City Of Belfield
Zoning Ordinance

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ZONING ORDINANCE FOR THE CITY OF BELFIELD
ARTICLE I INTRODUCTION

1.1 Title

This ordinance shall be entitled “The Zoning Ordinance for the City of Belfield, North Dakota.”

1.2 Purpose and Intent

The purpose of this ordinance is to promote the health, safety, and welfare of the people of the City of Belfield; to promote the sound and desirable use of land; and to guide the development with efficient provision of public improvements.

1.3 Authority

This ordinance is adopted under the authority granted by Chapters 40-47, 40-48 and 40-50 of the North Dakota Century Code (NDCC).

1.4 Severability

If any section, provision or part of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

1.5 Repeal

All other regulations or parts of regulations of the City of Belfield inconsistent or in conflict with this ordinance to the extent of inconsistency or conflict are hereby repealed.

1.6 Effective Date

This ordinance shall be effective after a public hearing and adoption by the City of Belfield.

1.7 Interpretation

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

ARTICLE II RULES AND DEFINITIONS

2.1 Compliance

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

2.2 Word Use

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

1. Words used in the present tense shall include the future.

2. Words used in a singular number shall include the plural number and the plural the singular.

3. Shall is a mandatory word and not discretionary

4. May is a permissive word.

5. The word “lot” shall also mean “parcel”, “piece”, and “plat”.

6. The word “building” includes all structures and “structure” includes buildings.

2.3 Definitions

1. **Access:** The place or way by which pedestrians and vehicles have safe and suitable entrance and exit to a property.

2. **Accessory Structure:** A structure which is incidental to and customarily associated with a specific principle use or building on the same lot.

3. **Accessory Use:** A use which is incidental to and customarily associated with a specific principle use on the same site.

4. **Adult Bookstore:** An enclosed building having as a substantial or significant distinguished or characterized by their emphasis on matter depicting or describing sexual activities or anatomic areas, such as genitals, breasts or buttocks.

5. **Adult Cinema:** An enclosed building used on a regular basis for presenting pictorial materials or other visual images by way of direct or indirect projection, which materials are distinguished or characterized by an emphasis on the depiction of sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks for observation by patrons in return for the payment of consideration, irrespective of the number of persons who may be able to view the presentation at one time.

6. **Adult Entertainment Center:** An adult bookstore, adult cinema, adult entertainment facility, or any combination thereof.

7. **Adult Entertainment Facility:** An enclosed building wherein an admission is charged for entrance, or food or nonalcoholic beverages are sold or intended for consumption, and wherein may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks.

8. **Affected Area:** An area having a radius of 1 mile from proposed change.

9. **Agricultural:** The process of producing food and fiber customarily to the family farming operation, excluding commercial feedlots and the processing and manufacturing of farm-based products.

10 **Alley:** A public way which affords only secondary access to abutting property.

11. **Allowed Uses:** Those uses, buildings or structures which comply with the provision of specific zoning districts because of the similarities in nature and relationship to each other. Allowed uses are distinct from conditional uses in that they are authorized only if certain requirements of this ordinance are met after a public hearing and approval by the City Council.

12. **Alteration:** As applied to a building or structure, is a change or re-arrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height or depth, or the moving from one location or position to another.

13. **Amendment:** Any change, revision or modification of the text of the ordinance or the Zoning District Map.

14. **Animal Hospital or Kennel**: A building or premises set up for treatment and boarding of domestic animals including veterinary facilities.

15. **Apartment:** A room or suite of rooms located on a one or two family structure or a multiple dwelling which include a bath and kitchen accommodations intended for use as an independent residence by a single-family or individual.

16. **Apartment Building:** A multiple-family dwelling designated to accommodate three or more apartments.

17. **Area Of Special Flood Hazard**: The land in the floodplain within a community subject to a 1% (one percent) or greater chance of flooding in any given year.

18. **Base Flood:** The flood having a 1% (one percent) chance of being equaled or exceeded in any given year.

19. **Basement:** A story, partly underground with more than one-half of its height below grade.

20. **Bed and Breakfast Inn:** An establishment which provides overnight lodging to the public for compensation; caters to the traveling public; is located in the proprietor's residence; and serves only a limited breakfast to registered guests.

21. **Block:** A segment of the city bounded by rights-of-way, intersecting streets and/or railroads.

22. **Board of Adjustment:** The body appointed by the City Council to hear appeals on the enforcement of the provisions of this ordinance.

23. **Buildable Area:** The portion of a lot remaining after required yards have been provided.

24. **Building:** Any structure designed or intended for shelter or protection of persons or property.

25. **Building Area:** That portion of the zoning lot that can be occupied by the principal use, excluding the front, rear and the side yards.

26. **Building Height:** The vertical distance from the grade to the highest point of the roof.

27. **Building Line:** A line establishing the minimum distance which structures may be placed from the lot lines or street right-of-way. For the purposes of this ordinance, the building line is the same as the setback line.

28. **Building Official:** The designee of the City Council, responsible for the enforcement of the International Building Code.

29. **Certificate of Compliance:** A certificate stating compliance with the provisions of the ordinance.

30. **City:** The City of Belfield together with those parcels outside of its corporate limits but within its extraterritorial zoning jurisdiction.

31. **Club:** A private club or lodge which is a nonprofit association of persons for the purpose of gatherings and entertaining members including consumption of food and beverages.

32. **Commercial Building:** Any structure which is not used for residential, medical, religious, or instructional purposes and which is constructed in compliance with the adopted building code.

33. **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.

34. **Community Garage:** A group of private garages located jointly on any lot or premises of two or more adjacent premises having no shop or service in connection therewith, providing the storage space includes at least two hundred and fifty (250) square feet for each vehicle.

35. **Comprehensive Plan:** A statement in documented text setting forth explicit goals, objectives, policies, and standards of the jurisdiction to guide public and private development within its control.

36. **Convenient Storage**: A structure that must be enclosed on all four sides and can be heated or unheated. Convenient storage facilities will be permitted in the A, C and I Zoning Districts. Conditional use permits will be required in B and R Zoning Districts. The additional requirements apply to convenient storage facilities:

a. The minimum size of a convenient storage facility lot shall be 20,000 sq.ft.

b. Activities within the enclosed facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.

c. All driveways within the facility shall provide a paved surface with a minimum with of 25 feet and shall start at the street and extend a minimum of 100 feet beyond the front property line.

d. All storage must be within the enclosed structure or structures and shall not include the storage of hazardous materials.

e. Facilities must maintain a landscaped buffer yard of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines. When located adjacent to a residential district, a buffer yard must be maintained according to Section 6.1.

37. **Conditional Use:** Use of a special nature not automatically permitted in a zoning district and which requires review and approval by the City Council after a public hearing. It is a use which would not be appropriate in a particular zoning district, but, which if controlled as to the number, location, or relation to the surrounding uses and the area, would be consistent with the purpose and the intent of these zoning regulations. A conditional use is permitted in a district specifically permitting it, subject to the approval of the City Council and only when the City Council finds that such use meets all of the requirements applicable to it as specified in the city codes including these regulations.

38. **Condominium:** A real estate ownership arrangement that combines fee simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.

39. **Court**: An approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:

(a) Serves 12 or fewer housing units or platted lots.

(b) Does not function as a local street because of its alignment, design or location.

(c) Is completely internal to a development.

(d) Does not exceed 600 feet in length.

40. **Courtyard:** An open, unoccupied space, bounded on two or more sides by the walls of a building.

41. **Conforming Building or Structure:** A building or structure which complies with all requirements of this ordinance and other regulations adopted by the city.

42. **Day Care Services (Family):** This use type includes all classifications of day care facilities, including but not limited to facilities license by the State of North Dakota, providing care for not more than nine (9) individuals. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

43. **Day Care Services (Group):** This use type includes all classifications of day care facilities, including facilities license by the State of North Dakota, providing care for ten (10) or more individuals. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

44. **Development:** Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings , structures, or accessory structures, the construction of additions or alterations to buildings or structures, ditching, dredging, paving, excavation or drilling operations.

45. **Development Plan:** A document including maps and data for physical development of an area as provided by this ordinance.

46. **District Zoning:** A section or sections of the City of Belfield for which regulations governing the use of building and premises, the building heights, the size of yards, lot area, lot width, and the use thereof are uniform.

47. **Dwelling**: Any building or portion thereof, used exclusively for human and other temporary occupancy habitation including single family and multiple family units but not including hotels or motels, or vehicles designed for camping, such as vacation vehicles.

48. **Dwelling, Manufactured Home:** A structure transportable in one or more sections which is a minimum of eleven hundred and twenty (1,120) square feet and is built on a permanent metal chassis and designed to be used as a dwelling with or without a permanent foundation and additions when connected to the required utilities and includes the plumbing, heating, and air conditioning and electrical systems contained therein.

49. **Dwelling, Multiple Family:** A single building, or portion thereof, containing two (2) or more dwelling units.

50. **Dwelling, Single Family:** A building containing one (1) dwelling unit only.

51. **Dwelling Unit:** One or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

52. **Easement:** The right granted by deed or contract entitling its holder to specific use and enjoyment of a part or all of a parcel of land which is owned by another person, firm, corporation or unit of government.

53. **Encroachment:** Any fill, building, structure or use including accessory uses projecting into the adjacent yard areas or public and private properties.

54. **Establishment:** A place of business for processing, production, assembly, sales, service of goods and materials.

55. **Extraterritorial Jurisdiction:** The area outside of the corporate limits of the City of Belfield over which the city claims authority for zoning purposes as established by the North Dakota Century Code.

56. **Family:** One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit. The following persons shall be considered related for the purpose of this 39.title:

    (a) Persons related by blood, marriage or adoption;

    (b) Persons residing with a family for the purpose of adoption;

    (c) Not more than eight persons under 19 years of age, residing in a foster house licensed and or approved by the State of North Dakota.

(d) Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of North Dakota.

(e) Person(s) living with a family at the direction of a court.

57. **Flood or Flooding**: A general and temporary condition of partial or complete inundation of normally dry-land areas from the overflow of rivers or streams and/or the unusual and rapid accumulation or runoff or waters from any source.

58. **Flood Insurance Rate Map (FIRM)**: The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

59. **Flood Insurance Study:** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

60. **Garage, Private:** An accessory building designed or used for the storage of personal vehicles shall be limited to a maximum of one thousand, two hundred (1,200) sq.ft. of floor area. Lots that contain one or more acres are allowed a two hundred and fifty (250) square-foot increase in floor area for each additional half (.5) acre of land area above 1 acre, but in no case shall the total exceed 30% lot coverage for accessory buildings. Sidewall height on accessory buildings shall not exceed 12’-0”.

a). Light-frame constructed accessory use buildings using light-transmitting plastic exterior wall panels or wall sheathing, formed by a system of repetitive wood or cold formed steel framing members are not permitted within any of the R-1, R-2, R-3 & MH Zoning Districts within the City of Belfield

61. **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.

62. **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.

63. **Gravel Pit:** Any mining and extraction of earth minerals for commercial or private sale.

64. **Highway:** Any public right-of-way designated as a state highway or a county road or highway.

65. **Height:** The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and the ridge or gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.

66. **Home Based Business/Home Occupation**: An accessory occupational use conducted entirely within a dwelling unit by a member of the family residing in the premises, which is clearly incidental to the residential use of the dwelling or residential structure and does not change the residential character of its site.

67. **Hotel or Motel:** A building with lodging accommodations, either with or without meals, which are provided for compensation.

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

69. **Industrial District:** 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.

70. **Industrial Waste:** All waste resulting from an industrial, manufacturing, or commercial activity that is managed as a separate waste stream and as defined by NDCC 23-29-03.

71. **Inert Waste:** Non-putrescent solid waste which will not generally contaminate water or form a contaminated leachate. Inert waste does not serve as food for vectors. Inert waste includes, but is not limited to construction and demolition material, such as metal, wood, brick, masonry, and concrete, asphalt concrete, tires and tree branches.

72. **Junk or Salvage Yard:** Land or buildings where waste, discarded or salvaged materials are bought, sold, stored, exchanged, cleaned, packed, disassembled or handled including but not limited to scrap metal, rags, paper, hides, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles.

73. **Kennel**: Any premises where dogs, cats, and other household pets are boarded, bred, and maintained for compensation.

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

75. **Lot**. A parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the Office of the County Recorder's Office, as provided for by the North Dakota Century Code. Each individual lot is subject to the provisions of a particular base Zoning District, and shall have a minimum frontage of 50 feet, except as provided in an approved Plan Unit Development and/or Creative Subdivision.

    (a) Corner Lot: a lot located at the junction of at least two streets, private ways or courts or at least to segments of a curved street, private way or court, at which the internal angle of intersection is no greater than 135 degrees.

    (b) Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by this ordinance. (Also known as a Through Lot).

    (c) Interior Lot: A lot other than a corner lot.

    (d) Common Development Lot: When two or more contiguous lots are developed as part as a single development, these lots may be considered a single lot for purposes of this ordinance.

76. **Lot Area:** The total area within the boundary lines of the lot or parcel of land excluding public right-of-way.

77. **Lot, Corner:** A lot abutting on two or more streets other than an alley at their intersection.

78. **Lot, Depth:** The mean horizontal distance between the front and rear lot lines.

79. **Lot, Line:** A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement.

(1) Front Lot Line: The lot line separating a lot and public or private street right-of-way or easement.

a) For an interior lot, the lot line separating the lot from the right of way or easement.

(b) For a corner lot, ordinarily the shorter of the lot lines abutting a public or private street or easement. The owner and Building Official may agree to designate any lot line abutting a public street or otherwise noted on a final plat as the front lot line.

(c) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Building Official at the time of application or the original building permit for the lot, or as may be noted on the final plat.

(2) Rear Lot Line: The lot line which is opposite and most distinct from the front line.

(3) Side Lot Line: Any lot line that is neither a front or rear lot line. A side Lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

(4) Rear Lot Lines Or Corner Lots: On corner lots, the Building Official may designate the rear lot line, provided that such lot line does not define a street

80**.** **Lot of Record:** A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Stark County, or a parcel of land, the deed to which was recorded in the office of the County Recorder prior to the adoption of these regulations.

81. **Lot, Width:** The horizontal distance between the side lot lines at the minimum required front yard setback. Lot width is measured by determining the length of a line drawn parallel to the front lot line set back at the required minimum front yard setback.

82. **Master Plan:** The Comprehensive Plan, or any portion thereof, made and adopted by the City Zoning Commission in accordance with the laws of the state of North Dakota and regulations of the City of Belfield indicating the general or specific locations recommended for streets, parks, public buildings, zoning districts and all other public improvements to include local policies and standards.

83. **Manufactured 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 Home 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 1,120 sq.ft. of floor area;

(b) The home shall have an exterior width of at least 16 feet;

(c) The roof shall be pitched with a minimum pitch of 3:1;

(d) The exterior siding material shall be hardboard lap, vinyl lap, steel lap or shall have the same appearance equivalent to the surrounding neighborhood;

(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;

84. **Mobile Home (Manufactured Home) District:** The area designated by the City Council of Belfield on the District Zoning Map for development of mobile (manufactured) home residential dwelling units. All pre-manufactured homes must produce a manufacturing data plate indicating that the unit was

manufactured within ten (10) years from the current calendar date and year being permitted within the City of Belfield.

85. **Mobile Home Park:** A tract of land designed and developed to accommodate mobile homes (manufactured homes), each occupying a portion of the site of a purchased, leased 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. Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but did not include mobile home sales lots on which on occupied manufactured homes are part for the purpose of display, inspection, sale, or storage.

86. **Modular Home:** A factory-built dwelling unit, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site and which does not have permanently attached to its body or frame any wheel or axel and bears a label certifying that it was built in compliance with the latest standards adopted by the state electrical, state plumbing, state and local building codes.

87. **NDCC:** North Dakota Century Code

88. **Nonconforming Structure:** Any building or structure which does not. comply with the regulations for its Zoning District set forth by this zoning ordinance but which complied with the applicable regulations at the time of construction.

89. **Nonconforming Use**: A land use which was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the nonconforming characteristics of the land use.

90. **Nuisance:** An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

91. **Outdoor Storage Areas:** All outdoor storage can be placed on any lot within the permitted lots indicated within the definition of Convenient Storage. All outdoor storage will be permitted on a secured property that will not require a hard surface, dust free parking. All outdoor storage areas must be properly marked within the boundaries of the designated lot. The additional requirements apply to outdoor storage areas:

a. All outdoor storage shall not include the storage of hazardous materials.

b. The lot or lots must be properly maintain free of tall weeds at all times.

c. Any disturbance of the finished grade must be properly graded back to its original finish which includes seating grass if required.

d. No peace of equipment shall be placed on a lot for a period of more than 365 days. All equipment must be properly maintained in working condition.

e. No body repair or dismantling of any automobiles or any other equipment will be permitted while being stored within this designated lot or lots.

92. **Parking Space** : An area on a lot and/or within a building, intended for the use of temporary parking of a vehicle. This term is used interchangeably with “parking stall”. Each parking space must have a means of access to a public street by way of a driveway, access easement, or other connection. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to have a means of access to a public street. Off street parking requirements must follow the primary and secondary parking quidelines indicated in Section 7.1 through 7.2.

93. **Paved**: Permanently surfaced with poured concrete, concrete pavers, or asphalt.

94**. Permanent Foundation:** A continuous perimeter concrete, wood or masonry foundation which extends below ground level frost line and is set on footings. The footings may be concrete or gravel depending on soil conditions. All permanent foundations must comply with the current requirements of the building code.

95**. Permitted Use**: Any use which complies with the requirements of a zoning district.

96. **Person:** Any individual, firm, corporation, association, partnership, or legal entity.

97. **Planned Unit Development:** A development of land which is under unified control and is planned and developed as a whole in a single development

operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

98. **Plat:** A map of a subdivision.

99. **Porch, Unenclosed:** A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty-six (36) inches above its floor other than wire screening and a roof with supporting structure.

100. **Preliminary Plat:** The preliminary plan of a subdivision and any accompanying material prepared in accordance with the requirements of this ordinance.

101. **Prohibited Use:** Any use or structure which is not allowed in a particular district. Any use not identified explicitly in this ordinance shall be considered prohibited and shall not be allowed until incorporated through the amendment procedure.

102. **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.

103. **Public Way:** Any dedicated and recorded right-of-way including alleys, bikeways, sidewalks, railroads, electric transmission lines, telephone and telecommunication lines, oil or gas pipelines, sanitary sewer, storm sewer, water mains, streets, roads or highways.

104. **Recreational Vehicle:** A vacation trailer on its own chassis or attached to the chassis of another vehicle or is self-propelled and is designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motorcoach homes; converted buses and trucks; boats and boat trailers.

105. **Recreational Vehicle Park:** A lot which is operated on a fee or other basis as a place for the parking of occupied recreational vehicles. regulated by the zoning district.

106. **Regional Flood**: A flood baseline determined by the state and Federal Emergency Management Agency which is representative of large floods known to have occurred in Stark County, North Dakota.

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

108. **Right-of Way:** A strip of land designated or dedicated for public way, including streets, sidewalks, railroads, electric transmission lines, telephone and telecommunications lines, oil or gas pipelines, sanitary sewer, storm sewer, or water systems and brown water systems.

109. **Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fencing, walls, hedges, berms, or other features as may be permitted by the landscaped provisions of this ordinance.

110. **Setback:** The line within a property defining the required minimum distance between the front lot line and the building line.

111. **Sign:** Any emblem, name, identification, description or illustration which is used for outdoor advertising having a permanent location on the ground or attached to or painted on a building including bulletin boards, poster boards and billboards, but excluding real estate for sale signs, political campaign signs, public information and traffic signs.

112. **Site Plan:** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may reasonably be requested by the City in order that an informed decision can be made on the associated request.

113. **Special Use Permit:** A use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the City Council, upon the recommendation of the Planning and Zoning Commission.

114. **Solid Waste:** Any garbage, refuse, sludge from a waste treatment plant, water treatment plant, or air pollution control facility and other discarded waste material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. The term does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to

Permit Section 402 of the Federal Water Pollution Control Act, as amended, or source, special nuclear or the by-product material as defined by the Atomic Energy Act of 1954, as amended.

115. **Street**: A public way for pedestrian and vehicular traffic.

(a) Major Street: Street which gathers and distributes traffic from and too minor streets and adjacent lands.

(b) Minor Street: Street which is designed for low traffic volume and provides access to major streets.

116. **Street Yard**: The area of a lot or parcel which lies between any street property line and the fronting walls of any building or buildings on the parcel. The street yard follows all irregularities or indentations in the building, excluding minor irregularities such as porches or steps.

117. **Structural Alterations:** Any change in the supporting elements of a building or structure including bearing elements, partitions, columns, beams, girders, roofs, exterior walls and embankment.

118. **Structure**: Anything constructed or erected which requires permanent location on the ground excluding fences under seven (7) feet in height.

119**. Subdivision:** The division of a lot, parcel of land, or tract , creating one or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale or of building development, and any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights-of-way, whether public or private, for access to or from any such lot, tract or parcel, and the creation of new or enlarged parks, playgrounds, plaza, or open spaces.

120**. Substantial Improvements:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

121. **Temporary:** Temporary structures and uses shall be limited as to time of service, but shall not be permitted for more than 180 days, or as listed below.

a. Recreational vehicles which include Campers, travel trailers, motorcoach homes, converted buses, and RV trucks that are occupied within the R, C, I, A and RC zoning districts shall be limited to no more than Fourteen Days (14) and shall not be connected to any public water or sewer system.

122. **Temporarily Permitted Use:** A conditionally permitted use which has a definite time period as one of its conditions.

123. **Townhouse**: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.

124**. Townhouse Structure**: A building formed by at least three contiguous townhouses with common or abutting walls.

125. **Use:** The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

126. **Variance:** A relaxation of the terms of this Code where such variance will not be contrary to the public interest and ordinance, 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.

127. **Yard:** A required open space on the same lot with the principal building or structure.

128. **Yard, Corner Front Yard**: The space extending the full width of a lot, lying between the front lot line as described in Definition 77, line 1.(a) and the front setback line.

129. **Yard, Front:** A yard that extends across the full width of the lot, as the least distance between the front lot line and the front building line.

130. **Yard, Rear:** The least distance between the rear lot line and the rear of the principal building.

131. **Yard, Side:** The least distance between the sides of principal building and the side lot line.

132. **Yard, Street Side Yard:** On a corner lot, the space extending from the front yard to the rear yard, between the street side lot line.

133. **Wind Energy Conversion System:** Any device that is designed to convert wind power to another form of energy such as electricity, mechanical or heat (also referred to by such common names as wind charger, wind turbine, and wind mill).

134**. Zoning Administrator:** The designee of the City Council, responsible for the interpretation and administration of the City of Belfield's Zoning Ordinance. Zoning Administrator and Building Official may be used interchangeably.

135. **Zoning Commission:** The body appointed by the City Council of Belfield to conduct the zoning affairs of the city.

136. **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 III GENERAL PROVISIONS

3.1 Jurisdiction

These regulations shall apply in all incorporated parts of the City of Belfield and within its extraterritorial jurisdiction limits as authorized by NDCC, Section 40-47-01.1.

3.2 Compliance with Ordinances, Statutes, Regulations and Plans

Any person, firm or corporation developing land shall comply with the requirements of these regulations and:

1. The provisions of the North Dakota Century Code (NDCC).

2. The rules of the North Dakota State Health Department, North Dakota Highway Department and other North Dakota state agencies.

3. City of Belfield Comprehensive Plan.

3.3 Exceptions

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

3.4 Amendments

The City Council may from time to time on its own motion or on petition or recommendations of the City Planning and Zoning Commission amend, supplement or repeal provisions of this ordinance after a public hearing.

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

2. Procedure for Amendments:

   (a) Applications for amendments shall be filed with the City Auditor a minimum of thirty (30) days prior to any scheduled board meeting.

   (b) The City Auditor shall present the application to the City Zoning Commission at its next regularly scheduled meeting.

3. Notice of Amendment Hearings:

(a) Upon receipt of an application for amendment, the City Auditor shall schedule a hearing on the application before the City Council.

(b) Upon scheduling the hearing, the City Auditor shall notify the applicant of the date, time, and place of the hearing.

(c) Notice of the time and place of the hearing shall be published in the newspaper of general circulation once a week for two consecutive weeks prior to the hearing. Such notice shall contain the following items:

(1) The time and place of hearing.

(2) The description of the property involved and any zoning change, by street address of streets that have been platted or designated in the affected area.

(3) The description of the nature, scope, and purpose of the proposed regulation, restriction or boundary.

(4) A statement of the times in which it will be available at the office of the City Auditor to the public for inspection and copying.

4. Notification to Adjacent Property Owners:

A notice of hearing on an amendment to a zone boundary shall be prepared by the zoning administer and delivered to the applicant for signatures from the property owners within three hundred (300) feet of the property for which the zone boundary change has been requested. The notice of hearing shall be returned to the zoning administrator's office or by certified mail at least ten (10) days prior to the date of the hearing along with the appropriate application fees. Proof of the publication of the notice of hearing shall be filed with the City Zoning Administer.

5. Public Hearing:

(a) Following a public hearing conducted by the City Planning and Zoning Commission, said Commission shall submit its recommendations concerning the proposed amendment or development to the City Council.

(b) Upon receipt of the City Planning and Zoning Commission's recommendations, the City Council shall hold a hearing for the proposed amendment or development.

(c) Following the hearing, the City Council shall approve or disapprove the proposed amendment or development.

6. Protests to Amendments:

(a) If a protest against an amendment is signed by the owners of twenty (20) percent or more:

(i) of the area of the lots included in such proposed change; or

(ii) 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-fourth (3/4) of all the members of the City Council of Belfield.

7. Recording of Amendment:

Upon adoption of an amendment by the City Council, a certified copy of the adopted amendment shall be filed with the City Auditor and the same shall be published in the official newspaper of the City. A certified copy of the amendment shall also be filed with the County Recorder for Stark County.

8. Appeals

Any person aggrieved by the decision of the City Council may appeal to the Board of Adjustment as provided by Section 40-47-08, NDCC

3.5 Land Suitability

No land shall be divided for a use which is held unsuitable by the city and the City Zoning Commission for the reason of flooding, or potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use or any other condition likely to be harmful to the health, safety or welfare of the city.

3.6 Non-Conforming Uses

The lawful use of a building or premises existing at the time of the adoption or amendment of this ordinance may be continued even though such use does not

conform to the provisions of these regulations. The total structural alteration in such a non-conforming building, structure or use shall not, during its life, exceed fifty (50) per cent of the fair market value of the structure as of the date of adoption of this ordinance; provided further, however, that such alteration shall not include any physical expansion or enlargement of such building, structure or use. If a non-conforming use is continued for a period of 12 months, the future use of the premises shall conform to this ordinance.

(a) Continuance of Nonconforming Uses: A structure or the use of a structure or premises which was lawful for the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions;

1. No such use or substantial improvement of that use shall be expended, changed, enlarged, or altered in any way which increases its nonconformity.

2. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this ordinance. The utility department shall notify the building inspector in writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve (12) months.

3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

(b) Replacement of Residential Uses: if any residential nonconforming use of structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the assessed market value of the structure before the damage occurred within those areas identified as floodway (FW). This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(c) Replacement of Non-Residential Uses: if any non-residential nonconforming use of structure is destroyed by any means, including flood, it should not be reconstructed if the cost is more than 50% of the assessed market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to codes or regulations for the cost of any alteration of a structure listed on

the National Register of Historic Places or a State Inventory of Historic Places.

(d) Light-frame constructed accessory use buildings using light-transmitting plastic exterior wall panels or wall sheathing, formed by a system of repetitive wood or cold formed steel framing members are not permitted within any of the R-1, R-2, R-3 & MH Zoning Districts within the City of Belfield.

3.7 Conditionally Permitted Uses

1. Conditional Uses. Where a use is classified as a conditional use under this ordinance and exists at the date of the adoption of this ordinance, it shall be considered an allowed use. Where a use is not allowed as a conditional use or allowed use, under this ordinance, and exists at the date of the adoption of this ordinance, it shall be considered a nonconforming use.

2. Application for a conditional use permit shall be submitted to the Land Use Administrator.

3. The City Planning and Zoning Commission shall hold a public hearing on the application. Notice of said hearing shall be published in the newspaper of general circulation at least one week prior to the hearing.

4. No application for a conditional use permit shall be granted unless the City Zoning Commission shall find all of the following conditions present:

   (a) The conditional use shall not be detrimental to or endanger the public health, safety or general welfare.

   (b) The conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.

   (c) The conditional use shall not impede the normal and orderly development of the surrounding property.

   (d) Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided.

   (e) Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the neighboring properties and traffic congestion in the public street.

(f) The conditional use shall conform to all applicable regulations of the district within which it is located.

5. The City Planning and Zoning Commission may stipulate conditions and restrictions upon the establishment, location, construction and operation of the proposed use in order to promote and protect public health, safety and general welfare. In all cases in which conditional uses are granted, the City Planning and Zoning Commission shall prior to issuance of a Certificate of Compliance, require evidence of compliance with these provisions and with the conditions set forth.

6. The City Planning and Zoning Commission, finding that the conditions or restrictions set forth are not being compiled with, may revoke the conditional use permit after a public hearing.

7. In any case where a conditional use permit has not been instituted within one year of the date of approval, the permit shall be null and void.

8. Any use for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use of the building or premises shall be in conformity with these regulations.

3.8 Residential Development

No lot shall contain more than one principal single family residential building, and no dwelling unit shall be built on a lot which does not abut a dedicated public road. Accessory buildings shall be limited to a maximum of one thousand two hundred (1200) sq.ft. of floor area for the first 1 acre or less. Accessory buildings may be increased by 250 sq.ft. for each additional half (.5) acre of land area above 1 acre, but in no case shall the total exceed 30% lot coverage for accessory buildings. Accessory buildings shall be limited to sidewalls of twelve (12) feet in height and be located at least six (6) feet from all lot lines. No accessory building shall be placed on any residential zoned lot unless the principal structure is present.

a). Light-frame constructed accessory use buildings using light-transmitting plastic exterior wall panels or wall sheathing, formed by a system of repetitive wood or cold formed steel framing members are not permitted within any of the R1, R2, R3 & MH Zoning Districts within the City of Belfield.

b). Frontage and Side Lot Requirements Outside Fire Limits: No person, firm or corporation shall construct or move a building upon or cause a structure or

building to be constructed or moved upon any lot within the City of Belfield, North Dakota, outside of the fire zone of said city, unless said building is so constructed or located that the structure shall be setback not less than twenty-five (25) feet from the front property line and not less then six (6) feet from the side lot property line. Provided, however that if a building now exists upon a lot and the owner desires to make an additional or alteration there to and there would exist a practical difficulty or unnecessary hardship in the way of caring out the strict letter of this City Ordinance 8.0201, the City Council, upon application of the owner of said lot, may modify the provisions of the Ordinance so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

3.9 Dedication of Land for Streets

Whenever a parcel of land to be subdivided as a subdivision within the city limits contains a street or public way, such street or alley shall be dedicated to the public at the location and details shown on the final plat. All non-section line roadways within the extraterritorial jurisdiction of the city shall be the responsibility of the subdivision.

3.10 On-Site Sewer System

To protect the public health, to control water pollution, and to reduce nuisance and odor, all new development within the city shall be connected to city services. All new development within the extraterritorial jurisdiction of the city shall be connected to an approved on-site sewage system. Construction and use of privies, outhouses, and cesspools is prohibited within the city.

3.11 Oil and Natural Gas Drilling

Oil and natural gas drilling shall be permitted in a M-2: Heavy Industrial or A: Agricultural District, providing the following requirements are met:

1. The regulations and statutes provided for in Title 38, North Dakota Century Code, shall be followed by any person desiring to drill a well and natural gas within the City of Belfield or the one-mile extraterritorial jurisdiction.

2. An application must be filed with the City Building Official. The application shall consist of two drill site development plans. The first plan shall be a drill site development plan covering and including that phase of the Oilwell operation including drilling operations, and shall include the following information:

a. Written legal description.
b. Scale drawing of the property and appropriate dimensions.
c. Scale, north arrow, date, and legend.
d. Name, address, and telephone number of property owner and applicant.
e. Location and size of existing easements, utilities and right-of-ways.
f. Location and dimension of all vehicular entrances, exits and drives.
g. Gen. drainage system, hydrology study and storm water management plan.
h. Size of site.
i. Location of all physical facilities to include proposed wells, structures, portable toilets, and relationship to all buildings within a 660-foot radius.
j. The site plan shall contain a statement describing all pollution prevention equipment to be utilized; it shall be the policy of the City of Belfield to require blowout prevention devices on every drilling operation covered here under.
k. Location of all mud pits.

The second plan shall cover the completed or production well phase and shall contain the following information:

a. General location of tank batteries and size of tank battery site.
b. Any oil, gas, or water lines to be utilized.
c. Location of ingress and egress to be utilized by the applicant and to include all vehicular entrances, exits and drives.
d. Type of screening devices, or construction to be utilized around the pumping site, which screening shall be required to be of such type so as to discourage access, entry, or climbing so as to endanger life and security; all screening shall be required to meet the minimum screening standards as specified below; the security at gates to any oil operation at all times during which the oil operation site is unattended.

1. A buffer zone is required where any Heavy Industrial District abuts a Residential District. Buffer zones shall be determined by the planning and Zoning Commission and shall be a maximum of 50 feet in depth from the property line of a lot zoned Residential or from a street right of way which separates the Heavy Industrial District from a Residential District. The buffer zone shall be used for tree plantings, hedges, walls, fences or similar devices as required by the Planning and Zoning Commission and grass shall be planted and maintained in all buffer zones.

2. Fences, Hedges, and Visibility at the Intersection of Streets. In Residential Districts no fence shall be more than 7 feet in height in any rear or side yard or 4 feet in

height in any front Yard; provided further that on a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2.5 feet and 10 feet above the centerline grades of the intersecting streets with the triangle formed by the adjacent sidelines of the two intersecting streets joining points at a distance of 30 feet on each side line from their point of intersection. In Commercial and Industrial Districts, no fence shall be more than nine (9) feet in height in any yard.

e. Sign on wells. Every well associated with the exploration or mining of subsurface minerals shall be identified by a sign posted on the Derek or not more than 20 feet [6.10 meters] from the well. The sign shall be of durable construction and the lettering thereon shall be kept in a legible condition and shall be large enough to be legible under normal conditions at a distance of 50 feet [15.24 meters]. The wells on each lease or property shall be numbered in non-repetitive sequence, unless some other system of numbering was adopted by the owner prior to the adoption of this chapter. Each sign must show the well name and number (which shall be different or distinctive for each well), the name of the operator, file number, and the location by quarter-quarter, section, township, and range.

3. An oil well or natural gas operation shall maintain roads within the premises covered by the permit and such roads shall be kept in reasonable dust-free condition.
4. No well or drilling operation shall be located, drilled, or operated within 1,320 feet of any Residential, Commercial or Recreational District. In any other Districts, no well or drilling operation shall be located, drilled or operated within 500 feet of the subject property boundary. Traffic to and from a well or drilling operation shall not be disruptive to any residential development.

5. Any drilling rig within 3,000 feet of a residence, business, or public building shall be enclosed on all sides. All storage tanks, wells, and equipment operated or maintained in connection with such a well shall be enclosed with a fence. All rigs shall be equipped with adequate fire extinguishing equipment.

6. Compliance with all Federal, State, and Local permitting, health, fire, safety, environmental, and regulatory provisions are mandated included but not limited to NDCC Chapter 38-05, Sections 38-08-05 and 38-08-23, NDCC Section 38-11.2-07, and NDAdmC 43-02-02, and all subsequent amendments.

7. Permits for the drilling of all oil and gas wells shall be required. Permits may be obtained from the City Building Official and will be valid for a period of one

year. A fee schedule shall be established by the City Council and shall be posted in the office of the Building Official. Until all applicable fees have been paid in full, no action shall be taken on any application.

ARTICLE IV ZONING DISTRICTS

4.1 District Map

Zoning Districts

For the purposes of this Code the City of Belfield is divided into the following zoning districts:

R:	Residential District
MH:	Mobile Home District
C:	Commercial District
I:	Industrial District
A:	Agricultural District
RC:	Recreational District
F:	Flood Plain Overlay District
PUD:	Planned Unit Development Overlay District

4.2 Zoning Map

A copy of the Zoning District Map is on file in the office of the Land Use Administrator and shall be updated regularly to reflect any amendments to the zoning districts.

1. Where uncertainty exists with respect to the boundaries of the various districts hereby established and as shown on the Zoning District 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 of 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 Zoning District Map shall be determined by the Board of Adjustment.

4.3 R-Residential District

1. **R-1**: It is the intent of this district to provide for low density residential use.

(a) Permitted Uses:

(i) Single-family dwellings

(ii) Public parks, playgrounds and other public buildings and structures

(iii) Accessory buildings, provided accessory uses are not permitted without a residential use on the same lot.

(iv) Public and parochial schools

(v) Churches and related facilities

(vi) Agricultural.

(vii) Daycare (Family)

(viii) Group Home

(ix) Public libraries, museums and community centers.

(b) Conditionally Permitted Uses:

(i) Duplex

(ii) Manufactured homes on permanent type foundations on platted lots with a minimum square footage of eleven hundred and twenty (1,120) square feet and a minimum width of twenty (20) feet. Pre-manufactured and mobile homes are allowed provided that they are placed on a permanent foundation, permanent or properly anchored basement made of concrete, concrete block, or an approved treated wood foundation. Loose blocks shall not constitute a permanent foundation. Wheels and hitches must be removed. All pre-manufactured houses shall provide a date of origin indicating that the structure was built within ten (10) years from the manufacturers' data plate and the date submitted for permit approval. A permit must be obtained from the city prior to the placement of a manufactured home.

Notice of hearing must be given by the applicant with proof of service to all property owners within three hundred (300)

feet of the boundary of the proposed use. Two-thirds of the affected owners must agree to the installation of a manufactured home in this district before a conditional use permit may be granted.

(iii) Daycare (Group).

(iv) Water treatment facilities.

(v) Home Occupations

(vi) Bed and Breakfast

(vii) Non-owner occupied dwellings are permitted only upon approval by the City via application for a Conditional Use Permit and upon compliance with such conditions as the City determines necessary.

(c) Area & Density Requirements:

Any structure built in this district shall meet the following area requirements:

(i) Minimum lot width fifty (50) feet

(ii) Minimum lot area: seven thousand (7,000) square feet.

(iii) For lots not served by a public sanitary sewer system:

Minimum width: one hundred (100) feet.

Minimum area, forty three thousand, five hundred and sixty (43,560) square feet provided that the site meets the minimum standards for on-site sewage disposal by the North Dakota State Health Department.

(iv) Lot area requirements for multi-family units shall be as follows:

- For two-family (duplex) units of a total of three thousand (3,000) square feet for each additional unit. Example: 1st

unit requires 7,000 sq. ft. and 2nd unit requires 3,000 sq. ft., which totals 10,000 sq.ft.

(v) For single family units the principal building and all accessories shall not cover more than forty (40) percent of the lot.

(vi) The maximum impervious coverage on a single family residential lot cannot exceed fifty (50) percent of lot coverage.

(d) Setback Requirements

(i) Front yard: A minimum depth of twenty five (25) feet

(ii) Rear yard: minimum depth of twenty (20) feet from the rear property line.

(iii) Side yard – minimum width of six (6) feet.

3. Each side yard must have a minimum width of six (6) feet and twenty (20) feet from a garage entrance from an alley.

(v) For lots in subdivision plots where a lot is located at the intersection of two (2) or more streets, the front yard shall have twenty-five (25) foot setback and the side yard of a corner lot shall have a minimum depth of fifteen (15) foot setback. If the overhead garage door entrance is located on the side yard street setback, a minimum depth of twenty (20) foot setback is required for the attached garage.

(e) Height requirements:

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

(f) Fences and Retaining Walls: (Fences & Retaining Walls Apply to R-1, R-2 & MH Districts)

Walls and retaining walls up to forty-eight (48) inches in height shall be permitted so as not to interfere with traffic visibility. Barbed wire or sharp-point metal fences or electrically charged fences shall not be permitted. Retaining walls in excess of (48) inches in height shall provide an engineer's design, either through manufacturer supplier or structural engineer.

(g) Fences constructed within Residential & MH districts or on land used for residential purposes are subject to the following provisions:

a. Height: The maximum height of a fence within a required front yard or street side yard setback shall be 4 feet. The maximum height for any fence outside of a required front yard and street side yard shall be sevin (7) feet.

b. No fence or wall, other than a retaining wall, along a side line of a lot within a residential zoned district, shall be higher than four (4) feet unless any part above such a height has at least 50% of the surface uniformly open and on obstructed, unless the adjoining lot is not in a residential zone district.

c. Materials: Fences shall be constructed of wood, chain link, PVC/resin, metal, stone or masonry materials only. Materials that are used within the construction industry that are not designed for fences are not permitted. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.

d. Vision Clearance Zones: No structure or planting including a fence, shall be built to a height of more than 32 inches above the established curb grade or part of the lot bounded by the inside lines of the sidewalk parallel to the lines of the streets or alleys which intersect, driveways backing onto a public street, alley, and a line connecting a point on each of such lines 25 feet from their point of intersection. No such structure may be built upon street right of ways. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection or alley access driveways.

(h) Sidewalk Regulations:

Curbside sidewalk construction shall not be less than five (5) feet in width and adjacent to the curb. All curb to be of roll type construction unless face type curb is approved by the city. Public Sidewalks shall be installed in Zoning Districts R-1, R-2 & R-3.

2. **R-2**: It is the intent of this district to provide for moderate and high density residential use.

(a) Permitted Uses:

(i) All uses permitted in R-1 district.

(ii) Multi-family dwellings, townhouses, and condominiums up to four (4) units.

(iii) Group Residential.

(iv) Manufactured homes on a permanent foundation as required in 4.3, 1b (ii).

(b) Conditionally Permitted Uses:

(1) Same as R-1 above.

(2) Golf Courses (Public)

(3) Off Street Parking

(4) Broadcasting Tower

(5) Day Care (Group)

(6) Community Garages

(7) Multi-Family Dwellings, Townhouses, and Condominiums of five (5) or More Units.

(8) Convenient Storage Facilities (See Definition)

(9) Bed and Breakfast

(c) Area and Density Requirements:

Any structure built in this district shall meet the following area requirements:

1. Minimum lot width: Fifty (50) feet.

2. Single family: seven thousand (7,000) square feet.

(a) Duplexes, multiple-family, condominiums, and townhouses: for each unit up to four (4) units an additional three thousand (3,000) square feet per unit is required. (Example: 1st unit = 7,000 sq. ft., units 2- 4 require 3,000 sq. ft. each, = 9,000 sq. ft., w/a total of 16,000 sq. ft.)

(b) One thousand (1,000) square feet for each unit over four (4).

(c) Structures together with accessory buildings shall not cover more than sixty (60) per cent of the buildable area of the lot.

(d) The maximum impervious coverage within a R-2 zoned lot shall not exceed sixty five (65) percent.

(e) All single family residential structures and accessory structures shall comply with the setback requirements listed within the R-1 setback requirements.

(f) The maximum height of any structure shall not exceed forty five (45) feet or three stories in height.

(d) Setback Requirements

(a) Front Yard: Twenty-five (25) feet.

(b) Side Yard: Ten (10) feet. The ten (10) foot setback is for single story construction, one (1) additional foot for each four (4) feet of building height for any building over twenty-four (24) feet in height is required.

(c) For lots in subdivision plots where a lot is located at the intersection of two (2) or more streets, the front yard shall have twenty-five (25) foot setback and the side yard of a corner lot shall have a minimum depth of fifteen (15) foot setback. If the overhead garage door entrance is located on the side yard street setback, a minimum depth of twenty (20) foot setback is required.

(e) Rear Yard: Twenty (20) feet

3. **R-3**: It is the intent of this district is to provide for the development of high density, mixed residential uses.

(a) Permitted Uses:

(i) All uses allowed in R-1 and R-2.

(ii) High-rise apartments.

(iii) Water reservoirs.

(iv) Retirement Residential

(v) Day Care (Group)

(vi) Emergency Residential : A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

(vii) Bed and Breakfast

(b) Conditionally Permitted Uses:

(i) Home Occupations

(ii) Health Care

(i) Hospitals

(iv) Golf Courses (Public)

(v) Funeral Services

(vi) Convenient Storage Facilities (See Definition)

(vii) Medical Offices

(viii) Financial Services

(ix) General Offices

(x) Broadcasting Tower

(c) Area and Density Requirements:

Any structure built in this district shall meet the following area requirements:

(i) Thirteen thousand (13,000) for a single unit or duplex and Sixteen thousand (16,000) square feet for the first four (4) units.

(ii) 1,000 square feet for each additional unit after four (4) units.

(iii) All structures shall not cover more than seventy (70) percent of the buildable area of the lot.

(iv) The maximum impervious coverage within a R-3 lot shall not exceed seventy five (75) percent.

(v) The maximum height of any structure within this zoning district shall not exceed sixty (60) feet or four (4) stories in height.

(d) Setback Requirements:

Any structure built in this district shall meet the following setback requirements:

(i) Front Yard: The front yard setback shall be twenty-five (25) feet from the front property line.

(ii) For lots in subdivision plots where a lot is located at the intersection of two (2) or more streets, the front yard shall have twenty-five (25) foot setback and the side yard of a corner lot shall have a minimum depth of fifteen (25) foot setback. If the overhead garage door entrance is located on the side yard street setback, a minimum depth of twenty (25) foot setback is required.

(iii) Side Yard: ten (10) feet. The ten (10) foot setback is for single story construction, one (1) additional foot for each four (4) feet of building height for any building over twenty-four (24) feet in height is required.

(iv) Rear Yard: the rear yard shall contain a twenty (20) foot setback from the rear property line.

Section 4.4 MH-Mobile Home District

It is the intent of this district to provide for an area for mobile home (manufactured home) parks to be developed for long-term residential use subject to the following requirements:

1. MH-1

(a) Permitted Uses:

(1) Mobile Homes.

(2) Accessory Uses.

(3) Manufactured Homes

(b) Area Requirements:

(b.1) Minimum Lot Size:

(i) Width: fifty (50) feet

(ii) Area: seven thousand (7,000) square feet.

(c) Setback Requirements:

(1) Front: twenty (20) feet.

(2) Side: ten (10) feet.

(3) Rear: twenty (20) feet.

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2. MH-2 Mobil Home Parks in the MH District:

Mobile Home (Manufactured Home) parks and prefabricated housing.

l. Manufactured home parks shall contain a minimum of five (5) acres of land and contain a maximum of seven (7) mobile homes (manufactured homes) per gross acre.

b. A minimum of ten (10) percent of the gross area of the project shall be devoted to parks and playgrounds.

c. Each manufactured home shall be placed within a lot at least fifty (50) feet wide, one hundred (100) feet in depth and with a minimum area of 5,000 square feet.

b. Each unit shall have a minimum front setback of twenty (20) feet, a minimum rear setback of twenty (20) feet and a minimum side setback of ten (10) feet. Permitted encroachments on setback space include carports, outdoor terraces or patios without roofs or walls, and encroachments may project eight (8) feet into any setback space. No attached structure or unit shall be located closer than fifteen (15) feet to any other unit (manufactured home). All unattached accessory buildings on a mobile home lot shall maintain a six (6) foot separation between any manufactured home and an unattached accessory structure.

c. Underground utility, including water, sewer, gas, electricity and telephone, shall be provided to each lot in the park by the developer.

d. All lots and streets in the park shall be accessible at all times to emergency vehicles and streets shall be so designed as to permit a

minimum number of ingress and egress points to control traffic movement from the park.

e. Where the park is served by private streets, those streets shall conform to the design standards recommended by the city and streets and parking areas shall be surfaced for all weather travel.

h. Each manufactured home shall be placed upon a base which shall be surfaced in the same manner as herein required for streets, and which base shall also provide a satisfactory method of anchoring mobile home tie-downs. All new manufactured homes shall be anchored according to manufactured specifications and inspected by a certified inspector. Existing pre-manufactured homes shall provide a date of origin indicating that this structure was built within seven years from the manufacturer data plate and the date submitted for permit approval. A permit must be obtain from the city prior to the placement of a manufactured home.

i. All units in the park shall be served with public sewer and a water supply approved by the North Dakota State Department of Health.

j. The entire manufactured home park shall be landscaped, excluding hard-surfaced areas.

k. Application for the establishment of a manufactured home park shall include a plot plan as to location and legal description and which plan shall set forth the foregoing requirements in detail.

l There shall be two off-street parking spaces per unit.

m. There shall be a fifteen (15) foot landscaped buffer between any residential zoned property and ten (10) feet landscape buffer between any commercial zoned properties.

n. Tornado Shelters: Underground or above grade tornado shelters shall be provided in the Mobile Home Park. Such shelter or shelters shall be built according to the recommendations of the Civil Defense Authority or those shelters approved by FEMA under national regulations for the State of North Dakota and be large enough to meet the specific needs of the park and its residents. Alternatively an application for a variance for approval of an Emergency Preparedness Plan may be made. No building permit will be issued without plans including a storm shelter or safety room or an emergency preparedness plan as described. No occupancy permit will be issued until the storm shelter or safety room has passed inspection from the

City Building Inspector. Tornado shelters are required in all new MH-1 and MH-2 Zoning Districts.

4.5 C-Commercial District – This district and these regulations provide for the grouping of retail merchandising and service activities into a central area.

1. Permitted uses

(a) Retail service uses including grocery, pharmacies, hardware, clothing, bakeries, eating and drinking places, automobile service station, print shop, liquor sales, funeral services, cocktail lounge, commercial recreation (indoor), and repair shops.

(b) Personal service uses including offices and clinics, barber and beauty shops, hotels and motels, financial institutions, bowling alleys and amusement centers, theaters, dry cleaners, laundries and tailor shops.

(c) Educational, governmental, philanthropic, or charitable institution.

(d) Sales and servicing of motor vehicles and farm implements.

(e) Amusement places including bowling alleys, athletic clubs, pool halls and similar indoor facilities.

(f) Automobile dealerships.

(g) Hotels and motels.

(h) All activities requiring a business or professional license, and/or a state sales tax permit.

(i) Custom Manufacturing with no outside storage.

2. Conditionally Permitted Uses:

(i) Outdoor Storage Facilities (See Definition)

(ii) Processing and packaging of materials.

(i) Warehouses, wholesale dealerships and storage facilities.

(ii) Animal hospitals and veterinary clinics.

(iii) Light manufacturing facilities that requires minimal yard storage and contain low noise density.

(iv) Broadcasting tower

(v) Commercial grain bins or related activity

(viii) .

3. Area and Density requirements

Lot area and yard requirements for buildings used for residential purposes shall conform to the yard requirements of R-Residential District.

1. All commercial zoned structures built within this district shall be placed on a lot which meets the following area and density requirements:

(a) All permitted uses shall not exceed 65% of the net buildable area.

(b) All permitted uses shall maintain a 12,000 square-foot lot size.

(c) All structures and impervious areas cannot exceed 80% of the platted lot size.

(d) Clubs: clubs located adjacent to a residential district or any residential use shall maintain a buffer yard of not less than 25 feet along the common boundary with such residential district or use.

(e) Day Care: Day care facilities are permitted by Special Use Permit in a Commercial Zoning District only if incidental to a permitted primary use.

4. Setback Requirements

(a) Front Yard

The front yard setback shall be twenty (20) feet from the front yard property line.

(b) The interior side yard setback shall have a zero (0) foot setback from the property line.

a. ©The street side setback shall have a ten (10) foot setback from the property line.

(c) Rear Yard

The rear yard setback shall be twenty (20) feet from the property line.

5. Off-street loading facilities

(a) Adequate loading-unloading facilities shall be provided and shall be located on the same lot as the principal use.

6. Commercial Development Submission Requirements

Any application for a development permit for construction or development within a commercial district must include construction documents prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. **Exception:** The Land Use Administrator or building official is authorized to waive the requirement that such documentation be prepared by a registered design professional if it is determined that the nature of the work applied for is such that a review of the construction documents is not necessary to obtain compliance with this ordinance.

7. Sidewalk regulation:

Curbside sidewalk construction shall not be less than five (5) feet in width and adjacent to the curb. All curb to be of roll type construction unless otherwise required to be face type curb by city. All lead-in sidewalks shall not be less than three (3) feet in width.

4.6 I-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.

1. Permitted Uses

(a) All uses permitted in Commercial district.

(b) Grain and feed elevator or mill.

(c) Heavy equipment sales, service, or repair.

(d) Lumber yard.

(e) Trucking or freight terminal, truck parking, commercial truck stops and garages and associated structures to service the same.

(f) Warehouses.

(g) Agriculture.

(h) Any industrial or manufacturing operation providing that: (a) dust, fumes, odors, smoke, vapor, noise, lights, and vibrations shall be confined within the industrial district, and (b) outdoor storage, equipment and refuse areas shall be concealed from view of abutting rights-of-way.

(i) Railroad facilities

(j) Aviation

(k) Truck terminal

(l) Recycling processing

(m) Broadcasting tower

(n) Construction batch plant

(o) Outdoor Storage Facilities (See Definition)

2. Conditionally permitted uses

(a) Chemical and chemical fertilizer plant.

(b) Coal gasification plant.

(c) Electrical power generating plant, to include wind generation.

(d) Refinery.

(e) Salvage and junk yards.

(f) Fuel and explosive material storage tanks and terminals.

(g) Adult entertainment centers.

(h) Noxious waste disposal sites.

(i) Animal hospitals, kennels, and veterinary clinics.

(j) Sewage treatment facilities.

(k) Solid waste landfill and transfer stations.

(l) Radio, communication and television towers and accessory buildings.

(m) Temporary workforce housing subject to the provisions of Section 7.12 herein.

(n) Alternative Energy Production Devices:

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, installation which generate energy by harnessing the natural heat of the earth or of geological features, or water powered mills or generating facilities.

3. Performance standards

(a) A buffer strip shall be installed according to Article VI, Section (5)1.a-f when an industrial use is abutting a Residential District.

(b) The open storage of materials, other than waste products or salvage, may be permitted when located at least one hundred (100) feet from any R-Residential District and at least thirty (30) feet from any street right-of-way or other lot line. All material shall be handled so as to effectively control dust. All combustible material shall be stored in such a way as to permit free access to firefighting equipment.

4. Lot and Density Requirements

(a) The minimum lot area for the industrial district shall be ten thousand (10,000) square feet.

(b) The minimum lot width shall be one hundred (100) feet.

(c) No building or structure shall be located within one thousand (1,000) feet from the boundary of residential areas.

(d) The maximum lot coverage shall not exceed eight-five (85) percent of the plotted lot.

(e) The maximum impervious coverage can be 100% of the platted lot.

(f) The maximum height of a structure in feet within a industrial zoned lot is unlimited.

5. Setback Requirements:

1. Front Yard: There shall be at least a twenty-five (25) feet setback from the front lot line.

2. Side Yard: The minimum side building line, measured from the side lot line, shall be twenty (20) feet.

3. Rear Yard: The minimum rear building line, measured from the rear lot line, shall be twenty-five (25) feet.

4.7 A-Agricultural District – This district and these regulations are established to provide for agricultural uses of land without conflicting with other uses allowed in the City.

1. Permitted Uses:

General farming activities including grazing and raising of farm animals excluding commercial feed lots.

(a) Structures and operation incidental to the operation of a farm.

(b) Churches and related facilities.

(c) Public parks, playgrounds, public buildings and structures.

(d) Public and parochial schools.

(e) Temporary structures incidental to construction work.

(f) Utility lines and facilities for public service.

(g) Home Occupations.

(h) Detached single family dwellings that are used in connection with a farm operation.

(i) Horticulture

The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

(j) Bed and Breakfast

(k) Day Care (Family)

(l) Emergency Residential
A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

(m) Alternative Energy Production Devices
The use of a site for the production of energy utilizing methods that materials. Typical uses include solar collector fields, installation with generate energy by harnessing the natural heat of the earth or of geological features (wind towers), or water powered mills or generating facilities.

2. Conditionally Permitted Uses:

(a) Cemeteries.

(b) Animal hospitals, kennels, and veterinary clinics.

(c) Grain elevator.

(d) Airports.

(e) Radio, television towers, communication towers, and accessory buildings.

(f) Sanitary landfill operation and sewage treatment facilities.

(g) Skeet, trap and rifle ranges.

(h) Tourist and trailer camps: recreational vehicle campgrounds:

(1) Campground shall contain a minimum of ninety (90,000) square feet and a maximum of fifteen (15) campsites per gross acre.

(2) The site plan showing location of all facilities, drives and campsites shall be approved by the city.

(3) Water and sanitary facilities shall meet the requirements of the North Dakota State Health Department, evidence of which shall be presented to the city on or before the hearing

(i) Single-family non-farm residences on five (5) acres or more.

(j) Day Care (Group)

(k) Toxic Gaseous Storage

(1) Toxic gaseous storage facilities of toxic gaseous, materials, tanks/or bulk facilities shall not be built within two (2) miles of any residential subdivision or within one mile (1) of any building for human occupancy.

(l) Temporary workforce housing subject to the conditions of Section 7.12 herein.

(m) Outdoor Storage Facilities (See Definition)

3. Area and Density Requirements:

(1) The minimum lot area within a Agricultural District shall be 5 acres.

(2) The maximum building height for residential structures is 35 feet. All other permitted uses within an agricultural district shall not exceed 65 feet in height.

4. Setback Requirements:

(1) Front Yard; The minimum front yard setback shall be 50 feet from the front yard property line.

(2) Side Yard; The minimum side yard setback shall be 50 feet from the property line.

(3) Rear Yard; The minimum rear yard setback shall be 50 feet from the property line.

4.8 RC-Recreation District – This district and these regulations are established to preserve areas for developed recreational activity and residency around rivers and other water courses where development is controlled in order to maintain the quality of the environment and to provide for general recreational activities.

1. Permitted Uses:

(a) Agriculture

(b) Public parks including golf courses and outdoor recreation facilities.

(c) Churches, schools and related facilities.

(d) Raising of game animals, waterfowl and fish.

(e) Communication and power transmission lines and other public utility lines.

(f) Accessory buildings or structures to any permitted uses.

Note: All accessory structures that do not contain a principal structure shall be limited to a maximum of two thousand (2,000) sq. ft. of floor area for the first one acre or less. The total area of all accessory buildings may be increased by 250 sq. ft. for each additional half (.5) acre of land area above 1 acre, but in no case shall the total exceed 30% lot coverage. Accessory buildings shall include the following: barns, stables, storage buildings, and detached personal vehicle garages.

(g) Golf driving range, miniature golf course, go-cart track, or race track provided:

(i) The same not be constructed within five hundred (500) feet of a residential district.

(ii) Flood lights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property, highways and streets.

(h) Places of amusement (parks).

(i) Refreshment stands.

(j) Motorized Sports

(1) Adequate direct road access to the site is provided with such access designated to minimum traffic congestion; and

(2) Sufficient off street parking areas are provided in accordance with the number of seating; and

(3) The site is located at least one (1) mile from any residentially zoned area.

2. Conditional Uses:

(a) Recreational parks, tourist and trailer camps.

The applicant shall meet the following requirements to obtain a permit:

(i) The minimum area for campground shall be ninety thousand (90,000) square feet and maximum number of recreational trailers shall be fifteen (15) units per gross acre.

(ii) A site plan showing the boundary of property, topographic information with contour intervals of no more than five (5) feet; arrangement of streets, drives and access roads; location of service buildings; location and dimension of camp sites; location of sanitary facilities; and location of water supply.

(iii) Proof of compliance with the requirements of North Dakota State Health Department and North Dakota State Laboratories Department.

(b) Single family dwelling units.

(c) Commercial campgrounds and recreational vehicle parks.

(d) Restaurants, including all types of eating and drinking establishments.

3. 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 Flood Plain Zone.

(b) Maximum height requirements: No building shall exceed thirty five (35) feet or two (2) stories in height.

4.9 Floodplain Overlay District

1. Purpose

The purpose of this district is to minimize private and public losses due to flood conditions. The provisions of these regulations are to be applied in conjunction with the provisions contained in City Code Sections 17.0101 et seq., with such sections being incorporated herein by reference.

2. Land to which Ordinance Applies

Applicability

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

3. Warning and Disclaimer of Liability

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

4. Permitted Uses

a) General building uses including general farming, pasture, and grazing and related uses provided that the buildings and structures for residential use are flood proofed above the 100-year floodplain as established by FEMA.

b) Non-structural uses including ponding of run-off water and treated waste water.

c) Public utilities including railroads, roads and highways, channels, and pipelines.

d) Outdoor recreational uses including golf courses, bicycle trails, picnic areas, rodeo grounds, ball parks, and boat launching ramps.

5. Conditional Uses

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

6. Additional Permit Requirements

Before construction or development begins within any area of special flood hazard, a permit shall be obtained from the Land Use Administrator. The permit shall include:

(a) Elevation in relation to mean sea level of the lowest floor (including basement) of all proposed structures;

(b) Elevation in relation to mean sea level to which any structure will be flood proofed;

(c) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria; and

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

7. General Standards

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

(a) Anchoring

(i) AII new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(ii) AII mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

- over-the-top ties be provided at each of the corners of the mobile home, with two additional ties per at intermediate locations, with mobile homes less than fifty (50) feet long requiring one additional tie per side;

- frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four additional ties per side;

- all components of the anchoring system be capable of withstanding a force of forty-eight hundred (4,800) pounds and;

- any additions to the mobile homes be similarly anchored.

(b) Construction Materials and Methods

(i) AII new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(ii) AII new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Utilities

(i) AII new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(ii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters

into the systems and discharge from the systems into flood waters; and

(iii) On-site waste disposal systems shall be located to avoid impairment or contamination during flooding.

(d) Subdivision Proposals

(i) All subdivision proposals shall be consistent with the need to minimize flood damage;

(ii) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(iv) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

e) Encroachments

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall

not increase the water surface elevation of the base flood more than one (1) foot at any point.

7. Specific Standards

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

(a) Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one (1) foot above base flood elevation.

(b) Non-residential Construction

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement elevated to or above one (1) foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(i) Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(iii) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Official Code Administrator.

(c) Mobile (Manufactured) Homes

(i) Mobile homes shall be anchored in accordance with Section 4.9.7 (a).

(ii) For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the

repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivision, require that:

- Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above one foot above the base flood level.

- Adequate surface drainage and access for a hauler are provided; and,

- In the instance of elevation on pilings, that:

  - Lots are large enough to permit steps,

  - Piling foundations are placed in stable soil no more than ten (10) feet apart, and

  - Reinforcement is provided for pilings more than six (6) feet above the ground level.

(d) Crawlspace

Below-Grade Residential Crawlspace Construction
New construction and substantial improvement of any below-grade crawlspace shall:

(i) Have the interior grade elevation that is below base flood elevation no lower than two (2) feet below the lowest adjacent grade;

(ii) Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four (4) feet at any point;

(iii) Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;

(iv) Be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads:

(v) Be constructed with materials and utility equipment resistant to flood damage;

(vi) Be constructed using methods and practices that minimize flood damage;

(vii) Be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(viii) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- The bottom of all openings shall be no higher than one foot above grade;
- Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

8. Flood Proofing Measures

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

a) Anchorage to resist flotation and lateral movement.

b) Installation of watertight doors, bulkheads, or similar methods of construction.

c) Reinforcement of walls to resist water pressure.

d) The usage of paints, membranes, or mortar to reduce the seepage of water through walls.

e) The construction of water supply and waste treatment systems which will prevent the entrance of flood waters.

f) The addition of mass or weight to structures to reduce floatation.

g) The installation of pumps to lower water levels in structures.

h) The location of all electrical equipment, circuits and installed appliances in a manner which will insure they are not subject to flooding and to provide protection from inundation by the regional flood.

i) The location of all structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health , safety and welfare above the flood protection elevation or the provision of adequate flood proofing to prevent flotation of storage containers which could result in the escape of toxic materials into flood waters.

4.10 Planned Unit Development Overlay District

4.10.1 Intent

The Planned Unit Development (PUD) is a design and development technique which allows a developer the flexibility to create a residential and/or light commercial unit or complex which may not be required to adhere to standards set elsewhere in this ordinance, provided the overall development unit fits the general nature of the district and reflects creative and efficient use of structures and open space.

4.10.2 Allowed Uses

1. All conditionally allowed uses in Residential Districts and allowed uses in Commercial Districts under the following provisions:

   (a) Setbacks and buffer zones are designed to the Planning Commission satisfaction.

   (b) Adequate and appropriate areas of the PUD are set aside for open space and parks.

   (c) Interior streets, parking areas and utility service facilities are safe, adequate and efficient in design and are covered under a district maintenance program.

   (d) The overall unit is compatible with the surrounding land uses in that district.

   (e) Proposed phases of completion are defined.

ARTICLE V LAND SUBDIVISION

5.1 Intent

1. To insure the orderly development of the city and its unincorporated planning area.

2. To provide for proper arrangement of streets in relation to other existing and planned streets.

3. To provide for adequate and convenient open spaces for traffic, utilities, firefighting, recreation, light and air.

4. To facilitate adequate provisions for access, placement of public non-profit and for profit utilities, schools, and public open spaces.

4. To avoid development of unsuitable areas because of soil, drainage and other physical limitations.

5. To facilitate subdivision of larger parcels into smaller parcels and lots.

6. To implement the Comprehensive Plan of the City.

7. To repeal and replace Section 2: Article 8: Subdivision Regulations as contained in City Ordinance No. 281.

5.2 Compliance with Chapter

All subdivisions made within the city or its extra-territorial jurisdiction shall be subject to and shall conform to the requirements of this chapter.

5.3 Minor Subdivision

Where a proposed subdivision does not entail the establishment of any required street or road easements nor does it require any utility easements nor does the subdivision require any grading or re-contouring of the land surface, then said

subdivision may be defined as a minor subdivision and may follow the guidelines of these regulations developed for minor subdivisions.

5.4 Sketch Plan

1. Submission

   (a) Prior to the filing of an application for tentative approval of the preliminary plat, the subdivider shall submit for review by the City Planning and Zoning Commission sketch plans.

   (b) Such sketch plans will be considered as submitted for informal discussion between the subdivider and the City Planning and Zoning Commission. Submission of a subdivision sketch plan shall not constitute formal filing of a plat.

   (c) Prior to presentation of the sketch plan to the City Planning and Zoning Commission, the subdivider should contact the Zoning

   Administrator to ensure that the proposed subdivision conforms to the design standards of this chapter, the county comprehensive plan, street or utility master plans, and discuss any possible modifications necessary to ensure conformance.

2. Data Required for Sketch Plan

   (a) Tract boundaries;

   (b) North point;

   (c) Description of nature and purpose of street(s) on and adjacent to the tract;

   (d) Proposed general street layout;

   (e) Significant topographical and physical features;

   (f) Proposed general lot layout; and

(g) Existing and proposed land use.

5.5 Procedure 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 subdivider (applicant) if it is less than twenty (20) acres even though only a small portion of it is proposed for the development at the time. The subdivider (applicant) may be required to submit a development plan if he/she owns or controls more than twenty (20) contiguous acres of land.

1. Preliminary Plat Content

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

(a) The preliminary plat shall be based upon a survey and shall be submitted in three copies on a scale of not more than one hundred (100) feet to one (1) inch and shall show correctly:

i. Name, address and telephone number of the person to be contacted regarding the plat.

ii. Date, graphic scale and north point.

iii. Name of the proposed subdivision.

iv. Location of the proposed subdivision by government lot, quarter section, section, township, range and county.

v. A scaled drawing of the exterior boundaries of the proposed subdivision referenced to the corner established in the U.S. Public Land Survey and the total acreages encompassed thereby.

vi. Names and locations of adjacent subdivisions, parks, cemeteries and other development.

vii. Location of existing property lines, buildings, streams or water courses, marshes and wetlands, wooded areas, and other similar significant features within the parcel being subdivided.

viii. Location, right-of-way width and names of any existing or proposed streets, alleys or other public ways; easements, and railroad and utility rights-of-way.

ix. Contours at vertical intervals of not more than two (2) feet.

x. Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public uses and open spaces not requiring subdividing of land.

xi. Dimensions of all lots and proposed lot and block numbers.

xii. Parcels of land intended to be dedicated or reserved for public use or set aside for the use of property owners within the subdivision,

xiii. Building setback lines, showing dimensions.

xiv. Layout of the proposed streets, alleys, crosswalks and easements, showing widths and street names.

xv. Layout, number and dimensions of all lots and blocks.

(b) Commercial Subdivision Submittal Requirements.

In applications for a development permit for commercial subdivisions, the requirements listed in 5.1.1 above must be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.

Exception: The Land Use Administrator or the building official is authorized to waive the requirement that such documentation be prepared by a registered design professional if it is determined that the nature of the work applied for is such that a review of the construction documents is not necessary to obtain compliance with this ordinance.

2. Preliminary Plat Submission Requirements

(a) The subdivider (applicant) shall apply on appropriate forms provided by the Land Use Administrator to the City Planning and Zoning Commission at least ten (10) days prior to its regularly scheduled meeting.

(b) The subdivider (applicant) shall submit three (3) copies of the preliminary plat to the Land Use Administrator at the time the application is made. The plat shall comply with the provisions of this ordinance.

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

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

3. 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 City Planning and Zoning Commission may require other information as a part of the development plan.

4. Review Process

(a) The City Planning and Zoning Commission shall review the preliminary plat and may require 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 City 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 City Planning and Zoning Commission may require the subdivider to submit a revised preliminary plat before the subdivider proceeds with the preparation of the final plat.

(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 Planning and Zoning Commission may require the subdivider to resubmit the preliminary plat for review and approval, unless the developer had provided a detailed timetable for the preparation of the final plat(s).

5.6 Data Omitted on Minor Subdivision Plats

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

1 Location and approximate sizes of sidewalks, curbs, and gutters.

2 Topographic contours at a two foot interval or a maximum interval of five feet if the latter is acceptable to the reviewing authority.

3. Location and extent of problem soil types and results of all percolation tests, if requires.

4 Location, widths and functions of all alleys, pedestrian walkways, easements and other areas to be dedicated for public purposes.

5 Layout of public and private utility service lines and easements to include sewer and water, gas, electric, and telephone.

6 Stream and drainage structures, sedimentation basins, altered drainage profiles and culvert or bridge specifications.

5.7 Final Plat

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

1. <u>Final Plat Content</u>

The final plat shall conform to all provisions of this ordinance and conditions set forth by the City Council.

(a) Name of subdivision and date of tentative approval by the City Council.

(b) Location by section, quarter 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.

(m) Accurate location of all monuments, which shall be of material and 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 and property covenants.

(r) Certification by registered surveyor to the effect that the plat represents a survey made by him, 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.

2. Final Plat Submission Requirements

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

(a) The subdivider (applicant) shall submit the final plat to the City Zoning Commission at least ten (10) days before the regularly scheduled meeting of the City Planning and Zoning Commission.

(b) The final plat shall comply with all provisions of this ordinance 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 city at the time of filing the final plat for approval.

(c) The City Planning and Zoning Commission may require the subdivider (applicant) 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.

3. Review Process

(a) If the City Planning and Zoning Commission after a public hearing, finds the final plat in conformance with the requirements stipulated for approval of the preliminary plat, it shall recommend for action to the City Council.

(b) The subdivider (applicant) 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.

5.8 Amendment of Any City 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 City Planning and Zoning Commission shall, at the same time, and with a public hearing, approve such change in streets, alleys or public lands as an amendment to any City Development Plan, if deemed appropriate.

5.9 Filing of Subdivision Plat

The subdivider,(applicant) 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 ordinance.

5.10 Design Standards- Conformance

The subdivider (applicant) shall prepare the preliminary and final plat in conformance with the standard set forth herein.

5.11 Streets Design

(i) The arrangement, character, extent, width, grade and location of all streets shall be related to: existing and planned streets; topographic conditions; existing natural features including wetlands, marshes, and tree growths; public convenience and safety, existing and proposed uses of land served by the streets; and to the most advantageous development of adjoining uses.

(ii) 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.

(iii) 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.

(iv) 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.

(v) Reserve strips in private ownership controlling access to streets are prohibited.

(vi) Street with centerline offsets of less than one hundred fifty (150) feet shall be avoided.

(vii) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on major streets

(viii) 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.

(ix) 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 seventy-five (75) degrees, and no more than two streets shall intersect at one point.

- Dead-end streets shall not be permitted without a suitable turn-around with a diameter of not less than one hundred forty (140) feet. Appropriate arrangements shall be made for those parts of temporary turnarounds outside of street rights-of-way to revert to the abutting property owners at such times as streets shall be extended.

- No street names shall be used which will duplicate or be confused with the names of existing streets in the city.

(x) The width of the right of way shall not be less than eighty (80) feet for major commercial streets, sixty-six (66) feet for major residential streets and sixty (60) feet for minor residential streets.

(xi) 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.

(xii) Street rights-of-way shall be not less than the following table:

Street Type	**Minimum Right-of-Way Width (lot line to lot line)**	**Minimum Roadway Width**	**Maximum Gradient**	**Minimum Gradient**
Arterial Streets	80 feet	48 feet	4%	0.7%
Collector and Industrial Use Streets	66 feet	40 feet	6%	0.7%
Local Streets	60 feet	34 feet	10%	0.5%

(a) Cul-de-sac, if approved, one hundred (100) feet in diameter for a turnaround and not more than five hundred (500) feet from cul-de-sac to dedicated public street.

(b) Alleys, residential district, twenty (20) feet.

(c) Sidewalks, five (5) feet.

(d) Bike paths (per DOT standards).

(xiii) Half-streets are prohibited except where essential to the reasonable development of the subdivision and in conformity with the other requirements of this ordinance 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.

(xiv) 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.

(xv) Dead-end streets without a suitable turnaround are prohibited.

(xvi) Minimum Street Standards: All city streets within the corporate city limits of Belfield, North Dakota shall follow the street design standards provided by the most current NDDOT (North Dakota Department of Transportation). Civil Engineering will also include the minimum requirements for the type of soil conditions and or traffic loads.

(xvii) Any gravel only roads approved by the Belfield City Council will require a forty (40') foot wide road surface with a minimum of eight (8") inches of aggregate surfacing.

5.12 Block Design

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

1. Residential block length shall not exceed nine hundred (900) feet. The length of blocks is considered to be the distance from one street

centerline to opposite street centerline and is measured through adjacent back lot lines or through the center of the block.

2. Pedestrian crosswalks not less than ten (10) feet wide may be required in blocks longer than six hundred (600) feet where the crosswalks are deemed by the Planning and Zoning Commission to be essential to provide circulation, or access to schools, playgrounds or other community facilities, handicap access (curb cuts) required.

3. The width of blocks shall generally be sufficient to allow two (2) tiers of lots and shall be at least two hundred and fifty (250) feet wide.
4. Blocks intended for commercial and industrial use shall be specifically designated for such purposes with adequate space set aside for off-street parking and delivery facilities. The Planning and Zoning Commission may require service drives or frontage roads along major streets for commerce and industry.

5.13 Lot Design

1. The shape, size and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing site for the building contemplated.
.

2. For non-residential lots, the provisions of the appropriate zoning district shall apply.

3. Residential lots abutting major streets shall have extra depth of at least twenty (20) feet to allow for proper setbacks.

   (a) All lots shall front a public street.

   (b) Side lot lines shall be substantially at right angles.

4. Residential corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from the side streets.

5. Double frontage lots shall be avoided except where essential to provide separation of development from arterial streets.

6. Depth and width of lots reserved or laid out for commercial or industrial uses shall be adequate to provide for off-street parking and service facilities required by the type of use a development and the provisions of the appropriate zoning district.

7. The lot area for residential development shall be not less than seven thousand (7,000) square feet and the lot width shall be not less than fifty (50) feet.

5.14 Street Names

1. The Planning and Zoning Commission may disapprove of the name of any street shown on the plat which does not conform to existing naming patterns, has already been used elsewhere in the area, or because of a similarity that may cause confusion or because of a conflict with the 911 emergency system.

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.

5.15 Utility Easements

(i) Easements of at least eight (8) feet shall be provided along the rear and exterior side of corner lots and shall be designated as “Utility Easement” on the plat.

(ii) All utility lines for electric power and telephone service shall be placed in the utility easements and shall be underground unless overhead utility lines are approved by the City Planning and Zoning Commission.

(iii) For blocks over 400’ long a 10’ wide utility easement perpendicular to the right-of-way shall be dedicated so there are not segments of property over 400’ long without a utility easement. The utility easements will as much as possible divide the block into even segments.

(iv) All lots shall be served by underground electric, cable television, natural gas, propane and telephone lines unless waived by the Planning and Zoning Commission due to topographic conditions or excessive costs.

(v) 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.

5.16 Grading and Drainage

(i) When required, the subdivider (applicant) shall provide a detailed grading and drainage plan showing the grades of streets and drainage improvements.

(ii) The drainage shall not discharge into any sanitary sewer facility.

(iii) The drainage facilities shall be located in street right-of-way or in drainage easements.

(iv) All developers should submit a management plan for storm water.

(v) The grading and drainage system shall be approved by the City Planning and Zoning Commission.

(vi) Grading established in any subdivision shall not be changed without approval of the City Planning and Zoning Commission.

5.17 Drainage Way Easements

(i) Where a subdivision is traversed by a water course, drainage-way or wetland, there shall be provided an adequate drainage-way easement as required by the City Planning and Zoning Commission to accommodate the anticipated discharge from the property being subdivided and also the anticipated run-off from the adjoining properties.

(ii) The location, width, alignment and grading of such easements shall be of such a width and design to accommodate the anticipated discharge from the property being subdivided and also the anticipated run-off that may occur when property at a higher elevation in the drainage basin is developed.

5.18 Street Lights

Street lights and their location shall be in accordance with the minimum standards to be established by the Planning and Zoning Commission. All new subdivisions established within the corporate city limits will be required to provide a street light plan to the planning and zoning commission for approval. Once approved by the planning and zoning commission, the developer will be responsible for the installation of the streetlights within the subdivision.

5.19 Required Improvements

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

1. Completion Assurance

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

2. Survey Monuments

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

3. Municipal Water Supply (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.

5.20 Sewage Disposal System (Sanitary Sewer)

1. All subdivisions shall be provided with public sanitary sewers to each lot. On an individual case review, an on-site sewage system may be allowed.

2. Private septic systems may be approved by the county sanitarian on lots of a minimum of one (1) acre.

3. The public sanitary sewer shall be extended into each individual lot 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 City or Health District.

5.21 Grading and Surfacing

The full width of all rights-of-way shall be graded and all streets shall be surfaced in accordance with plans and specification approved by the city.

5.22 Storm Water Drainage Facilities

The storm water drainage facilities of a size and design that will adequately accommodate design volumes of flow and that will present no hazard to life or property and shall be installed in accordance with plans and specifications approved by the city.

5.23 Curbs and Gutters

Concrete curbs and gutters shall be installed in all subdivisions in accordance with plans and specifications approved by the city.

5.24 Sidewalks

Where the City requires construction of a sidewalk, it shall be in accordance with the design standards established by the City Planning and Zoning Commission.

5.25 Installation of Improvements

Before installation of improvements in any subdivision, the City Planning and Zoning Commission shall make a determination for improvements required, based on a schedule of improvements including the standards, and class of construction. The subdivider (applicant) shall be responsible for furnishing the necessary data required for such approval.

(i) Duly completed and executed surety bond in an amount sufficient to complete the work with surety satisfaction to the city.

(ii) Other arrangements satisfactory to the city to complete the work.

5.26 Dedication of land for Streets

Whenever a parcel of land is to be divided as a subdivision or as a land division, all streets and public ways shall be dedicated to the public upon approval of the plat of subdivision.

5.27 Dedication of Public Lands

1. Purpose

Because new residential development increases population and therefore demand upon public services, it is required that an original subdivision plat of residential property dedicate land for the purpose of providing public uses and facilities for the future residents of such subdivision.

2. Minimum Dedication

The subdivider (applicant) shall dedicate five (5) percent of the total surface area to be subdivided for public use for the development of parks, playgrounds, school sites or public facilities.

3. Character of Land Dedicated

Any land to be dedicated as a requirement of this section shall be reasonably suitable for public use and shall be at a location convenient to the people to be served. Land to be dedicated shall normally form a unified parcel, be shaped for sufficient public activities, shall have public access either through easements or by frontage on an improved street, shall have sufficient topography and geology to be used for the particular public use, and shall be of such character as to be safely used by the residents of the subdivision. Land that does not meet these criteria shall not be accepted for dedication.

4. Deed to Land Dedicated

Prior to the approval of the final plat by the City Council, the subdivider (applicant) shall tender a deed of the dedicated land to the public entity that is to receive the land. If the plat is not approved, the deed will be returned to the applicant. The transfer of the deed is only final upon the final approval of the plat.

5. Cash Payment in Lieu of Land Dedication

Where the proposed subdivision does not contain land consistent with the requirements of this section, or where the applicant can demonstrate a compelling reason why he/she should not comply with the requirements of this section, cash may be offered in lieu of the land required for public dedication. The cash shall be used for land for public parks or other public land uses such as schools and must be used for land in the vicinity of the proposed subdivision. The amount required shall be determined by the City Council and shall be consistent with the value of the land which would otherwise be offered for public dedication.

ARTICLE VI

LANDSCAPING AND SCREENING STANDARDS

6.1 Landscaping and Screening Regulations:

The landscaping and screening regulations provide additional guidance on the development of sites within Belfield by addressing landscaping and screening requirements. They are designed to improve the appearance of the community; buffer potentially incompatible land use from one another; and conserve the value of properties within the City of Belfield and its extraterritorial jurisdiction.

(1) Landscaping shall be required adjacent to each street property line and within street yards as established within these landscaping and screening regulations.

(2) All plant material installed in landscaped areas or buffer yards shall be consistent with the official list of plant materials provided through the office of the Code Administrator. All plant material shall conform in size, species and spacing with this section of the code.

(3) Use of Inorganic Landscaping Materials, Artificial trees, Shrubs, Plants or Turf shall not be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as Stone or Decorative Pavers, may be counted toward fulfilling these minimum requirements provided that such material does not comprise more than 35% of the required landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for sidewalks less than five (5) feet in width.

(4) Landscaping Materials and Installation Standards

a) Official List of Plant Materials: All plant material installed in landscaped areas or buffer-yards shall be consistent with the Official List of Plant Materials provided through the office of the Code Administrator. All plant material shall conform in size, species and spacing with this section of the Code.

b) Use of Inorganic Landscaping Materials: Artificial trees, shrubs, plants or turf shall not be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as tone or decorative pavers, may be counted toward fulfilling these minimum requirements provided that such material does not comprise more than 35% of the

required landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for walkways less than five (5) feet in width.

Table 1

Required Landscaped Depth

Zoning District	Depth of Landscaping Adjacent to Street Property Line
Agricultural	35 feet
R-1	15 feet
R-2	15 feet
R-3	15 feet
MH-Mobile Home	15 feet
Commercial	10 feet
Industrial	Section 6.1(5)1 a-f

(4) Buffer-yard Provisions:

These provisions apply to the regulations contained in Section 4.6,3.(a) herein and when use is established in a more intensive zoning district which is adjacent to a less intensive zoning district. The owner, developer, or operator of the use shall install and maintain a landscaped buffer yard on his/her lot or site as set forth in this section.

Each required buffer yard must be landscaped and free of paved areas, access ways, storage, or other disturbances.

(5) Screening Standards:

1. Screening is required between adjacent residential and industrial zoning districts when one or more of the following conditions is directly visible from the residential district.

    (a) The rear elevation of buildings.

    (b) Outdoor storage areas or storage tanks, unless otherwise screened.

    (c) Loading docks, refuse collection points, and other service areas.

    (d) Major machinery or areas housing a manufacturing process.

    (e) Major on-site traffic circulation areas or truck and/or trailer parking.

    (f) Sources of glare, noise, or other environmental effects.

2. Opaque Barrier: A six (6) foot opaque barrier shall be provided which visually screens the conditions listed in Section 6.1(5) from less intensive uses as follows:

    (a) A solid wood and/or masonry fence or wall at least six (6) feet in height.

    (b) A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six (6) feet within three (3) years of planting.

    (c) A landscaped earth berm with a maximum slope of three to one (3 to 1) rising no less than six (6) feet above the existing grade of the lot line separating zoning districts.

    (d) Any combination of these methods that achieve a cumulative height of six (6) feet.

3. Location of Screening Wall: A screening wall or fence shall be installed no closer to the less intensive zoning district then one-half the width of the required buffer yard.

4. Screening: Effect on Drainage

Screening shall not adversely affect surface water or snow drainages.

(6) Tree Planting:

In any landscaped area required by the Minimum Depth Requirements or the Buffer Yard Requirements, one tree of an approved species with a minimum caliper size of one (1) inches shall be planted and maintained for each five hundred (500) square feet of required landscaped area. Existing trees approved for preservation shall be counted towards satisfaction of this requirement.

(7) General Provisions:

(a) Time of application: The provisions contained herein shall be applied for each individual lot or site when an application for a building permit on such lot is made.

(b) Maintenance of Required Landscaping upon Installation of Required Landscaped Materials: Each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with the provisions of this article.

(c) Obstruction of View: Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway, approach, Street, alley or public sidewalk.

(d) Earth Berm Locations: All earth berm locations shall be reviewed by the city Council to determine how the berms shall relate to drainage, snow, and public utilities.

(e) Exceptions: A development may continue with the buffer yard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with buffer yard or screening provisions.

ARTICLE VII

SPECIAL PROVISIONS

7.1 Parking

(a) Off Street Parking Design Standards:

1. An off-street automobile parking space shall be at least nine (9) feet wide and twenty (20) feet long, exclusive of access drives.

2. Off-street parking areas: All primary commercial off street parking areas, residential parking stalls and all loading berths shall be concrete, or asphalt surfaces; and (b) graded to dispose of surface water run-off but not be diverted to adjoining properties. All secondary parking areas and storage of commercial and industrial equipment can consist of road gravel, crushed concrete, crushed asphalt, concrete or asphalt surfaces.

3. Paved off street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures greater then fifty percent (50%) for the new use or building expansion. This provision shall include a cumulative fifty (50%) increase in total building footprint or required parking stalls from and after January 1, 2019.

4. Each off street parking facility shall provide the number of parking spaces set forth in ANSI A-117 Standards designed and designated for use by people with disabilities. Design criteria and dimensions are set forth in the Off-Street Parking Design Standards and the requirements of the Americans with Disabilities Act. Parking facilities for single-family, duplex, two-family, and manufactured home residential uses are exempt from this requirement.

5. Van Accessible Stalls: one in every accessible spaces, but not less than one stall on each premises, shall be served by an access I'll with a minimum width of 96 inches and shall be designed as “Van accessible”.

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

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

8. Entrances and Exits: adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct non-residential traffic away from residential districts.

   a. In the downtown commercial district entrances from public to off street parking facilities, shall be located at least 60 feet from the intersections of the curb lines of the intersecting streets.

   b. In all other districts, the entrances from public streets to off street parking facilities shall be located at least 60 feet from the intersections of the curb lines of the intersecting streets.

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

Landscaped and Screening Requirements:

1.1 Each unenclosed parking facility shall provide a minimum landscaped buffer of 10 feet along any street property line.

1.2 Each parking facility that abuts a residential district shall provide a 10 foot landscaped buffer along its common property line with the residential district.

1.3 Any parking facility which abuts property in a residential district shall provide a fence, wall, landscaped screen, or earth berm not less than four (4) feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the site line of headlights into a residential property may satisfy this requirement, subject to the determination of the building official.

1.4 Each unenclosed parking facility of over 4,500 sq.ft. within a street yard shall provide interior landscaped area equal to no less than five (5%) of the total paved area of the parking facility. Parking facilities within the I District shall be exempt from this requirement.

7.2 Special Requirements

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

1. Business, professional or public office building, studio, bank , medical or dental clinic: three (3) parking spaces plus one additional space for each four hundred (400) square feet of floor space over one thousand (1,000) square feet.

2. Private club or lodge: one (1) space per four (4) person capacity in largest assembly space.

3. Restaurant, eating and drinking establishment: one parking space for each three (3) person seating capacity.

4. For industrial uses there shall be one off-street parking space for every one (1) employee, and one (1) space per 300 sq.ft of office or administration floor space.

5. Hospitals, one parking space per two (2) beds.

6. Public or Religious Assembly, one (1) space per four (4) person capacity in largest assembly space.

7. Secondary Education, one (1) space per employee of max. shift + one (1) space for each three (3) individuals in 11^{th} and 12^{th} grade.

8. Colleges and Universities, one (1) space for every four (4) students based on average enrollment.

9. Retail Sales and Services: one (1) space per 200 sq.ft. of floor area.

10. Medical Offices: three (3) spaces per staff doctor or dentist.

B. Special Provisions for Personal Vehicles, Recreational Vehicles and Boats:

Parking of personal vehicles on a single lots in a residential district is subject to specific conditions. Personal vehicles include: passenger cars; vans; pickup trucks; camper shells, toppers, and other similar apparatuses intended for attachment to a personal vehicle; trailers under 20 feet in length, and boats.

Trucks, tractor cab units, trailers, recreational vehicles, and vehicles having a (GVWR) gross vehicle weight rating and a (GCWR) gross combination weight rating of 26,000 or more pounds shall be defined as heavy commercial vehicles. Where permitted, parking and storage of recreational vehicles and boats is subject to the following conditions.

1. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.

2. Parking of personal vehicles is permitted on a paved driveway (outside) of an enclosed structure) within the front yard setback, but shall in no case encroach upon the public right-of-way.

3. Parking of personal vehicles within an interior side yard must be located on a hard surface.

4. Parking of personal vehicles may occur in the rear yard setback provided that such parking conforms to the provisions of the zoning ordinance and meets the following conditions:

   a. The parking space is provided on a paved or concrete surface.

5. Heavy commercial vehicles, including tractor cab units having a (GVWR) gross vehicle weight rating and a (GCWR) gross combination weight rating of 26,000 or more pounds, shall not be parked on any lot within the R1, R2, R3, and MH residential zoning districts. Recreational vehicles shall not be parked on any lot within the R1, R2, R3, and MH residential zoning districts, except as provided below.

   a. Recreational vehicles and boats must be maintained in a clean, well kept state.

   b. Recreational vehicles and boats may not be permanently connected to utility lines.

   c. Recreational vehicles and boats may not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle.

   d. Recreational vehicles which include campers, travel trailers, motorcoach homes, converted buses, and RV trucks that are occupied within the R, C, I, A and RC zoning districts shall be limited to no more than fourteen (14) days and shall not be connected to any public water or sewer system.

C. Storage and Parking of Unlicensed or Other Vehicles

The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed, or in good operable condition, is prohibited on any lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Belfield; provided that conformance with the following shall not constitute a violation of this section:

1. The storage of not more than two unlicensed and/or unregistered motor vehicle in a fully-enclosed garage. No unlicensed or unregistered motor vehicle shall be placed outside of an enclosed garage or stored on any portion of a residential lot.

2. The storage of operable off-highway farm or industrial vehicles on tracks zoned AG Agricultural or I Industrial uses, and used in agricultural or industrial activity conducted on the premises.

3. The storage of not more than one personal vehicle in good operable condition and shielded from view of the general public.

4. The storage, keeping or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, is prohibited on any lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Belfield, except in enclosed buildings or garages, within a permissive zoning district, or where otherwise permitted by this ordinance.

5. Parking, storage or keeping, other than in a fully enclosed garage of any non-operable motor vehicle is prohibited on any residential zoned lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Belfield; provided, however, that automobiles that are non- operable by reasons of repair work being done there on may be parked on the residential lot of the owner of said automobile within the Belfield Zoning jurisdiction under the following conditions:

(a) The automobile is owned by the occupier of the premises and registered to him/her at that address.

(b) The period of said repair work does not exceed 10 days in duration.

(c) Repair work is at all times conducted on a paved driveway.

(d) No more than one automobile in need of repair is situated on the premises at the same time.

D. Removal of vehicles

Before the City removes a vehicle suspected of being in violation of this section, by reason of it being in operable, the City shall give the owner of the premises upon which the offending vehicle is situated a seventy-two hour warning notice. Notice shall be given by tagging the motor vehicle and by regular mail, postage prepaid to the occupier of the premises on which the motor vehicle is situated. Any motor vehicle not removed from the premises within such seventy-two hour period shall be presumed to be inoperable and may thereafter be removed by the City. If he/she chooses, the owner may demonstrate operability of the vehicle by making special arrangements with the Belfield Police Department to demonstrate operability of the vehicle within said seventy-two hour notice. If operability of the vehicle is satisfactory demonstrated, the automobile may not be removed.

7.3 Collection of Solid Waste

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

7.4 Recycling Facilities

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

1. The facility does not abut residential and public uses.

2. The facility will be screened from the public right-of-way.

3. The facility shall not be placed in the floodplain.

4. The site shall be free of litter and other undesirable materials. Containers shall be clearly marked to identify the type of material that may be deposited.

5. There shall be pest control plan for review and approval.

7.5 Public Nuisances

The maintenance of public nuisances shall be subject to the provisions of the city ordinances.

7.6 Noise

Sustained noise in excess of that allowed by city ordinance is prohibited.

7.7 Home Occupations, Standards for Approval

1. Home occupation:

   (a) The occupation shall be limited to the dwelling and the area of the occupation shall not exceed twenty-five (25) percent of the main floor area, but not including basement or garage floor space.

   (b) Structural changes shall not be made in the swelling, unless a building permit is obtained.

   (c) Employees are limited to two (2) full-time or four (4) part-time besides owners without a special use permit.

   (d) No sign may be permitted larger than four (4) square feet.

   (e) Evidence of the occupation shall not be visible from the road.

   (f) The occupation shall not adversely affect the character of the uses permitted in the district in which it is locate.

   (g) Beauty and Barber Shops: Barber and beauty shops are allowed only with a special use permit as home occupations in the Ag, R-2 and R-3 zoning districts.

   (h) Welding, vehicle body repair, or rebuilding or dismantling of vehicles are not permitted as home-based businesses.

7.8 Adult Entertainment Centers

1. An adult entertainment center shall not be located within one thousand two hundred fifty (1,250) feet of any religious institution, cemetery, school, park, or recreation area. They shall be located in an Industrial Zoning District.

2. An adult entertainment center shall not be located within one thousand two hundred fifty (1,250) feet of any establishment that dispenses alcohol on-premises.

3. An adult entertainment center shall not be located within one thousand two hundred fifty (1,250) feet of any other adult entertainment center.

4. An adult entertainment center must prohibit entrance by persons less than eighteen (18) years of age.

5. An adult entertainment center may not display any signs visible from the exterior of the adult entertainment center, except for signs identifying it as an adult entertainment center, as an adult book store, adult entertainment facility, adult cinema, or combination thereof.

6. No material depicting specified sexual activities or specifies anatomical areas shall be visible from the exterior of an adult entertainment center.

7. The business premises of an adult entertainment center that are generally open to its patrons are open equally at the same time to members of any law enforcement agency who may wish to enter thereon provided the entry is in the course of the discharge of the law enforcement officer's duties.

7.9 Exceptions to Maximum Height Requirements:

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.

7.10 General Exception 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 of dimension which does not meet the lot size requirements of the district in which the property is located, the holdings maybe 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 Recorder at the time of the passage of this ordinance shall be the basis for application of this exception unless the owner submits proof that a different ownership existed at the time the provisions of this ordinance becomes applicable to the land concerned.

7.11 Uses by Temporary Permit:

1. The following uses require a temporary permit from the Land Use Administrator:

   (a) Bazaars, Carnivals, or Fairs

   (b) Musical Events

   (c) Racing Events

   (d) Rodeos

   (e) Public gatherings for a Single—Purpose Event

   (f) Temporary building or yard for construction materials and/or equipment incidental and necessary for current construction in the immediate surrounding area. Such structure shall be considered

affixed to the real estate and taxable as an improvement to the realty.

(g) Temporary office incidental and necessary for the construction, sale, or rental of the property in the immediate surrounding area. Such structure shall be considered affixed to the real estate and taxable as an improvement to the realty.

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.

7.12 Crew Camp Housing (Temporary Workforce Housing)

7.12.1 Definitions: As used in this ordinance:

(a) "Crew Housing facilities" means one or more lodging units or skid units, ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis, which are not real property, as defined in NDCC §57-02-04 and are not mobile homes as defined in NDCC §57-55-01.

(b) "Crew housing permit" means a right granted by the City Council to locate crew housing facilities on property within the jurisdiction of the city under this ordinance and to enjoy attendant services and facilities provided by the city.

(c) "Skid unit" means a structure or group of structures, either single or multi- sectional, which is not built on a permanent chassis and is ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis.

(d) Closed Crew Camp:
Employee housing occupied by employees of an applicant business or premises leased to a business for the purpose of providing temporary housing to only the employees of that business.

7.12.2 Conditional Use Permit

A Temporary Crew Camp Housing Permit authorizes a conditional use, the issuance of which is subject to the procedures contained within Section 3.7 of this ordinance. It is allowable as a conditional use in Industrial Districts but in no case within three miles of the jurisdictional boundary of any incorporated city within this county unless the Planning

and Zoning Commission receives written approval from a jurisdiction to the siting of a facility within that area.

7.12.3 Applicant Background Information:

The Applicant for a Temporary Crew Housing Permit shall provide the following information or documents:

(a) Consent to background investigation of the owner of the temporary crew housing facility.

(b) Consent to background investigation of the owner of the real estate upon which the temporary crew housing facility will be located.

(c) A list of vendors expected to provide services at or to the temporary crew housing facility.

(d) Applicant's history of residency, employment and business ownership for five (5) years prior to the date of application. If the applicant is a partnership, the required information and consents shall be furnished for all of the partners. If the applicant is a corporation or limited liability company, information shall be provided as to the applicant's status as a subsidiary, if any, of any other corporation or limited liability company, the purposes for which the applicant was organized, and the names and addresses of all officers, directors, managing agents and the names and addresses of all stockholders or interest holders owning more than five percent (5%) of the capital stock of such corporation.

(e) Whether the applicant has ever engaged in the business of owning or operating a temporary crew housing facility or similar operation before, and if so, the dates and locations of such ownership or operation.

(f) Whether during the five (5) years immediately preceding the date of the application, the applicant, or any of the applicant's officers, directors, managing agents or partners have been convicted of a violation of the laws of the United States of America or of any state or municipality; and if so, the dates, location and courts in which such convictions were obtained.

(g) Whether the applicant has any agreement, understanding or intention to have any agreement or understanding with any person or entity to obtain for another person or entity or to transfer to another person or

entity the license obtained or to use the license for any other purpose other than the specific use described in the application, and if so, the names and addresses of such persons and the conditions of such agreements.

7.12.4 Application Procedure:

An application for a Temporary Crew Housing Permit shall be signed by the applicant or authorized representative and shall include the following information:

1) A description of the units together with a numbering system.

2) A description of how the proposed units are set and/or anchored.

3) A statement that roads to be constructed within the facility will meet county specifications and if the facility is within three miles of a city, the city's road specifications, if any.

4) The name and address and contact information of the applicant.

5) The name and address and contact information of the on-site manager.

6) A copy of lease (if applicable).

7) An occupancy list to be maintained and provided to the county 911 emergency coordinator on a weekly basis, including a unit numbering system where appropriate.

8) Plat plans drawn to scale showing housing units, additional structures, setbacks, utilities, drainage, ingress and egress, screens, buffers, and fencing.

9) Unit spacing adequate to accommodate emergency services

10) List of house rules and regulations

11) On-site security plan.

12) Fire and emergency evacuation plan.

13) Copy of permit issued by the North Dakota State Health Department and Southwest Health Department including fresh water, refuse disposal plan, and septic or sewer discharge plan.

14) Pay an annual Planning and Zoning Fee in an amount to be determined by the City Council.

15) A copy of the closure plan.

16) Submit a surety bond for clean-up purposes, the amount of which is to be determined by the City Council based upon the recommendations city's designated engineering firm. The amount of the bond shall include a sum sufficient to clean the premises upon abandonment together with an escalator clause to cover anticipated increases in costs for such purpose. The bond posted must continue in effect for two years after the facility is abandoned.

17) Off-street parking shall be provided on a one-to-one ratio, one parking space per bed.

18) Any additional information deemed necessary by the Code Administrator, the Zoning Commission, or the City Council.

7.12.5 Restrictions on Granting of Permit:

The Belfield City Council or the Belfield Planning and Zoning Commission may at its discretion deny an application for a Temporary Crew Housing Permit if the applicant is of questionable character or for any other cause which would, in the opinion of the City Council or the Planning and Zoning Commission, render the applicant or the premises to be licensed, improper or unfit for a temporary crew housing facility, or which would, in the judgment of the City Council or the Planning and Zoning Commission, make the granting of the permit contrary to the best interests of the city or its citizens.

7.12.6 Prohibited Housing Types

Recreational vehicles, campers, and mobile homes are prohibited as units in a crew housing facility.

7.12.7 Prohibited Activities

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

7.12.8 Termination of Crew Housing Permit

The City Council may review the status of any permit issued pursuant to this ordinance and take appropriate action to suspend or revoke the same, as provided herein.

A. Suspension or Revocation for Cause.
Any permit issued pursuant to this ordinance may be revoked or suspended for cause by the City Council, which cause may include, among other ground, the following:

(1) The applicant being adjudged bankrupt.

(2) Applicant's falsifying of any statement or statements in the application process described herein.

(3) Applicant's conviction, or the conviction of an applicant's officers, directors or agents, of any felony crime under the laws of the United States of America or any state or municipality.

(4) The applicant's violation of any health or sanitary regulations of the City of Belfield or the State of North Dakota.

(5) The applicant's conduct of business in a disorderly manner or in a manner deemed to be dangerous or detrimental to the public welfare, safety or morals.

(6) The applicant's, or any agent or employee of the applicant, violation of any term or condition of the permit or any provision of this ordinance.

B. Notice - Public Hearing

Sanctions or penalties under this ordinance may not be invoked without a public hearing if requested by the applicant. The City Auditor shall give written notification to the applicant that a penalty is being sought under this ordinance. The applicant may notify the City Auditor's office within ten (10) days of such written notification and request a hearing on the proposed penalty. Failure to request the hearing within ten (10) days of the date of such written notification will be deemed to be acceptance of the penalty without hearing.

If a hearing is requested on the suspension or revocation of a permit, a hearing shall be scheduled by the City Council with a notice specifying the time and place of hearing mailed to the applicant. The hearing shall be recorded electronically.

If, after such hearing, the majority of the City Council agrees that sufficient cause exists for the penalty sanctions, the Council shall enter an order in accordance with the provisions of this ordinance. The Council shall issue written findings, conclusion and order which will be mailed to the applicant.

C. No refunds on Revocation or Suspension

When any permit is revoked or suspended for any reason, no portion of the permit fee shall be returned to the applicant.

7.12.9 Expansion of Temporary Crew Housing:

In the event an application is to expand an existing Temporary Crew Housing Facility Permit, the expansion shall be treated as a new application, and all conditions, terms and fees shall apply to the new application without consideration for the existing temporary crew housing facility.

7.12.10 Renewal of Conditional Use Permit

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

specified in the original permit and that the applicant is in compliance with the terms and conditions specified in the original permit.

7.12.11 Conditions – Reporting Requirements:

The City Council or the Planning and Zoning Commission may attach any necessary and prudent conditions or reporting requirements to the grant of the conditional use permit.

ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this ordinance is hereby vested in the City Council, City Zoning Commission, the Board of Adjustment and the Land Use Administrator.

8.1 City Council

1. Duties

   (a) The City Council shall review and take action on all amendments to these regulations after a public hearing held by the City Planning and Zoning Commission.

   (b) The City Council shall investigate all violations from the provisions of these regulations and take action.

   (c) The City Council shall approve conditional use permits.

   (d) The City Council shall hold all hearings as required herein and as required by statute.

   (e) Hear appeals from the decisions of the Planning and Zoning Commission and/or Code Administrator.

8.2 Belfield Planning and Zoning Commission

1. Membership

   (a) The Commission shall consist of five (5) members appointed by the City Council in accordance with Chapter 40-47 of the NDCC.

2. Duties

   (a) The Commission shall hold public hearings on all applications for amending this ordinance.

(b) The Commission shall report and make recommendations to the City Council on all zoning variances, amendments, and land subdivisions for approval, denial or modification of applications.

(c) The Commission may investigate violations and report to the City Council for appropriate action.

(d) Act in the capacity of the Board of Adjustment subject to the provisions of Section 8.3.

8.3 Board of Adjustment

1. Establishment. A Board of Adjustment is hereby established to provide relief in situations of hardship or to hear appeals as provided in this section. The Board shall consist of five members appointed by the City Council.

2. Duties.

(a) Hear appeals of any person, firm, or organization aggrieved by the decision of or ruling of the Land Use Administrator or City Planning and Zoning Commission.

(i) The Board shall fix a reasonable time for the hearing of an appeal and shall decide the appeal within thirty (30) days of the date of a public hearing.

(ii) Notice of the scheduled hearing must be published in the official newspaper at least one week prior to the hearing date. The notice of hearing shall include: 1) the time and place of hearing; 2) description of the property by street address for platted lands and clearly identifiable location for unplatted lands; 3) the proposed use and requested zoning district change; and 4) time and place for public inspection of the documents before the hearing.

(b) Hear requests for variances from the strict application of this ordinance.

3. Requirements for granting a variance:

(a) Strict application of the ordinance will produce an undue hardship.

(b) The hardship is unique to the property affected and not generally shared by other properties within the same zoning district.

(c) The purpose of the variance is based upon a demonstrable and exceptional hardship and not for convenience or economic gain.

(d) The granting of the variance will not cause substantial detriment to the public welfare nor substantially impair the intent and purpose of this ordinance.

4. Conditions for granting of variance:

(a) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permitted under the terms of this ordinance.

(b) No non-conforming use of neighboring lands, structures, or buildings in the same district or other districts shall be considered grounds for the issuance of a variance.

(c) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 8.7.

5. Data Submission Requirements. Applications for variances shall be submitted with the following data:

(a) Legal description of the property.

(b) A map showing the existing land uses and zoning district classification of the area.

(c) The reason for the variance request.

(d) The type of variance requested and an explanation of whether the hardship is unique to the applicant’s property.

(e) Any other information that the City Zoning Commission deems necessary.

(f) A fee, the amount of which shall be determined by the City Council, plus additional costs incurred by the City in processing the applications, may be charged to offset administrative costs.

6. Appeal from Board of Adjustment Determination

(a) A decision of the Board of Adjustment may be appealed to the City Council. The appeal must be filed with the City Auditor within fifteen (15) days of the notice of the decision of the Board of Adjustment. The City Council shall set a time and place for hearing the appeal within thirty (30) days of receipt of an appeal giving due notice of the hearing to the parties involved.

(b) A decision of the City Council on an appeal from a decision of the Board of Adjustment may be appealed to the District Court in the manner provided in Section 28-34-01, NDCC.

8.4 Code Administrator

1. Appointment

(a) The Code Administrator shall be appointed by the City Council.

2. Duties

(a) Receive and file all applications for plats of subdivisions, amendments to this ordinance, maintaining the Zoning District Map, and development of permits.

(b) Make inspections and maintain records.

(c) Issues Certificates of Compliance and Development Permits.

(d) Report all complaints to the City Planning and Zoning Commission.

(e) Report all zoning violations to the City Planning and Zoning Commission and the City Council for appropriate action.

(f) In the area of special flood hazard:

(i) Permit Review

- Review all development permits to determine that all necessary permits have been obtained from those

Federal, State or local governmental agencies from which prior approval is required.

- Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this ordinance, "adversely affect" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

(ii) Use of Other Base Flood Data

When base flood elevation data has not been provided, the Code Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source.

(g) Prepare and publish notices and notify adjoining property owners.

(h) Notify, in writing, the property owner or uses upon finding a violation of this ordinance and cite the nature of the violation clearly, require compliance and provide a report of the findings to the City Council.

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

3. Information to be Obtained and Maintained.

(a) Obtain and record the actual elevation (in relation to the mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(b) For all new or substantially improved flood proofed structures:

(i) Verify and record the actual elevation (in relation to mean sea level), and

(ii) Maintain the flood proofing certifications.

(c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

8.5 Development Permit

1. It shall be unlawful for any person to commence any development without obtaining a development permit, except buildings and activities directly used in connection with farming operations.

2. Any permit issued pursuant to these provisions shall expire one year from the date of issuance.

3. Fees: The City Auditor shall charge and collect a fee as follows;

   The City Auditor shall charge and collect a fee according to the resolution of fees and schedules established by the city. The applicant for a conditional use permit and amendment to the zoning ordinance, or building permit, shall be liable for and pay to the City Auditor sufficient sums of money to pay for and cover costs incurred by the City for the processing of such application, including, but not limited to: publication costs, attorney's fees, mileage, copy expense, etc. No permit shall be issued until such costs have been paid by the applicant, unless the City Council has otherwise provided by resolution for a particular case.

8.6 Certificate of Occupancy

No building or structure shall be occupied until a Certificate of Occupancy shall have been issued by the Land Use Administrator for determining the conformity with the specifications for which the development permit has been issued.

8.7 Violations and Penalties

1. Violation of this ordinance is an offense punishable by law as provided by Chapters 40-47 and 40-48 of the NDCC. All complaints for violation shall be filed with the Land Use Administrator who shall investigate such violation and report to the City Planning and Zoning Commission and the City Council.

   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 these ordinances, the proper county authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceeding:

(a) To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;

(b) To restrain, correct, or abate such violations;

(c) To prevent the occupancy of the building, structure, or land; or

(d) To prevent any illegal act to conduct business or use in or about such premises.

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

8.8 Building Code

The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, uses, height, area and maintenance of buildings or structures in the City of Belfield shall conform to the provisions of the rules and regulations of the State adopted building code(s) and any future updates and amendments to that code, the latest version of the International Property Maintenance Code adopted by the City Of Belfield and any amendments there-of, copies of which are on file with the City Auditor and are hereby made part of this chapter by reference with the exception of any sections hereinafter set forth affecting local conditions in the City of Belfield, which are amended, for use and application in the City of Belfield, North Dakota.

Adopted this 9 day of April, 2019.

City of Belfield

By: _____
Mayor, Ken Solberg

By: Connie O'Brien
City Auditor