7500) square feet

2. Setback Requirements:

- a. Front yard - minimum depth of 15 feet from street and 15 feet from avenue.
- b. Rear yard
 - 1. House minimum depth of 20 feet, exclusive of a 10 foot alley easement.
 - 2. Garage with front access or accessory building - minimum depth of 6 feet, exclusive of a 10 foot alley, easement.
 - 3. Garage with rear access - minimum depth of 24 feet, exclusive of a 10 foot alley easement.
- c. Side yard - minimum width of 6 feet.

3. Fences:

None in sight line

4. Motor Vehicle Parking:

Adequate off-street motor vehicle parking shall be provided. Motor vehicle parking shall be allowed on yards and setbacks.

18.0302(5) (MM-2) Mobile Home Park

It is the intent of these district regulations to provide for an area for a mobile home park to be developed for long term residential use.

Permitted Uses B

- 1. Mobile Homes not more than 15 years old securely and properly anchored. (Ordinance 257).

2. Industrial Housing
3. Single family dwelling
4. Accessory Uses

District Regulations B

1. Mobile Home Parks shall be a minimum of five (5) contiguous acres and a maximum of seven (7) homes per gross acre.
2. A minimum of twelve (12) percent of the gross site area shall be devoted to open space or recreational facilities.
3. Utility hook ups shall be provided for each lot (water, sewer, electricity, gas and telephone).
4. Minimum lot size:
 - a. Minimum width - sixty (60) feet
 - b. Minimum area - six thousand (6000) square feet
5. Setback Requirements:
 - a. Front yard - minimum depth of 15 feet from street and 15 feet from avenue.
 - b. Rear yard
 1. House - minimum depth of 20 feet exclusive of a 10 foot alley easement.
 2. Garage with rear access - minimum depth of 24 feet, exclusive of a 10 foot alley casement.
 - c. Side yard - minimum width of 6 feet.
6. Fences:

None in sight lines

7. Motor Vehicle Parking

Off street motor vehicle parking shall be provided at a rate of one and one-half (1~) parking spaces per mobile home lot. Parking is permitted on setbacks.

8. Streets:

The individual mobile home lots in the park shall be served by public streets which are plotted and constructed according to the applicable street standards for the City of Belfield.

9. Lighting:

All entrances, exits, and streets shall be lighted by electricity. At least one 175 watt light shall be provided for every 150 feet of street.

18.0302(6) (MH-3) Mobile Home Court

It is the intent of these district regulations to provide for an area for a mobile home court - with a minimum of 3 mobile homes - as licensed by the State of N.D. and subject to all state requirements and restrictions

Permitted Uses B

1. Mobile Homes not more than 15 years old securely and properly anchored. (Ordinance 257).
2. Accessory Uses

District Regulations B

1. Mobile home courts shall be a minimum of three (3) contiguous, twenty-five (25) foot lots.
2. Mobile home courts shall adhere to all state requirements as outlined by the State Licensing Division.
3. Setbacks Requirements --
 - a. As outlined by the State Licensing Division
 - b. Any mobile home abutting any public street or alleyway must comply with those setbacks requirements from such street or alleyway as outlined in Section 18.0302(5) - #5.

18.0303 (C-1) COMMERCIAL DISTRICT:

Purpose B

This district and these regulations provide for the grouping of retail merchandising and service activities into a central area.

Permitted Uses B

1. All activities requiring a business or professional license, and/or a state sales tax permit.
2. Educational, governmental, philanthropic, or charitable institutions.
3. Wholesale establishments and service businesses.
4. Dry cleaning, pressing, tailor shops, and laundries.
5. Accessory Uses Residential occupancy

District Regulations --

1. Setback Requirements:

- a. No portion of any lot shall encroach upon the established right-of-way of any city street, or county, state or federal road.
- b. No portion of any lot shall be closer than fifty (50) feet from the center line of any street.

2. Fences:

None in sight line

3. Motor Vehicle Parking:

- a. Provide off-street parking for all employees and all rolling equipment at a ratio of one-to-one; for visitors and customers, at a ratio of one-to-employee.
- b. Parking is permitted on rear setbacks.

4. Building Construction:

All buildings erected on any lot, any additions for alternations thereto, shall be permanent construction.

5. Height Requirements:

No building shall exceed two (2) stories or forty (40) feet.

18.0304 (1) INDUSTRIAL DISTRICT: It is the intent of these district regulations to provide for the best location of heavy commercial and industrial uses which would be incompatible with other uses.

Permitted Uses -- such as

1. Bottling Plant
2. Farm Equipment Sales
3. Gasoline Stations
4. Grain and Feed Elevator or Mill
5. Heavy Equipment Sales, Service, or Repair
6. Lumber Yard
7. Sewage Disposal Plant
8. Solid Waste Landfill and Transfer Stations
9. Trucking or Freight Terminal
10. Warehouses
11. Welding Shops
12. Agriculture
13. Recreational Vehicle Sales

Conditional Uses B

1. Chemical Fertilizer Plant
2. Coal Gasification Plant
3. Electrical Power Generating Plant
4. Refinery

The following conditions shall apply to the above uses (#'s 1, 2, 3, 4)

- a. A preliminary public hearing shall be conducted in the City concerning site location, needs of the plant, construction crews and employees impact on streets, housing, community facilities and community services.
- b. Provide twelve copies of an environmental impact statement to the Zoning Commission for distribution to the appropriate agencies.

- c. Provide evidence of approval of the State Department of Health on pollution controls.
- d. Provide evidence of approval for a water permit from the State Water Commission.
- e. No plant shall endanger any historical site, archeological site or cemetery.

5. Airports

The following conditions shall apply to the above use (#5)

- a. Evidence of approval by the Federal Aeronautics Administration and the North Dakota Aeronautics Commission shall be provided to the Zoning Commission.

6. Fuel and Explosive Material Storage Tanks and Terminals

The following conditions shall apply to the above uses (#6)

- a. Evidence of approval by the State Fire Marshall and/or the City Fire Chief shall be submitted to the Zoning Commission.
- b. The applicant shall provide any information the Zoning Commission deems necessary.

District Requirements B

1. Setback Requirements

- a. No portion of any lot shall encroach upon the established right-of-way of any city, streets, or county, state or federal road.
- b. No portion of any lot shall be closer than fifty (50) feet from the center line of any street.

2. Fences

None in sight line

3. Motor Vehicle Parking

- a. Adequate motor vehicle parking shall be provided off-street for all rolling equipment at a ratio of one-to-one; for visitors and customers at a ratio of one-per-management employee.

b. Vehicle parking shall be allowed on setbacks.

4. Building Construction

All buildings erected on any lot, any additions or alternations thereto, shall be permanent construction.

5. Landscaping

Except for necessary walks, driveways, and parking areas, all front yards shall be planted to grass or other ground cover.

6. Buffer Strip

A buffer strip providing a sight and sound barrier shall be provided when a industrial use is adjacent to a residential district. The Zoning Commission shall determine what kind of buffer strip is adequate.

18.0305 (REC) Recreation District:

Purpose -- This district and these regulations are established to provide for general recreational areas.

Permitted Uses B

1. Public Recreation Vehicle Park

The following conditions shall apply to the above uses:

- a. Minimum campsite area shall be 1500 square feet
- b. One comfort station shall be provided for every thirty (30) campsites or fraction thereof.
- c. Refuse disposal receptacles shall be provided within fifteen (15) feet to one hundred fifty (150) feet of every campsite.
- d. Water supply shall be provided within three hundred (300) feet of every campsite.
- e. One sanitary flushing station shall be provided for every one hundred (100) campsites or fraction thereof.

2. Commercial retail establishments operated only in conjunction with the recreational uses in the district and for the convenience thereof.

The following conditions shall apply to the above uses:

- a. Provide any information requested by the Zoning Commission.

District Regulations B

1. Setback Requirements:

- a. A minimum of sixty (60) feet shall be maintained between all structures or recreation vehicle campsites and the natural shoreline of streams, rivers, lakes, reservoirs, or other water areas. No structures will be allowed in the flood hazard zone.
- b. Maximum height requirements: No building shall exceed forty (40) feet or two (2) stories in height.
- c. Fences:
 1. None in sight line
 2. None within thirty (30) feet of natural shoreline that would restrict visual access.
- d. Motor Vehicle Parking:

Adequate off-street parking shall be provided.

18.0306 (R-A) AGRICULTURAL RESIDENCE DISTRICT:

Purpose B

This district and these regulations are established to provide for agricultural uses of land without conflicting with other uses allowed in the City.

Permitted Uses --

1. Detached single family dwellings that are used in connection with a farm operation.
2. Agriculture except kennels and animals or poultry operated for commercial purposes.
3. Non-commercial gardening, plant nurseries and greenhouses but not retail sales.
4. Cemeteries
5. Parks

6. Schools
7. Churches
8. Home Occupations
9. Accessory Uses
 - a. Buildings customarily incidental to the principal uses as defined and provided herein.
 - b. Private Garages
 - c. Private Enclosed Swimming Pools
 - d. Living quarters of persons employed on the premise

Conditional Uses B

1. Municipal buildings such as fire stations, museums and water supply buildings.
2. Reservoirs, wells, elevated tanks, and other essential public utilities and service structures.
3. Railroad right-of-ways

District Requirements B

1. Setback Requirements:
 - a. Front yard - minimum depth of fifty (50) feet from the lot line on any lot abutting a county, state, or federal highway. Any other lot must have a minimum front yard depth of twenty-five (25) feet.
 - b. Side Yard - minimum width of six (6) feet.
2. Fences

None in sight line

3. Motor Vehicle Parking:

Adequate off-street motor vehicle parking shall be provided. Parking shall be allowed on yards, and setbacks.

ARTICLE 4.

SPECIAL PROVISIONS

18.0401 PURPOSE: These provisions shall apply to all districts unless otherwise stated in the district regulations.

This Ordinance recognizes that certain activities, conditions, and uses may affect all districts and may be detrimental in certain districts unless proper safeguards are taken. Therefore, the following regulations have been made to protect the welfare of the people of the City of Belfield.

18.0402 EXCEPTIONS TO MAXIMUM HEIGHT REQUIREMENTS:

18.0402(1)

The following shall be exempt from maximum height requirements in all district regulations:

Antennas, belfries, chimneys, cupolas, flag poles, ventilators, water tanks, or other appurtenances usually required to be placed above roof level and not intended for human occupancy.

18.0402(2) Towers may be erected to any height provided the same shall not exceeding area one-quarter (3) the area of the lot upon which the principle building is located, and shall not exceed two thousand five hundred (2,500)square feet in area, and shall be a minimum of twenty-five (25) feet every point from any adjoining property line.

18.0403 GASOLINE FILLING STATIONS AND BULK STATIONS WHERE PROHIBITED: Any retail gasoline filling stations, bulk oil or gasoline station shall not be located within three hundred (300) feet of any block whereon there is located a public or parochial school.

18.0404 CHURCHES AND SCHOOLS - EXCEPTIONS TO MAXIMUM INTENSITY AND SETBACK:

Requirements

- a. Churches and schools shall be permitted to occupy seventy-five (75) percent of corner lots and sixty-five (65) percent of inside lots.
- b. Rear yard shall be a minimum depth of six (6) feet.
- c. Side yard shall be a minimum width of eight (8) feet.

18.0405 GENERAL EXCEPTIONS TO LOT SIZE REQUIREMENTS: If a property ownership, consisting of the entire contiguous land holdings held in a single ownership at the time of passage of this Ordinance, has an area or dimension which does not meet the lot size

requirements of the district in which the property is located, the holdings may be occupied by a use permitted in the district subject to the other requirements of the district, provided that if there is an area deficiency, residential use shall be limited to a single family dwelling or to the number of dwelling units consistent with the intensity requirement of the district. The record of ownership as recorded in the office of the county clerk at the time of passage of this Ordinance shall be and basis for application of this exception unless the owner submits proof that a different ownership existed at the time the provisions of this Ordinance became applicable to the land concerned.

18.0406 GENERAL EXCEPTIONS TO YARD REQUIREMENTS: The following exceptions to yard requirements are authorized for a lot in any district:

- a. If there are buildings on both abutting lots which are within one hundred (100) feet of the intervening lot, and the buildings have front yards of less than the required depth for the district, the depth of the front yard for the intervening lot needs not exceed the average depth of the front yards of the abutting lots.
- b. If there is a building on one abutting lot which is within one hundred (100) feet of the lot, and this building has a front yard of less than the required depth for the district, the front yard for the lot need not exceed a depth halfway between the depth of the front yard of the abutting lot and the required front yard depth.

18.0407 USES BY TEMPORARY PERMIT:

1. Not limited to but including the following uses, is a list of uses that shall obtain a temporary permit from the Zoning Commission.

- a. Bazaars, Carnivals, or Fairs
- b. Musical Events
- c. Racing Events
- d. Revivals
- e. Rodeos
- f. Parking Lots for Special
- g. Public Gatherings for a Single-Purpose Event
- h. Temporary building or yard for construction materials and/or equipment incidental and necessary for current construction in the immediate surrounding area.

- i. 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 City Council and shall be renewable at the discretion of the City Council.

18.0408 ACCESS TO COUNTY, STATE AND/OR FEDERAL HIGHWAYS: All development shall provide evidence of approval by the respective highway authority.

18.0409 ACCESS TO STREETS: Every lot shall abut a street, other than an alley, for at least twenty-five (25) feet.

ARTICLE 5.

ADMINISTRATION AND ENFORCEMENT

18.0501 CITY OF BELFIELD ZONING COMMISSION:

18.0501(1) Authority

Authority found in Section 40-47-06 of the North Dakota Century Code.

18.0501(2) Duties

1. Recommend the planning and zoning affairs of the City of Belfield.
2. Present a report of the City Council on recommendations.
3. Conduct hearings on zoning amendments.
4. Issue Certificated of Zoning Compliance.

18.0501(3) Certificates of Zoning Compliance

1. A certificate of Zoning Compliance shall be required of all new structures, new uses or altered permitted uses.

2. Failure to obtain a Certificate of Zoning Compliance shall constitute a violation of this Ordinance.

3. The City Zoning Commission shall make a list of all non-conforming uses and maintain that list for reference.

18.0502 BOARD OF ADJUSTMENT:

18.0502(1) Authority

Authority found in Section 40-47-07 of the North Dakota Century Code.

18.0502(2) Duties

1. The Board shall hear and decide appeals from and shall review any order, requirement, decision or determination made by the administrative official charged with enforcement of the provisions of this Ordinance.

2. The Board shall grant variance from the terms of this Ordinance when the literal enforcement of the provisions of this Ordinance would result in unnecessary hardship and said variance would not be contrary to the public interest. Application for a variance shall show:

- a. The special conditions and circumstances which are peculiar to the land or structure and not applicable to other land or structures in the same district.
- b. The special interpretation of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the district.
- c. The literal interpretation of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the district.
- d. The granting of the variance shall not confer any special privilege on the applicant that is denied by the Ordinance to others in the same district.

Under no circumstances shall the Board of Adjustment grant a variance to all a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or implication prohibited by the terms of this Ordinance in said district.

18.0503 LAND USE ADMINISTRATOR:

18.0503(1) Authority

The City Council shall appoint a Land Use Administrator to carry out the directives and duties as assigned by said Commission. The Administration shall be directly responsible to the City Council.

18.0503(2) Duties

1. Shall attend all hearings.
2. Shall maintain updated copies of this Ordinance and the District Zoning Map.
3. Shall keep copies of all records.

4. Shall post notice of amendment hearings on affected site.
5. Shall make inspection of land and/or structures to determine compliance with the provisions of this Ordinance.
6. Shall carry out any other duties assigned by the City Council.

18.0504 VIOLATIONS AND PENALTIES:

18.0504(1) Action to Correct Violations

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 Chapter, the proper city authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action on proceedings:

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, conduct, business, or use in or about such premises.

(North Dakota Century Code, Section 40-47-06)

18.0504(2) Penalty

Any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment in the City Jail for not more than ninety (90) days, or by both fine and imprisonment. Each and every day that a violation of this Ordinance shall be continued shall constitute and be considered a separate offense.

ARTICLE 6.

AMENDMENTS, CONDITIONAL USE PERMIT, VARIANCES

18.0601 AMENDMENTS TO ZONING DISTRICTS:

O'brien Subdivision Plat Map is approved pending all required signatures for Tim O'Brien's engineer to record the O'Brian Subdivision Plat and with conditions that the developer is responsible for the existing rights of way, street and utility easements, clean and defined access to all lots within the subdivision, maintain the access, provide snow removal, maintain proper

setbacks and assurance that there isn't a diversion of any waterway that will create issues down the road as multiple owners come into the subdivision.

Approval is further subject to the obligation of the developer, his successors and assigns, to execute a development agreement addressing among other provisions, all costs of construction and maintenance of all infrastructure in and to the subdivision.

Zoning is approved to change from agricultural to industrial.

Nabors Well Service Expansion Project is approved with conditions that the O'Brien Subdivision Plat Map is recorded and all conditions of Ordinance 296. Approval is further subject to Developer's obligation to execute a development agreement addressing among other provisions, all costs of construction and maintenance of all infrastructure in and to the subdivision project.

18.0601-Of the City Code of the City of Belfield, North Dakota, is hereby amended as follows:

Amending the zoning on Lot 7, Block 16, OP (50 X 140) from Commercial (C) to Residential (R-1) and included approval for a variance request to set a 27.6' x 48.4' manufactured home on a concrete foundation above the base flood elevation at this location on less than the required square footage requirement contingent upon that the dwelling and all accessory buildings do not exceed 40 % of the square footage for total coverage of the buildable area, the base flood elevation is determined, the required floodplain development permit application for walled and roofed building is completed and that the structures are in compliance with the City of Belfield Floodplain Ordinance

18.0601(1) Rezoned to R-1 Zoning

Original Plat:

Block 13, Lots 31 and 32

Block 18, Lots 9 through 12, less the north 110 feet

Block 32, Lots 1 through 7

Block 46 (all)

Block 47 (all)

Block 48 (all)

Block 49, Lots 3 through 49

Block 51 (all)

Block 52 (all)

Section 18.0602(1) of the City Code of the City of Belfield, North Dakota, is hereby amended to add the following paragraph:

A Two-year conditional use permit is granted for Nabors Well Service Company to set up temporary housing for up to 26 Nabors Well Service Company employees with an on-site manager within their proposed 34.52 acre expansion project in the SW ¼ of Section 33, T140N, R99W in Stark County, North Dakota, with further compliance with the rules and regulations as presented by Nabors Well Service Company.

Section 18.0602(1) of the City Code of the City of Belfield, North Dakota, is hereby amended to add the following paragraph:

A Two-year conditional use permit is granted for Plains Marketing L.P. to set four RV Campers or Motor Homes on the north side of their existing shop on Lots 2 and 3, Block 1, Matador Addition following the ND State Plumbing Code and City Code requiring engineered plans and specifications, follow all city ordinances, limit two occupants per motor home, be responsible for all snow removal and provide a list of occupants to the police department and the city auditor.

18.0601(2) Rezoned to R-2 Zoning

O'Connor's Addition:

Block 3, Lots 1 through 6

Block 3, Lots 43 through 47

Block 5, Lots 1 through 10

Original Plat:

Block 2, Lots 1 through 4

Block 2, Lots 27 through 43

Section 18.0601(4) and Section 18.0601(2) of the City Code of the City of Belfield, North Dakota, are hereby amended as follows:

Lot 16, Block 28, OP is rezoned from Mobile Home Block (MH-1) to Duplex (R-2).

Section 18.0601(3) and Section 18.0601(2) of the City Code of the City of Belfield, North Dakota, are hereby amended as follows:

Lots 17 – 24, Block 28, OP are rezoned from Apartment (R-3) to Duplex (R-2).

18.0601(3) Rezoned to R-3 Zoning

O'Connor's Addition:

Block 12, Lots 1 through 13
Block 15, Lots 22 through 25

Original Plat:

Block 35, Lots 1 through 5

Block 36, Lots 1 through 32

Block 37, Lots 17 through 32

NW3NW3 of Section 5, Township 139 North, Range 99 West

Parkway Addition:

Block A, Area A-2

Section 18.0601(3) and Section 18.0601(2) of the City Code of the City of Belfield, North Dakota, are hereby amended as follows:

Lots 17 – 24, Block 28, OP are rezoned from Apartment (R-3) to Duplex (R-2).

Section 18.0601(4) and Section 18.0601(3) of the City Code of the City of Belfield, North Dakota, are hereby amended to add the following paragraph:

The zoning on lots 28-32, Block 38, OP shall be amended from MH-1 to R-3. All development is contingent upon a signed development agreement and will take place in accordance with all city codes and state law.

Section 18.0601 (**Ordinance 296**) and Section 18.0601(7) of the City Code of the City of Belfield, North Dakota, are hereby amended to add the following paragraph:

The zoning on Lot 2, Block 1, O'Brien Subdivision shall be amended from Agricultural to Commercial for a development that would include a 90 unit hotel with a meeting room. The applicants have land under contract adjacent to this site with intent to develop the property for retail use with the possibility of a grocery store, restaurants, coffee shop, postal store, and a small hardware store. Zoning Change approval is contingent upon a signed Development Agreement with the City of Belfield. If the property is sold or leased, the property zoning shall revert back to Agricultural and require any successors or assigns to petition for zoning change. All development is contingent upon a signed development agreement and will take place in accordance with all city codes and state law.

Section 18.0601(Ordinance 296) and Section 18.0602(1) of the City Code of the City of Belfield, North Dakota, are hereby amended to add the following paragraph:

A Two-year Conditional Use Permit and Development plan is approved on behalf of Rocky Mountain Oilfield on Lot 6, Block 2 of the O'Brien Subdivision to develop the 15 acre parcel:

- a. The Maintenance Shop will consist of 2 offices, waiting/reception room, conference room, janitorial/mechanical/storage rooms, with the rest being an open shop area used to repair and maintain the different vehicles Rocky Mountain Oilfield Services utilizes.
- b. Propane Container Yard- the dimensions of the yard are planned to be 60' long by 20' wide and shall contain 4 propane tanks and associated appurtenances.
- c. Fuel Containment Yard-the dimensions will be 30' x 30'.
- d. Parking Lot & Access Road-the access road into the project and the parking lot will consist of gravel. The client/employee parking in the front of the shop will be concrete.
- e. A network of swales and ponds will be used to collect storm water runoff for this project. The owner of the project and any successors or assigns will be responsible to maintain and operate the final system.

All development is contingent upon a signed development agreement and will take place in accordance with all city codes and state and federal law.

18.0601(4) Rezoned to MH-1 Zoning

Hurt - Newton Addition:

Block 1, Lot 1

Makaruk Addition:

Block 2, Lots 16 and 17

(The zoning of these lots will revert back to R-3 in the event the mobile home placed on the lot is transferred from the real property.)

O'Connor's Addition:

Block 2, Lots 17 and 18

Block 3, Lots 11 and 12

Block 3, Lots 31 through 33

Block 3, Lots 36 and 37

Block 11, Lots 12 through 14

Block 11, north 75 feet of Lot 20

Block 11, Lots 21 and 22

Original Plat:

Block 17, Lots 9 and 10

Block 23, Lots 9 through 12

Block 28, Lots 2 through 6
Block 28, Lots 13 through 16

Block 29, Lots 13 through 26

Block 31, Lots 1 through 6

Block 32, Lots 8 and 9
Block 32, Lots 10 through 12

Block 33, Lots 11 and 12

Block 37, Lots 1 through 16

Block 38, Lots 28 through 32

Block 49, Lots 1 and 2
Block 49, Lots 15 and 16

Miscellaneous:

A tract of land lying the SW3 of Section 32, Township 140 North of Range 99 West of the 5th P.M., Stark County, North Dakota, more particularly described as follows, to-wit:

Beginning at a point 394.8 feet west and 225 feet north of the southeast corner of said SW3 of Section 32; thence west 450 feet; thence north 150 feet; thence east 450 feet; thence south 150 feet to the point of beginning.

Section 18.0603(4) of the City Code of the City of Belfield, North Dakota, is hereby amended to add the following paragraph:

(g) A variance is granted on Lots 20, 21, 22, Block 30, OP zoned Apartments (R-3) allowing the required 11,250 sq. ft. to be reduced to 10,500 sq. ft. to place a manufactured home that is a minimum of at least 20 feet wide on a post and pier foundation and complies with all other requirements of Ordinance 272, now codified as the City of Belfield Code Chapter 18, Section 18.0106(2) et seq. and approval of the building inspector is verified in writing. If this home is moved off this location, the variance becomes null and void.

Section 18.0601(4) and Section 18.0601(2) of the City Code of the City of Belfield, North Dakota, are hereby amended as follows:

Lot 16, Block 28, OP is rezoned from Mobile Home Block (MH-1) to Duplex (R-2).

Section 18.0603(4) of the City Code of the City of Belfield, North Dakota, is hereby amended to add the following paragraph:

(g) A variance is granted on Lot 5 (60' x 100'), Block 1, Atchison 2nd Addition to the City of Belfield zoned MH-1 allowing a new 16' x 76' single wide mobile home to be set up on post and pier foundation meeting the set-back requirements but not the 7500' single family home requirement.

Section 18.0601(4) of the City Code of the City of Belfield, North Dakota, is hereby amended to add the following paragraph:

Lots Section 18.0601(7) and Section 18.0601(4) of the City Code of the City of Belfield, North Dakota, are hereby amended to add the following paragraph:

The zoning on Lots 25 – 27, Block 12, OP shall be amended from Commercial to Mobile Home Post & Pier after reviewing the engineer's floodplain development permit application for walled and roofed building and the elevation certificate/site plan indicating the new manufactured home that would be raised to coincide with the floodplain standards.

Section 18.0601(4) and Section 18.0601(2) of the City Code of the City of Belfield, North Dakota, are hereby amended to add the following paragraph:

The zoning on Lots 6 – 12, Block 26, OP shall be amended from Mobile Home to Duplex for a NDHFA Law Enforcement Grant the Housing Authority of the City of Belfield intends to build a duplex on for law enforcement affordable housing.

Section 18.0601(8) and Section 18.0601(2) of the City Code of the City of Belfield, North Dakota, are hereby amended to add the following paragraph:

The zoning on Lots 9 – 12, Block 28, OP shall be amended from Industrial to Duplex for a proposed NDHFA Housing Incentive Fund Grant the Housing Authority of the City of Belfield intends to build a duplex on for government or city employee affordable housing.

Section 18.0601(4) and Section 18.0601(3) of the City Code of the City of Belfield, North Dakota, are hereby amended to add the following paragraph:

The zoning on lots 28-32, Block 38, OP shall be amended from MH-1 to R-3. All development is contingent upon a signed development agreement and will take place in accordance with all city codes and state law.

Section 18.0601 (**Ordinance 296**) and Section 18.0601(7) of the City Code of the City of Belfield, North Dakota, is hereby amended to add the following paragraph:

The zoning on Lot 2, Block 1, O'Brien Subdivision shall be amended from Agricultural to Commercial for a development that would include a 90 unit hotel with a meeting room. The

applicants have land under contract adjacent to this site with intent to develop the property for retail use with the possibility of a grocery store, restaurants, coffee shop, postal store, and a small hardware store. Zoning Change approval is contingent upon a signed Development Agreement with the City of Belfield. If the property is sold or leased, the property zoning shall revert back to Agricultural and require any successors or assigns to petition for zoning change. All development is contingent upon a signed development agreement and will take place in accordance with all city codes and state law.

Section 18.0601(Ordinance 296) and Section 18.0602(1) of the City Code of the City of Belfield, North Dakota, is hereby amended to add the following paragraph:

A Two-year Conditional Use Permit and Development plan is approved on behalf of Rocky Mountain Oilfield on Lot 6, Block 2 of the O'Brien Subdivision to develop the 15 acre parcel:

- a. The Maintenance Shop will consist of 2 offices, waiting/reception room, conference room, janitorial/mechanical/storage rooms, with the rest being an open shop area used to repair and maintain the different vehicles Rocky Mountain Oilfield Services utilizes.
- b. Propane Container Yard- the dimensions of the yard are planned to be 60' long by 20' wide and shall contain 4 propane tanks and associated appurtenances.
- c. Fuel Containment Yard-the dimensions will be 30' x 30'.
- d. Parking Lot & Access Road-the access road into the project and the parking lot will consist of gravel. The client/employee parking in the front of the shop will be concrete.
- e. A network of swales and ponds will be used to collect storm water runoff for this project. The owner of the project and any successors or assigns will be responsible to maintain and operate the final system.

All development is contingent upon a signed development agreement and will take place in accordance with all city codes and state and federal law.

Section 18.0601(7) and Section 18.0601(5) of the City Code of the City of Belfield, North Dakota, are hereby amended to add the following paragraph:

The zoning on Lots 4 – 12, Block 27, OP shall be amended from Commercial to Mobile Home Post & Pier to allow the Belfield Public School District to place two new 16' X 80' manufactured homes on for affordable teacher housing. All utilities will be at the expense of the school district. If the lease is terminated with the Belfield Public School District the lots will revert back to Commercial.

Section 18.0601(8) of the City Code of the City of Belfield, North Dakota, is hereby amended to add the following paragraph:

Upon review of a petition from Gary Newton, recommendations from the Zoning Board, and conditioned upon the owner/developer required entry into a development agreement with the City of Belfield, the zoning on a tract of land containing 145.25 acres in Section 4, T139N, R99W, south of the Burlington Northern Santa Fe Railroad right of way except for two small areas on the west end of this section shall be amended from Agricultural to Industrial.

Jon Wilczek, KLJ Engineer, provided a survey of the parcel identified as Tract A, a sketch plat of the proposed Belfield Industrial Park Addition and a topographic survey identifying proposed sanitary sewer/water lines, utilities, light poles, curb stops, buffer zone, culverts, asphalt, tree rows. He also indicated that the developer would provide one mile of paved road and address storm water and drainage. The developer and the engineer addressed questions presented by the adjacent landowners in the audience regarding drainage, dust control and traffic. The developer also requested city water/sewer services and to be annexed into city limits. The developer also indicated that there would not be any storage of liquid, vaporized gas, flammables or hazardous drilling fluids. The zoning board agreed to recommend amending the zoning (Hushka/O'Brien) on this tract with a development agreement between the City of Belfield and the developer from Agricultural to Industrial.

6-12, Block 26, OP are rezoned from Industrial (I) to Mobile Home Blocks (MH-1).

18.0601(5) Rezoned to MH-2 Zoning

Hillcrest Replat Addition:

All

Original Plat:

Block 27, Lots 13 through 20

Block 39, Lots 1 through 32

Block 40, Lots 1 through 24

Block 41, Lots 1 through 16

18.0601(6) Rezoned to MH-3 Zoning

Original Plat:

Block 36, Lots 1 through 32

Block 37, Lots 17 through 32

AA 5 acre tract of land in the N 2 of Section 33, Township 149, Range 99, previously zoned agricultural, is hereby zoned industrial.@ (Ordinance 268).

Section 18.0601(6) of the City Code of the City of Belfield, North Dakota, is hereby amended to add the following paragraph:

Lots 1-6 and Lots 12-14, Block 9, OP are rezoned to MH3 to allow a Mobile Home Court conditioned on compliance with the ND State Standards for Mobile Home Parks/Courts set forth in Chapter 23-10 N.D.C.C. and compliance with all ND State Department of Health regulations. Additional requirements shall include reduced speeds of residents in the mobile home court as set by the Belfield Police Department with appropriate speed signs posted by the developer; the developer shall erect a privacy fence or hedge along 4th Street NW and adjacent to the north and south property lines of this development if adjacent property owners request a privacy fence or hedge; and pets shall not be allowed in the mobile home court.

18.0601(7) Rezoned to C-1 Zoning

Makaruk Addition:

Block 2, Lots 19 through 22

Nelson's Sub-division:

Block 1, Lot 3, north 185.5 feet

O'Connors Addition:

Block 16, Lots 7, 8 and 9

Original Plat:

Block 6, Lot 21, east 37 feet

Block 12, Lots 17 and 18

Block 16, Lots 7, 8 and 9

Section 18.0601(7) and Section 18.0601(4) of the City Code of the City of Belfield, North Dakota, are hereby amended to add the following paragraph:

The zoning on Lots 25 – 27, Block 12, OP shall be amended from Commercial to Mobile Home Post & Pier after reviewing the engineer's floodplain development permit application for walled and roofed building and the elevation certificate/site plan indicating the new manufactured home that would be raised to coincide with the floodplain standards.

Section 18.0601(4) and Section 18.0601(2) of the City Code of the City of Belfield, North Dakota, are hereby amended to add the following paragraph:

The zoning on Lots 6 – 12, Block 26, OP shall be amended from Mobile Home to Duplex for a NDHFA Law Enforcement Grant the Housing Authority of the City of Belfield intends to build a duplex on for law enforcement affordable housing.

Section 18.0601(8) and Section 18.0601(2) of the City Code of the City of Belfield, North Dakota, are hereby amended to add the following paragraph:

The zoning on Lots 9 – 12, Block 28, OP shall be amended from Industrial to Duplex for a proposed NDHFA Housing Incentive Fund Grant the Housing Authority of the City of Belfield intends to build a duplex on for government or city employee affordable housing.

Section 18.0601(7) and Section 18.0601(5) of the City Code of the City of Belfield, North Dakota, are hereby amended to add the following paragraph:

The zoning on Lots 4 – 12, Block 27, OP shall be amended from Commercial to Mobile Home Post & Pier to allow the Belfield Public School District to place two new 16' X 80' manufactured homes on for affordable teacher housing. All utilities will be at the expense of the school district. If the lease is terminated with the Belfield Public School District the lots will revert back to Commercial.

Section 18.0601(8) of the City Code of the City of Belfield, North Dakota, is hereby amended to add the following paragraph:

Upon review of a petition from Gary Newton, recommendations from the Zoning Board, and conditioned upon the owner/developer required entry into a development agreement with the City of Belfield, the zoning on a tract of land containing 145.25 acres in Section 4, T139N, R99W, south of the Burlington Northern Santa Fe Railroad right of way except for two small areas on the west end of this section shall be amended from Agricultural to Industrial.

Jon Wilczek, KLJ Engineer, provided a survey of the parcel identified as Tract A, a sketch plat of the proposed Belfield Industrial Park Addition and a topographic survey identifying proposed sanitary sewer/water lines, utilities, light poles, curb stops, buffer zone, culverts, asphalt, tree rows. He also indicated that the developer would provide one mile of paved road and address storm water and drainage. The developer and the engineer addressed questions presented by the adjacent landowners in the audience regarding drainage, dust control and traffic. The developer also requested city water/sewer services and to be annexed into city limits. The developer also indicated that there would not be any storage of liquid, vaporized gas, flammables or hazardous drilling fluids. The zoning board agreed to recommend amending the zoning (Hushka/O'Brien) on this tract with a development agreement between the City of Belfield and the developer from Agricultural to Industrial.

18.0601(8) Rezoned to Industrial Zoning

Matteson Annexation:

All

Raffsim Hill Addition:

Block 4, Lot 17, 18, 19 and 20

Block 5, Lot 1

Miscellaneous:

Beginning at the SE corner of the intersection of the right of way of U.S. Hwy. #85 and the Burlington Northern railroad right of way in the SW3 of Sec. 4-139N-99W, thence south 750 feet, thence east 475 feet, thence north to railroad right of way, thence northwesterly along railroad right of way to point of beginning. Except area north of county road. Said tract contains approximately six acres.

A tract of land in the SE3 of Section 3,2 Township 140 North of Range 99 West of the 5th P.M., Stark County, North Dakota, more particularly described as follows, to-wit: Beginning at the northeast corner of Block 3, A. Decker Addition to the City of Belfield, North Dakota, thence West along the north line of said Block 3, thence North along the extended West line of said Block 3 a distance of 66 feet, thence west a distance of 66 feet to the southeast corner of Rock Island Addition to the City of Belfield, North Dakota, thence North along the east line of said Rock Island Addition a distance of 200 feet to the northeast corner of said Rock Island Addition, thence West along the north line of said Rock Island Addition a distance of 340 feet, thence north along a line parallel to the West line of said Rock Island Addition a distance of 200 feet, thence east along a line a parallel to the north line of said Rock Island Addition a distance of 706 feet and thence south along a line parallel to the east line of said Block 3, Adam Decker Addition, a distance of 466 feet to the point of beginning. Said tract contains approximately 5.38 acres.

A tract of land in the SW3 of Section 33, Township 140 North, Range 99 West of the 5th P.M., Stark County, North Dakota, more particularly described as follows, to-wit:

Beginning at the southwest corner of the SW3 of said Section 33, thence in an easterly direction along the centerline of Old U.S. Highway No. 10 on a bearing of due east (Base Bearing), a distance of 1019.1 feet, thence in a northerly direction, at right angles to the centerline of Lot U.S. Highway No. 10 a distance of 75 feet, to the true point of beginning, thence in a northerly direction, on a bearing of N 1119'25" E a distance of 329.0 feet, to a point, thence westerly a distance of 243.0 feet, thence southerly to a point 75 feet north of the centerline of Old U.S. Highway No. 10, thence easterly a distance of 235.0 feet along a line 75 feet north of the centerline of Old U.S. Highway No. 10 to point of beginning. Said parcel contains 1.8 acres, more or less.

A tract of land in the SW3 of Section 33, Township 140 North, Range 99 West of the 5th P.M., Stark County, North Dakota, more particularly described as follows, to-wit:

Beginning at the southeast corner of said SW3, Section 33, thence in an easterly direction along centerline of Old U.S. Highway No. 10, on a bearing of due east (Base Bearing) a distance of 1415.1 feet, thence in a northerly direction at right angles to the centerline of old Highway U.S. No. 10, a distance of 75 feet, to the true point of beginning, thence in a northerly direction, on a bearing of N 1119'25" E a distance of 329.0 feet, to a point, thence westerly a distance of 396.0 feet, thence southerly to a point 75 feet north of the centerline of Old U.S. Highway No. 10, thence easterly a

distance of 396.0 feet along a line 75 feet north of the centerline of old U.S. Highway No. 10 to the point of beginning.

A Parcel of land in the SW3 of Sec. 33, T 140 N, R 99 W, Stark County, North Dakota, more particularly, to-wit:

Beginning at the southwest corner of said SW3, thence on an azimuth of 000'19'53" (Base Bearing) along the West line of said SW3 a distance of 1455.50 feet, thence on an azimuth of 090'19'53" a distance of 100 feet to the northwest corner of a 600 X 300 foot tract recorded in Book 125, Page 109, to the True Point of Beginning, thence on an azimuth of 090'19'53" a distance of 300 feet, thence on an azimuth 190'19'53" a distance of 382.2 feet to the northwest corner of a 400 X 217.81 foot tract recorded in Book 132, Page 729, thence on an azimuth of 090'19'53" a distance of 400 feet to the northeast corner of said 400 X 217.81 foot tract, thence on an azimuth of 180'19'53" a distance of 330 feet, thence on an azimuth 090"19"53" a distance of 306.03 feet, thence on an azimuth of 000'19'53" a distance of 1318.13 feet to the south right-of-way line of I-94, thence on an azimuth of 270'06'36", along said south right-of-way, a distance of 319 feet, thence continuing along the southerly right-of-way line on an azimuth of 245'46'00" a distance of 327.19 feet, thence continuing along said right-a-way on an azimuth of 243'27'33" a distance of 433.98 feet to the easterly right-a-way line of U.S. Hwy. No. 85, thence on an azimuth of 180'19'53", along said easterly right-a-way line, a distance of 277.73 feet to the point of beginning. Parcel contains 20 acres.

Fifteen acres within the SE 1/4 Section 33, Township 140 N, Range 99 W, currently zoned Agricultural, is rezoned to Industrial. (Ordinance 259).

Lot 23, Block 2, Makaruk Addition, currently zoned Apartment, is rezoned to C Commercial. (Ordinance 260).

Section 18.0601(8) of the City Code of the City of Belfield, North Dakota, is hereby amended to add the following paragraph:

Zoning on 153.70 acres in the S1/2 of Section 33, T139N, R99W shall be amended from Agricultural (R-A) to Industrial (I). Additional requirements shall include that each developer within this acreage must apply to the zoning board and provide an intended development plan/use site plan compliant with the zoning ordinances and regulations described in the Industrial District for the City of Belfield. Each developer shall provide, maintain and care for a solid tree buffer no less than the depth of 25 feet (three rows of a mix of deciduous and evergreen trees) and provide adequate seclusion of the proposed developments. Each developer must further adhere to Ordinance 281, now codified as City of Belfield Code Chapter Eighteen, Section 18.0701 and Chapter Eighteen, Article Eight: Subdivision Regulations.

18.0601(9) Rezoned to REC Zoning

Original Plat:

Block 24, Lots 13 and 14
Block 24, Lots 18 through 22

Raffsim Hill Addition:

Block 3, Lots 1 through 10

Block 4, Lots 2 through 6

Miscellaneous:

SW3SW3 218 feet X 200 feet (to-wit: all that part of the SW3 of Section 33, Township 140 Range 99 described as: Beginning at a point 1,189.4 feet south of and 100 feet east of the NW3 corner of said SW3 on the East right-of-way line of Hwy. 85, thence South 600 feet to beginning; thence South an additional 218 feet, thence East 200 feet, thence North 218 feet and thence West 200 feet to the point of beginning, shall now be zoned agricultural.

Section 18.0601(9) of the City Code of the City of Belfield, North Dakota, is hereby amended to add the following paragraph:

Zoning on Lots 5 and 6, Block 4, Raffsim Addition shall be amended from Agricultural (R-A) to Recreation (REC) to provide for parking space and garbage receptacles for the Belfield RV Campground.

18.0601(10) Rezoned to R-A Zoning

Original Plat:

Block 57, Lots 1 through 16
Belfield Lutheran Cemetery

Raffsim Hill Addition:

Block 5, Lot 20

18.0602 CONDITIONAL USE PERMIT:

18.0602(1)

Original Plat:

Block 29, Lots 13 and 14(Conditional Use Permit until December 31, 1980, to place one mobile home on lots presently zoned R-3.)

18.0602(a):

A conditional use permit is granted to allow temporary workforce housing consisting of five attached and self-contained units that will provide living quarters for a maximum of fifteen Paramount Drilling employees, three camp employees who will provide catering services, and two camp management personnel on a parcel of land 140 N, R 99 W, Section 33, Stark County, ND, 1074 Highway 10 East, Belfield, ND. If Paramount

Drilling US wants to expand this facility or increase the number of residents at this location they will be required to submit a petition to the Belfield Zoning Board for approval.@

(Ordinance 282 9/6/11)

18.0603 VARIANCES:

18.0603(1) O=Connor=s Addition

(a) A variance is hereby granted of the east side setback requirement on the following property from six (6) feet to two (2) feet four (4) inches: West 50 feet of Lots 14, 15 and 16, Block 4, O=Connor=s Addition to the City of Belfield.

(b) A variance is hereby granted on the side lot setback requirements from six (6) feet to three (3) feet on the following property: Lot 11, Block 4, O=Connor=s Addition to the City of Belfield.

(c) A variance is hereby granted on the front yard setback requirements from fifteen (15) feet to seven (7)feet on the following property: Lots 9 and 10, Block 7, O=Connor=s Addition to the City of Belfield.

(d) A variance is hereby granted on the side lot setback requirement from six (6) feet to three (3) feet on the following property: North Half (N. 2) of Lot 7, and all of Lot 8, Block 5, O=Connor=s Addition to the City of Belfield.

(e) A variance is hereby granted to allow an 8.5 foot variance to build a deck in the front yard with steps extending in front of the deck on Lots 12, 13 & 14, Block 11, O=Connor=s Addition to the City of Belfield. (Ordinance 249).

18.0603 (2) Makaruk Addition

(a) A variance is hereby granted to allow a garage to be built on Lot 1, Block 2, Makaruk Addition to the city of Belfield, ten feet from the alley and nineteen and one-half feet from the curb.

18.0603 (3) Custers Addition

(a) A variance is hereby granted to allow a permanent foundation to be placed under a mobile home on Lot 1, Block 2, Custers Addition to the City of Belfield.

18.0603 (4) Original Plat

(a) A variance is hereby granted to suspend the setback requirements on Lots 30 and 31, Block 18, Original Plat to the City of Belfield to allow a 10 foot by 16 foot building to be placed on the property line adjacent to the alleyway. Any overhang on the building must be within the property

boundaries.

(b) A variance is hereby granted to suspend the side lot requirement on the west 70 feet of Lot 9-10, Block 16, Original Plat to the City of Belfield to allow a 2 foot side lot requirement rather than a 6 foot side lot requirement.

(c) A variance is hereby granted to allow a two foot front yard variance for construction of a twelve foot deck on Lot 7, Block 3, OP, rather than the ten foot deck as designated on building permit. (Ordinance 244).

(d) A conditional use variance is hereby granted on Lots 14, 15, and 16, Block 45, Original Plat, City of Belfield, for the construction of the new fire hall. (Ordinance 248).

(e) A variance is hereby granted to allow a 10 foot, 6 inch variance into the required front yard setback on Lots 7 and 8, Block 14, O'Connor's Addition, for the construction of a garage, subject to the provision that all permits are acquired and adhered to and all required inspections are completed. (Ordinance 267).

ARTICLE 7.

EXTENSION OF ZONING

18.0701 EXTENSION OF ZONING ORDINANCES: Whereas, the City of Belfield, pursuant to Section 40-47-01.1 of the North Dakota Century Code as amended having passed a resolution to extend the application of its zoning ordinances to be unincorporated territory located within one-half (2) mile of the City's limits and thereby making the same applicable to the following described real property, to-wit:

A tract of land located in Sections 31, 32 and 33, Township 140 North, Range 99 West of the 5th P.M., and Sections 4, 5, 6, 7, 8 and 9, Township 139 North, Range 99 West of the 5th P.M., all of Stark County, State of North Dakota, described as follows, to-wit:

BEGINNING at the northwest corner of the southwest quarter (SW3) of Section 32, Township 140 North, Range 99 West, and thence east along the north line of said southwest quarter (SW3) of Section 32 to the northeast corner of said southwest quarter (SW3), thence north along the west line of the southwest quarter of the northeast quarter (SW3NE3) of said Section 32 to the northwest corner of the southwest quarter of the northeast quarter (SW3NE3) of said Section 32, thence east along the north line of the south half of the northeast quarter (S2NE3) of said Section 32, and continuing east along the north line of the south half of the northwest quarter (S2NW3) of Section 33, Township 140 North, Range 99 West, to the northeast corner of the south half of the northwest quarter (S2NW3) of said Section 33, thence south along the east line of the south half of the northwest quarter (S2NW3) of said Section 33, to the center point of said Section 33, thence East along the north line of the west half of the southeast quarter (W2SE3) of said Section 33 to the northeast

corner of the west half of the southeast quarter (W2SE3) of said Section 33, thence South along the east line of the west half of the southeast quarter (W2SE3) of said 33 to the northwest corner of the southeast quarter of the southeast quarter (SE3SE3) of said Section 33, thence east along the north line of the southeast quarter of the southeast quarter (SE3SE3) of said Section 33 to the northeast corner of the southeast quarter of the southeast quarter (SE3SE3) of said Section 33, thence South along the east line of the southeast quarter of the southeast quarter (SE3SE3) of said Section 33, and continuing South along the east line of the northeast quarter of the northeast quarter (NE3NE3) of said Section 4, Township 139 North, Range 99 West, to the southeast corner of the northeast quarter of the northeast quarter (NE3NE3) of said Section 4, thence west along the south line of the northeast quarter of the northeast quarter (NE3NE3) of said Section 4 to the southwest corner of the northeast quarter of the northeast quarter (NE3NE3) of said Section 4, thence south along the east line of the west half of the northeast quarter (W2NE3) of said Section 4 to the southeast corner of the west half of the northeast quarter (W2NE3) of said Section 4, thence west along the south line of the west half of the northeast quarter (W2NE3) of said Section 4 to the center point of said Section 4, thence south along the east line of the west half (W2) of said Section 4 to the southeast corner of the west half of said Section 4, thence west along the south line of the west half (W2) of said Section 4 to the northeast corner of the northwest quarter of the northwest quarter (NW3NW3) of Section 9, Township 139 North, Range 99 West, thence south along the east line of the northwest quarter of the northwest quarter (NW3NW3) of said Section 9 to the southeast corner of the northwest quarter of the northwest quarter (NW3NW3) of said Section 9, thence west along the south line of the northwest quarter of the northwest quarter (NW3NW3) of said Section 9, and continuing along the south line of the north half of the north half (N2N2) of Section 8, Township 139 North, Range 99 West, and continuing west along the south line of the northeast quarter of the northeast quarter (NE3NE3) of Section 7, Township 139 North, Range 99 West, to the southwest corner of the northeast quarter of the northeast quarter (NE3NE3) of said Section 7, thence north along the west line of the northeast quarter of the northeast quarter (NE3NE3) of said Section 7, and continuing North along the west line of the east half of the southeast quarter (E2SE3) of Section 6, Township 139 North, Range 99 West, to the northwest corner of the east half of the southeast quarter (E2SE3) of said Section 6, thence West along the south line of the northeast quarter (NE3) of said Section 6 to the center point of said Section 6, thence north along the west line of the northeast quarter (NE3) of said Section 6 to the northwest corner of the northeast quarter (NE3) of said Section 6, thence east along the north line of the northeast quarter (NE3) of said Section 6 to the southwest corner of the southeast quarter of the southeast quarter (SE3SE3) of Section 31, Township 140 North, Range 99 West, thence North along the west line of the southeast quarter of the southeast quarter (SE3SE3) of Section 31 to the northwest corner of the southeast quarter of the southeast quarter (SE3SE3) of said Section 31, thence east along the north line of the southeast quarter of the southeast quarter (SE3SE3) of said Section 31 to the northeast corner of the southeast quarter

of the southeast quarter (SE3SE3) of said Section 31, thence north along the west line of the southwest quarter (SW3) of Section 32, Township 140 North, Range 99 West, to the northwest corner of the southwest quarter (SW3) of said Section 32, which is the point of beginning.

And notice of said resolution to extend the application of said City's zoning ordinances having been published in the Dickinson Press pursuant to statute;

And the matter having come on for hearing and there being no objection thereto;

And the above described territory being all located within one-half (2) mile of the present city limits of the City of Belfield;

NOW, THEREFORE, Be it ordained by the City Council of the City of Belfield:

Section 1. That the zoning ordinances of the City of Belfield, Stark County, North Dakota, be applicable to the above described premises and that the same be subject to said city's zoning ordinances;

Section 2. That said territory be and the same is hereby zoned Residential-Agricultural (R-A).

Section 3. The City of Belfield pursuant to Section 40-51.2-07 of the North Dakota Century Code has amended the zoning of approximately 19.82 acres in the N 2 of Section 33, T 140 N, R99W from agricultural (R-A) to industrial district. (Ordinance 245).

ARTICLE 8: SUBDIVISION REGULATIONS.

18.0801. Intent.

- 1) To insure the orderly development of the city and its 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 city.

18.0802. 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 City Council. The preliminary plat shall cover the entire contiguous area owned or controlled by the sub divider 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 sub divider may be required to submit a development plan if he/she owns or controls more than twenty (20) contiguous acres of land.

18.0803. Preliminary Plat Content.

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

- a) The preliminary plat drawn at a scale of not smaller than one inch representing one hundred feet (1 = 100).
- b) Name and location of the subdivision.
- c) Date, graphic scale and North point.
- d) Boundary line of the proposed subdivision indicated by a solid heavy line, accurately drawn to scale and showing distances and bearings.
- e) Total acreage within the subdivision.
- f) Location, right-of-way width and names of any existing or proposed streets including type and width of surfacing or public ways, easement, railroad, utility right-of-way, parks and other public open spaces, permanent buildings or structure, corporate boundaries and section lines within or adjacent to the subdivision.
- g) Location of existing property lines, buildings, drives, streams, watercourses, wooded areas and drainage ways.
- h) Existing water mains, storm sewers, sanitary sewers, culverts, bridges and other utility structures within the tracts, indicating pipe size, grades and location as obtained from public records.
- i) Existing zoning of the proposed subdivision and the zoning of the adjacent tracts of land.
- j) Boundary line of adjacent tracts of land or lots showing owner's name.
- k) Contour at vertical intervals of not more than two (2) feet.
- l) Location and dimension of any site to be reserved or dedicated for public uses including drainage ways, parks and open spaces.
- m) Layout of the proposed streets, alleys, crosswalks and easements, showing widths and street names.
- n) Layout, number and dimensions of all lots and blocks.
- o) Parcels of land intended to be dedicated or reserved for public use or set aside for the use of property owners within the subdivision,
- p) Building setback lines, showing dimensions,

18.0804. Preliminary Plat Submission Requirements.

- a) The subdivider shall apply to the Planning and Zoning Commission on appropriate forms provided by the Code Administrator at least ten (10) days prior to its regularly scheduled meeting.
- b) The sub divider shall submit two (2) prints of the preliminary plat to the Code

Administrator at the time the application is made. The plat shall comply with the provisions of this code.

c) The sub divider may submit any instrument whereby he/she proposes to regulate land use in the subdivision for protecting the proposed development.

d) The sub divider shall provide other data related to drainage, soil suitability, financing of improvement and other related information which the Planning and Zoning Commission requests.

18.0805. Development Plan.

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

a) Location of existing property lines, buildings, drives, streams, wooded areas and other significant natural features.

b) General layout of proposed streets and location of blocks for designated uses.

c) Location of open spaces and facilities for public uses.

d) Existing drainage pattern based on the available topographic information from the U.S. Geological Survey maps and other similar information.

e) The development plan shall be drawn at a scale of one inch representing four hundred (400) feet.

f) The Planning and Zoning Commission may require other information as a part of the development plan.

18.0806. Review Process.

a) The Planning and Zoning Commission shall review the preliminary plat and may request additional information before it takes action.

b) 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. Tentative 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.

c) The Planning and Zoning Commission may require the sub divider to submit a revised preliminary plat before the sub divider proceeds with the preparation of the final plat.

d) 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 City Council may require the sub divider 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).

18.0807. Final Plat.

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

of lots.

18.0808. Final Plat Content.

The final plat shall conform to all provisions of this code and conditions set forth by the City Council, including:

- a) Name of subdivision and date of tentative approval by the City Council.
- b) Location by section, township and range, or other legal description.
- c) Names of owners and surveyor or other professional person preparing the plat.
- d) Plat map with scale of one inch representing one hundred (100) feet or less.

- e) Date, graphic scale and North point.
- f) Boundary line of subdivision based on an accurate traverse, showing distances and bearings.
- g) Exact location, width and name of all streets within and adjoining the subdivision, and the exact location of all alleys and crosswalks.
- h) True bearing and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat.
- i) City, township, county or section lines accurately tied to the boundary lines of the subdivision by bearing and distance.
- j) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.
- k) All easements for rights-of-way provided for public services and public utilities.
- l) All lot numbers and lot lines, with accurate dimensions in feet and hundredths.
- m) Accurate location of all monuments, which shall be of material size in accordance with the standards of the city, the county, and the state.
- n) 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.
- o) Building setback lines, accurately shown with dimensions.
- p) Where required, detailed engineering drawings, cross-sections or profiles of streets, utility lines, catch basins or other installations of improvements as installed.
- q) Building or property covenants.
- r) 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.
- s) 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.

18.0809. Final Plat Submission Requirements.

The sub divider 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.

- a) The sub divider shall submit the final plat to the Planning and Zoning Commission at least ten (10) days before the regularly scheduled meeting of the Planning and Zoning Commission.
- b) 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.
- c) The Planning and Zoning Commission may require the sub divider to submit detailed drawings for grading of the lots, blocks, streets, detailed drawings for pavement, curb, gutter and sidewalk, drawings for installation of water, sanitary and storm sewer facilities.

18.0810. Review Process.

- a) 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 City Council.
- b) The sub divider shall prepare an estimate of the cost of providing the required improvements based on the city design standards for street, curb, gutter, sidewalk, sanitary sewer, storm sewer and water lines.
- c) After receiving recommendations from the Planning and Zoning Commission, the City Council shall review the recommendations and the final plat and approve or disapprove the proposed subdivision.
- d) Within thirty (30) days after the final plat approval is granted, the final plat of record shall be filed with the County Recorder for Stark County.

18.0811. 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 City Council 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.

18.0812. Filing of Subdivision Plat.

The sub divider, 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.

18.0813. Design Standards-Conformance.

The sub divider shall prepare the preliminary and final plat in conformance with the standard set forth herein.

18.0814. 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 avoided.
- 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 ten (10) feet and a five (5) foot radius shall be used at intersections of streets and alleys.
- 11) Street rights-of-way shall be not less than the following table:

Street Type	Minimum Right-of-Way Width (lot line to lot)	Minimum Roadway Width	Maximum Gradient	Minimum Gradient
-------------	--	-----------------------	------------------	------------------

	line)			
Arterial Streets	100 feet	48 feet	4%	0.7%
Collector and Industrial Use Streets	70 feet	40 feet	6%	0.7%
Local Streets	60 feet	34 feet	10%	0.5%

- a) Cul-de-sac, one hundred (100) feet in diameter for a turnaround.
- b) Alleys, residential district, twenty (20) feet.
- c) Sidewalks, four (4) 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 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.

18.0815. 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.

18.0816. Lot Design.

1) The shape, size and orientation of the lots shall be appropriate for the location of the subdivision. Residential lot dimension within the city shall be subject to the requirements contained in the City Zoning Code.

2) For non-residential lots, the provisions of appropriate zoning district stipulated in the City Zoning Code shall apply.

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.

18.0817. 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.

18.0818. 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 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 carried overhead shall be placed in utility easement.

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.

18.0819. 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.

18.0820. 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.

18.0821. 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.

18.0822. Street Lights.

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

18.0823. 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.

18.0824. Completion Assurance.

To cover the cost of improvements, as determined by the Planning and Zoning Commission, the sub divider 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.

18.0825. Survey Monuments.

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

18.0826. Public Water.

- a) Where appropriate, water mains shall be installed so as to provide individual service to each lot within the subdivision.
- b) Water mains 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.

18.0827. 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) Private septic systems may be approved by the county sanitarian on lots of a minimum of one (1) acre.
- 3) 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.
- 4) All sanitary systems shall be reviewed and approved by county sanitarian or Health District.

18.0828. Storm Sewer.

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

18.0829. Grading and Surfacing.

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

18.0830. 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.

18.0831. Installation of Improvements.

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

6-6-13 Last Updated

Ordinance No. 281, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 296, 297, 298, 307 and 311

Passed