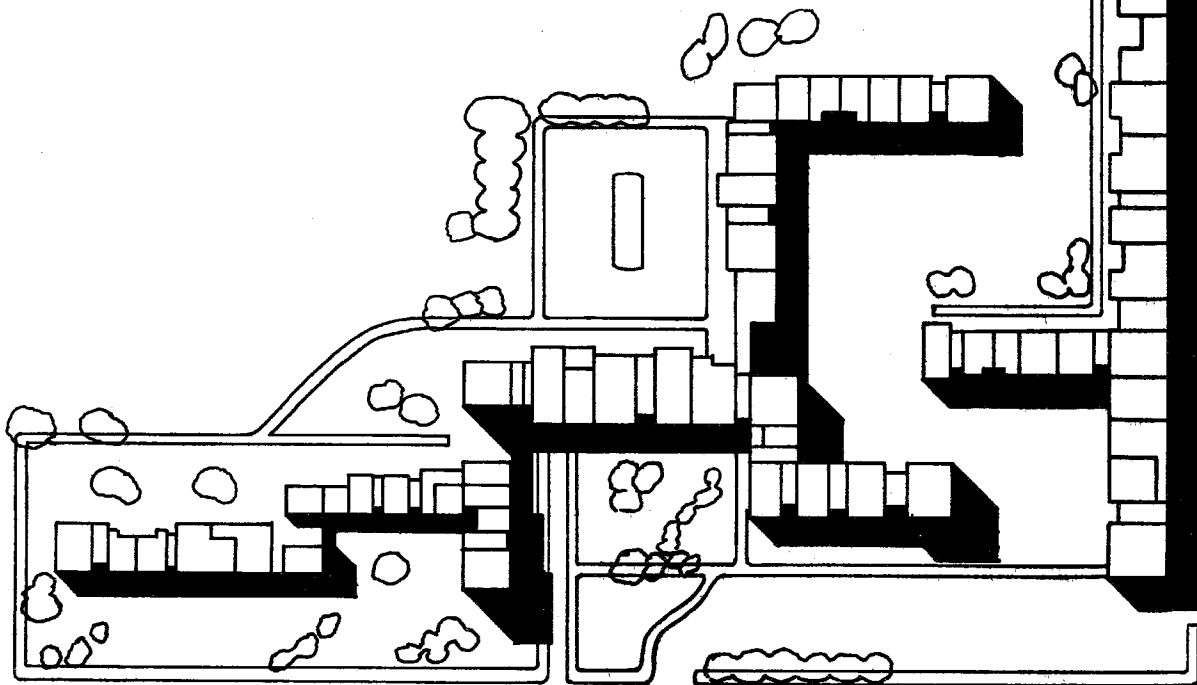


COMPREHENSIVE PLAN

REPORT NUMBER 4 IMPLEMENTATION



MORTON COUNTY

NORTH DAKOTA

IMPLEMENTATION

ZONING ORDINANCE AND SUBDIVISION REGULATIONS

Presented To The Morton County Planning Commission

April, 1970

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The preparation of this report was financed in part through an Urban Planning Grant from the Department of Housing and Urban Development, under provisions of Section 701 of the Housing Act of 1954, as amended.

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INTRODUCTION

Many planning problems facing Morton County and its municipalities stem from unplanned and unregulated growth. Despite an inherent dislike for regulatory controls, past experience has left little doubt that future development cannot be left to chance. Guide lines must be established in the form of land use controls to provide for the orderly, safe and convenient future growth expected to occur in the coming years.

There are several legal tools that the County and the communities can use to accomplish its housekeeping responsibilities. Enabling legislation authorizes governmental agencies to enact regulatory measures designed to promote the health, safety, and general welfare of their citizens. This report is confined to two basic land use controls most directly related to future development--zoning and subdivision regulations.

The Morton County area is a reasonably homogeneous and cohesive group of communities, sharing a common economic and geographic destiny. It should be apparent that the planning programs and land use controls (or lack of them) in any municipality have a measurable and direct influence upon the welfare of its neighbors and the County as a whole. Poorly drafted and improperly administered controls are among the hazards that municipalities are prey to when they embark upon a program of regulating land use.

The zoning and subdivision standards included herein are designed for general use. It would be impractical to write separate ordinances for each of the communities in addition to the County. However, unique differences among the communities and local circumstances may require certain modifications. To avoid some rather obvious conflicts that could develop, it is hoped that a high level of uniformity prevails in the application and administration of these land use controls.

The importance of proper administration of these land use controls cannot be over emphasized. The effectiveness of zoning and subdivision controls to accomplish the objectives for which they are enacted is largely dependent upon the manner in which they are enforced. Improper administration could very conceivably be more harmful to the community's development than the absence of these controls. It is essential that equitable procedures be established and that the responsibilities of the administrative personnel be clearly spelled out.

Both zoning and subdivision controls can be applied only to future development. Since they are not retroactive, they cannot require compliance by uses existing at the time the ordinance is adopted. Thus, contrary to popular belief, they have only a limited long-range value in remedying present problems.

To avoid conflicts with neighboring municipalities, it is essential that a high degree of intermunicipal cooperation and coordination occur early in the planning stage. Conflicting land uses at municipal boundaries are just as serious as those confined within the corporate limits. Streets cannot come to an abrupt end at jurisdictional lines--storm drainage and air pollution--they do not recognize such arbitrary boundaries. The need for consultation and communication between and among neighboring municipalities as they develop and administer local land use controls is so self evident that it seems almost foolish to suggest. Yet, past experience has indicated that lack of such cooperation and communication has resulted in some very real problems.

Although the standards included in this report are presented in ordinance (or resolution) format, the municipality is cautioned to seek the advice of the city attorney at the very outset. These standards, as was mentioned, cannot be adopted carte blanche, but must be adapted to each particular community or to the County. This process of adaptation is a task for a person trained in law.

C U R R E N T Z O N I N G

Morton County currently has both zoning and subdivision regulations. The zoning ordinance divides the County (but not municipalities) into eight zones or districts. They are:

1. A--Agricultural District,
2. R--Residential District,
3. RM--Residential District,
4. B--Recreational District,
5. CA--Limited Commercial District,
6. CB--Major Commercial District,
7. IA--Industrial District, and
8. F--Flood Plain District.

Although the ordinance is adequate for rural areas, it needs to be expanded for use by municipalities. Listed below are the aspects that may need strengthening:

1. The various district regulations contain no explanation or statement of intent. Thus, the "A" Agriculture District should have as its intent: "To provide suitable areas for agricultural purposes, conservation or open spaces and low density residential use."

2. The minimum area in the "RM" Residential District is the same as the "R" District; yet there seems to be no difference in intent of these two districts as far as use is concerned. The usual practice is to have one residential district with larger lot sizes for those who wish to keep riding horses or have other livestock, or those who wish larger lots, or where sanitary sewer service is not feasible.
3. The "B" Recreational District seems too general to be of much value. For example, the area regulations are the same as the "R" District when they should actually be different--particularly the intensity of use. It would be better to further define the intent of this district and establish regulations and criteria that would be useful in fulfilling this intent. The district should actually be broadened to include conservation as well as recreation, since this is important in some areas, particularly the land bordering water.
4. The "CA" Limited Commercial District is actually a neighborhood business area designed to serve the surrounding residential area with convenience goods. However, all retail businesses are allowed by implication. Thus, it serves no particular purpose. Better to limit this District to small grocery stores, restaurants, small shops, service stations and banks; also, to establish some meaningful development criteria.
5. The "CB" District is also too inclusive. This apparently is intended to be a "Highway Service" District. If so, the permitted uses should be more in line with these uses. General retail uses should be excluded as should the personal services which are better located in a downtown area or neighborhood business.
6. The Industrial District should rely on performance standards (criteria for amount of noise, dust, fumes and glare). Area and intensity of use regulations should also be included.

In general, the uses in a district should be stated in an exclusive manner; i.e., "All uses are permitted except the following." This eliminates the need for long lists of permitted uses which never can be all-inclusive.

7. Article 14 "Special Use" should be changed to "Conditional Use" and then specify how the Commission may impose "Conditions" on certain uses.
8. The provisions for granting a variance should be more completely described. Also, a charge for variances is not unreasonable.

The basic objective of zoning is the attainment of proper land use arrangement in the community or county. It accomplishes this end by reserving certain areas or districts of the community for designated purposes. Normally, the community is divided into residential, industrial and business districts. An agricultural or conservation district is usually established for rural areas. These three or four broad classifications are sometimes inadequate to properly separate incompatible land uses; therefore, further refinement is generally provided. For example, light industry may be distinguished from heavy industry and residential districts may be differentiated according to the density of dwelling units permitted.

The type and number of zoning districts will differ markedly from one municipality to another depending upon its present character and aspirations and objectives for future growth. The more highly urbanized a municipality is, or may become, the more likely will be the need for sophisticated and detailed standards, accompanied by a larger number of zoning districts. Thus, zoning can be adapted to either a complex or simple situation to provide intelligent direction for the future growth of any community--rural as well as urban.

It is not possible, nor even preferable, that all municipalities in Morton County include all types of zoning districts suggested by the following standards. Needs, demand, problems and opportunities of land development are highly individualized according to location. Therefore, each municipality should study its own needs and modify these zoning standards with the assistance of the city attorney to insure proper legal form and that the procedures for enactment have followed the prescriptions of law.

ZONING ORDINANCE

AN ORDINANCE DIVIDING THE MUNICIPALITY INTO VARIOUS ZONING DISTRICTS AND REGULATING THE CONSTRUCTION, ALTERATION AND USE OF BUILDINGS OR LAND WITHIN EACH SUCH DISTRICT.

BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF (MUNICIPALITY), MORTON COUNTY, NORTH DAKOTA:

ARTICLE 1. GENERAL PROVISIONS

101 TITLE

The official title of this Ordinance is "(Municipality) Zoning Ordinance."

102 EFFECTIVE DATE

This ordinance shall take effect _____, 19____.

103 COMPLIANCE

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be used or be designed to be used except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

104 SEVERABILITY

If any provision of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

105 CONFLICT

Whenever there is a difference between minimum standard or dimensions or provisions specified herein and those contained in other regulations, resolutions or ordinances of (municipality), the highest standards shall govern.

106 DEFINITIONS

Certain words or terms that appear in this Ordinance are defined in Article 7.

ARTICLE 2. DISTRICT REGULATIONS

201 ZONING MAP

A map entitled "(Municipality) Zoning Map" is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file available for examination at the office of the municipal Zoning Officer or the office of the secretary of the governing body of the municipality.

202 ZONING DISTRICTS

The municipality is divided into the districts stated in this Ordinance as shown by the district boundaries on the Zoning Map.

203 DISTRICT BOUNDARIES

The boundaries between districts are centerlines of streets, alleys, railroad rights-of-way, streams or such lines extended, or lines parallel thereto or concentric therewith, or property lines when proximate thereto, or may be lines otherwise indicated on the Zoning Map. When the Zoning Officer cannot definitely determine the location of a district boundary, he shall deny the application and the Board of Adjustment, upon appeal, shall interpret the location of the district boundary.

204 DISTRICT REGULATIONS

Lot and yard dimensions, permitted uses, conditional uses and maximum height of structures are specified for each district in Exhibit "A" Zoning Schedule. Any use not expressly listed for a district is prohibited in that district. Conditional uses require approval of the Board of Adjustment, whereas permitted uses require only normal application procedures. Uses which are normally accessory to the declared permitted uses are also permitted.

A R T I C L E 3. S U P P L E M E N T A R Y R E G U -
L A T I O N S

301 NONCONFORMING USES

The following provisions shall apply to all nonconforming uses and structures:

- 301.1 Any nonconforming use may be continued but may not be extended or expanded or changed unless to a conforming use, except as permitted by the Board in accordance with the provisions of this Ordinance.
- 301.2 Any nonconforming structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is performed within twelve (12) months of such casualty, and if the restored structure covers no greater area and contains no greater cubic content than before such casualty. If damaged to the extent that the existing structure is a total loss, then any new structure and its use shall conform to all requirements of this Ordinance.
- 301.3 In the event that any nonconforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one year, such nonconforming use shall not be resumed, and any future use shall be in conformity with the provisions of this Ordinance.
- 301.4 The nonconforming use of a building may be extended throughout those parts hereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A nonconforming building or structure may, with the approval of the Planning Commission or City Council, be extended or enlarged a maximum of 25 percent of the gross floor area of the existing structure but must meet minimum yard requirements of the district in which the structure is located.
- 301.5 If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.
- 301.6 Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approval and required permits have been granted, or where no approvals or permits are necessary, where construction has been legally started before the

enactment of this Ordinance, and completed within a one-year period.

- 301.7 Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
- 301.8 Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- 301.9 Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, this article shall also apply to any uses which thereby become nonconforming.

302 EXISTING LOTS OF RECORD

Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its dimensions are less than the minimum requirements of this Ordinance, except as set forth hereafter. Where two or more adjacent lots of record with less than the required area and width are held by one owner on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Planning Commission which may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance.

303 APPLICATION OF YARD REQUIREMENTS

- 303.1 Lots which abut on more than one street shall provide the required front yards along every street.
- 303.2 All structures, whether attached to the principal structure or not, and whether open or enclosed, include porches, carports, balconies or platforms above normal front, side or rear yard.
- 303.3 A wall or fence under six feet in height, or higher if a retaining wall, and paved terraces without walls, roofs or other enclosure, may be erected within the limits of any yard.
- 303.4 Nonresidential buildings hereafter constructed or uses hereafter established shall not be located or conducted closer to any lot line in any of the residential districts than the distance specified in the following schedule:

<u>Use</u>	<u>Minimum Side Or Rear Yard</u>
Off-street parking spaces and access drives for nonresidential uses	20 feet
All other nonresidential uses or structures	40 feet

304 TEMPORARY STRUCTURES

Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six-month period. Residing in basement or foundation structures before completion of the total structure shall not be permitted.

305 HEIGHT LIMITATION

When the following conditions are met, height limits may be increased:

- 305.1 Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side and rear yard depths are increased one foot for each additional foot of height.
- 305.2 The following structures are exempt from height regulations provided they do not constitute a hazard to an established airport, television and radio towers, church spires, belfries, cooling towers, elevator bulkheads, smoke stacks, conveyors, flagpoles and silos.

306 PERFORMANCE STANDARDS

No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons in the township. Furthermore, every use of land or structure in any district must observe the following performance requirements:

- 306.1 Fire Protection: Fire protection and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
- 306.2 Electrical Disturbance: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the neighboring area.

- 306.3 Noise: Noise which is determined to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes, which shall be exempt from this requirement.
- 306.4 Smoke: The maximum amount of smoke emission permissible shall be determined by use of the Standard Ringleman Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than No. 2 will be allowed.
- 306.5 Odors: In any district except the Industrial District, no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property. This shall not apply to any form of fertilizer in districts where agriculture is a permitted use.
- 306.6 Air Pollution: No pollution of air by fly-ash, dust, vapors or other substance shall be permitted which is harmful to the health, or to animals, vegetation or other property.
- 306.7 Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or through thoroughfares shall not be permitted.
- 306.8 Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
- 306.9 Water Pollution: The method for discharging wastes to public sewers, drains or watercourses shall be acceptable to the State Sanitary Water Board.

In cases involving performance standards the Board may require a plan of the proposed construction or development, a description of machinery proposed, and specifications for the mechanisms and techniques to be used; and the Board may obtain qualified expert consultants to testify as to whether a proposed use will conform to the performance requirements. The cost of such services shall be borne by the applicant.

307 OFF-STREET LOADING AND PARKING

Off-street loading and parking spaces shall be provided in accordance with the specifications in this section in all districts whenever any new use is established or an existing use is enlarged.

307.1 Off-Street Loading: Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths in accordance with the table below:

OFF-STREET LOADING SPACE REQUIREMENTS

Uses	Square Feet of Floor Area	Required Off-Street Loading Berths
Schools	15,000 or more	1
Hospitals (In addition to space for ambulance)	10,000 - 300,000 For each additional 300,000 or major fraction thereof	1 1 additional
Undertakers and Funeral Parlors	5,000 For each additional 5,000 or major fraction thereof	1 1 additional
Hotels and Offices	10,000 or more	1
Commercial, Wholesale, Manufacturing and Storage	10,000 - 25,000 25,000 - 40,000 40,000 - 60,000 60,000 - 100,000 For each additional 50,000 or major fraction thereof	1 2 3 4 1 additional

Each loading space shall not be less than ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height.

307.2 Off-Street Parking:

A. Size and Access: Each off-street parking space shall have an area of not less than 180 square feet exclusive and access drives or aisles, and be in usable shape and condition. Except in the case of dwellings, no parking area shall contain less than three spaces. There shall be adequate ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drives shall not be less than ten (10) feet wide. Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

- B. Number of Parking Spaces Required: The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply.

OFF-STREET PARKING SPACE REQUIREMENTS

<u>Uses</u>	<u>Required Parking Spaces</u>
Automobile Laundry	5 for each wash lane
Automobile Sales and Service Garages	1 for each 400 square feet of floor area
Banks or Professional Offices	1 for each 300 square feet of floor area
Churches and Schools	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater
Bowling Alleys	5 for each alley
Community Buildings and Social Halls	1 for each 100 square feet of floor area
Driving Ranges and Miniature Golf	1 for each tee
Dwellings	2 for each family or dwelling unit including space in garage
Food Supermarkets	1 for each 100 square feet of floor area
Funeral Homes, Mortuaries	5 for each parlor
Furniture or Appliance Stores	1 for each 200 square feet of floor area
Hospitals, Nursing or Convalescing Homes	1 for each 2 beds
Hotels and Motels	1 for each living or sleeping unit
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants	1 for each 500 square feet of floor area

Medical or Dental Offices	5 for each doctor or dentist
Restaurants, Taverns and Night Clubs	1 for each 2.5 seats
Retail Stores and Shops	1 for each 100 square feet of floor area
Rooming Houses and Dormitories	1 for each 2 bedrooms
Service Stations	2 for each pump
Sports Arenas, Auditoriums, Theaters, Assembly Halls	1 for each 3.5 seats
Trailer or Monument Sales, Auctions	1 for each 2,500 square feet of lot area
Wholesale Establishments or Warehouses	1 for each 2 employees on maximum shift. The total parking area shall not be less than 25 percent of the building floor area.

- C. Location of Parking Areas: Required parking spaces shall be located on the same lot with the principal use. The Board of Adjustment may permit parking spaces to be located not more than 400 feet distant from the lot of the principal use if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.
- D. Screening and Landscaping: Off-street parking areas for more than five vehicles, and off-street loading areas, shall be effectively screened on each side which adjoins or faces any residential district.
- E. Minimum Distances and Setbacks: No off-street loading or parking area for more than five vehicles shall be closer than ten (10) feet to any adjoining property containing a dwelling, school, hospital or similar institution.
- F. Surfacing: With the exception of dwellings and drive-in theaters, all parking areas shall have a paved or oiled surface, graded and drained to dispose of all surface water and designed to provide for orderly and safe loading and parking.

- G. Lighting: Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from adjoining premises of any residential district.

308 MOBILE HOMES

Individual mobile homes may be permitted by the Board as a conditional use in certain districts specified by the Zoning Schedule, if they conform with lot and yard dimensions for single-family dwellings. Occupied travel trailers, as defined by this Ordinance, shall meet all the requirements specified for mobile homes.

309 TRAILER (MOBILE HOME) PARKS

Trailer (mobile home) parks shall meet the following requirements:

- 309.1 No trailer park shall have an area of less than five (5) acres.
- 309.2 Each trailer site within the park shall have an area of at least 3,000 square feet.
- 309.3 No trailer shall be closer than 40 feet to an adjacent property. (See Section 303.4)
- 309.4 Not less than ten percent (10%) of the gross area of the park must be improved for recreational activities of the residents of the park.
- 309.5 The park shall be appropriately landscaped and screened from adjacent properties.

310 PLANNED RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT

The Planning Commission may permit departures from the zoning regulations for any planned residential, commercial and industrial development in the manner herein provided for conditional uses, if the planned project meets the following requirements:

- 310.1 The area of land to be developed is not less than five (5) acres.
- 310.2 Adjacent properties will not be adversely affected.
- 310.3 The average density of dwelling units is not greater than the density requirements in the district in which the plan is located. The use of the land shall not differ substantially from the

uses permitted in the district, except that limited commercial facilities intended to serve only the planned project area and fully integrated into the design of the project may be allowed.

- 310.4 The plan shall be consistent with the intent and purpose of this Ordinance.
- 310.5 A complete plan for the area is submitted for review by the Municipal Planning Commission and the Municipal Governing Body to determine if the proposed project is consistent with the Municipal Comprehensive Plan.
- 310.6 A minimum of one (1) acre per one hundred (100) dwelling units shall be reserved for recreational use, with no such recreational area to be less than one (1) acre.

311 WATER RECREATION AND STORAGE AREAS

Any facility for water recreation, such as private swimming pools, swimming clubs and commercial fishing ponds, or any other water storage facility such as reservoirs, fish hatcheries, sewage lagoons and farm ponds shall comply with the following regulations:

- 311.1 The facility must meet the yard requirements for the applicable district.
- 311.2 The facility must be enclosed by a fence six (6) or more feet high, or most otherwise prevent uncontrolled access by small children.
- 311.3 Before a permit shall be issued to the operator or owner of the facility, a plan shall be approved by the Board of Adjustment as to size of facility, proposed use, parking arrangement and the use of buildings on site, surrounding properties and their usage, and any other pertinent information.

312 SIGNS

No sign shall be permitted except as herein provided:

- 312.1 In any district all signs shall comply with the following general requirements:
 - A. They shall not be illuminated in any manner which will cause undue distraction, confusion or hazard to vehicular traffic.
 - B. They shall not project over public rights-of-way.

312.2 No sign shall be permitted in residential districts except as herein provided:

- A. One sign not exceeding thirty (30) inches square in area will be permitted to announce the name and professional activity of the occupant of the premises on which said sign is located.
- B. One bulletin board not exceeding forty (40) square feet in area will be permitted in connection with any church, school or similar public structure.
- C. One temporary real estate or construction sign not exceeding eight (8) square feet in area will be permitted on the property being sold, leased or developed. Such sign shall be removed promptly when it has fulfilled its function.

312.3 In business and industrial districts, no sign shall be permitted except as herein provided:

- A. One sign in connection with any legal commercial or industrial use or structure will be permitted on the premises of the business, provided such sign contains no information beyond the name, symbol and nature of the business, providing that if said commercial use or structure faces more than one road, one sign shall be allowed on each road frontage.
- B. They shall contain no information or advertising for any product or service not sold or processed on the premises.
- C. They shall have an aggregate area not greater than one and one-half square feet for each foot of width of the principal building on the premises.

312.4 In conservation districts no sign shall be permitted except as herein provided:

- A. They shall not exceed 300 square feet in area nor 25 feet in length, nor 12 feet in height. Total height of sign from ground level shall not exceed 18 feet.
- B. They shall be located not closer than 250 feet to a road intersection.
- C. They shall not be located to interfere with highway horizontal sight distances, nor shall they be located at curves.

- D. They shall not be permitted closer than 1,000 feet to another sign on the same side of the road, and not closer than 500 linear road feet to another sign on the opposite side of the road.
- E. They shall not be permitted closer than 100 feet to any residential use, school, church, park, playground or cemetery.

313 AGRICULTURE

Agriculture uses shall comply with the following, except in the Conservation Districts where only Section 313.3 shall apply:

- 313.1 No farm building other than a dwelling may be erected within 300 feet of a neighboring residential building.
- 313.2 Intensively used facilities for animal raising and care, including but not limited to such facilities as feed lots, runs and pens, shall not be constructed within 500 feet of a neighboring residential building.
- 313.3 Roadside stands for the sale of agricultural products shall be permitted providing:
 - A. They are erected at least fifty (50) feet back from the nearest edge of the roadway surface.
 - B. Parking spaces are provided off the road right-of-way.
 - C. They shall be used exclusively for the sale of agricultural products grown locally.

314 FLOOD PLAINS

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for the following uses:

- 314.1 Agriculture, provided no buildings are located within the area subject to flooding.
- 314.2 Recreational uses, provided no buildings are located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service or North Dakota Water Resources Commission or authority.

315 MINERAL EXCAVATIONS

Excavation of sand, gravel, coal, oil, gas or other material from the ground shall be considered a temporary use and may be permitted in all districts as a conditional use if approved by the Board. All mineral excavations shall comply with the following minimum requirements and any other measures that the Commission might specify to protect the public interest. A zoning certificate shall be required for each property.

- 315.1 All operations must be conducted no closer than one hundred (100) feet to an adjacent property, unless under common lease or ownership, and no closer than 100 feet to any road right-of-way line.
- 315.2 All operations must be conducted no closer than 100 feet to an existing dwelling, school, hospital or similar residential use.
- 315.3 The operator shall file with the Board a plan showing the location of adjacent properties, roads and natural features.
- 315.4 Except for oil and gas extraction, the operator shall submit to the Commission for approval a plan for the restoration of the area to be mined, which shall include anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, steps which will be taken to conserve the topsoil and the location of future roads, drainage courses or other improvements contemplated.
- 315.5 Except for oil and gas extraction, the operator shall file with the Zoning Officer written proof that he has met all registration and bonding requirements of the North Dakota Department of Mines. When the operator has performed all requirements contained in the restoration plan, he will be issued a written certificate by the Zoning Officer that the restoration is complete and is in compliance with the plan. A copy of this certificate will be forwarded to the State Bureau of Mines in the case of coal excavation.

316 JUNKYARDS AND SIMILAR STORAGE AREAS (INCLUDING AUTOMOBILE WRECKING)

- 316.1 All junkyards shall be completely screened from roads or developed areas with a solid fence or wall six feet or more in height, maintained in good condition, and painted (except for masonry construction), or with suitable plantings. All existing junkyards shall comply with this Ordinance, or shall terminate their operation.

- 316.2 No junkyards established after the effective date of this Ordinance shall be located closer than 1,000 feet to existing State and Federal roads, nor closer than 100 feet to a township road.
- 316.3 Access to and egress from junkyards established after the effective date of this Ordinance shall not be from State and Federal roads.

317 SANITARY LANDFILL AREAS

Plans for sanitary landfill areas shall be in harmony with existing surrounding uses and the opinion of the State Department of Health concerning proper drainage, cover and the operation as a whole shall be provided by the applicant to the Planning Commission.

318 DRIVE-IN THEATERS

Where possible, access shall be to minor roads, rather than highways, to reduce congestion and accidents. Theater screens shall be placed so that they are not visible from a highway, or shall be screened with adequate fencing or planting. All parts of the theater shall be no closer than 200 feet to any residential district, and all lights shall be directed away from the residence.

319 HOME OCCUPATIONS

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:

- 319.1 The occupation is customarily carried on in a dwelling unit or in a structure or building accessory to a dwelling unit;
- 319.2 The occupation is carried on by a member of the family residing in the dwelling unit, with not more than one employee outside the family;
- 319.3 The occupation is carried on wholly within the principal structure or accessory structure;
- 319.4 There shall be no exterior display, exterior sign other than permitted by Section 312, no exterior storage of materials, and no exterior indication of the home occupation or variation from the residential character of the principal structure;
- 319.5 No offensive odor, no vibration, smoke, dust, heat or glare shall be produced;

319.6 There shall be no commodity sold on the premises;

319.7 The occupation shall occupy no more than thirty (30) percent of the principal structure.

Home occupations may include, but are not limited to, art studios, dressmaking, professional offices of physicians, dentists, lawyers, engineers, architects, or accountants; real estate offices, insurance offices, barber shops and beauty parlors, or teaching, with musical instruction limited to one pupil at a time. However, a home occupation shall not be interpreted to include commercial stables and kennels, restaurants or repair services.

ARTICLE 4. ADMINISTRATION AND
ENFORCEMENT

401 ZONING OFFICER

The governing body of the municipality shall appoint the Zoning Officer, who shall administer and enforce the provisions of this Ordinance.

402 BUILDING PERMITS

A building permit shall be issued only if:

- 402.1 The applicant for a building permit also applies for a Zoning Certificate as required by this Ordinance; and
- 402.2 The nature, location and dimensions of the proposed structure and its proposed use comply with the provisions of the Ordinance as well as with any other applicable laws and ordinances.

403 ZONING CERTIFICATES

403.1 Requirements: Until the Zoning Officer has issued a Zoning Certificate applicable thereto, no person shall:

- A. Occupy or use any vacant land,
- B. Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged;
- C. Change the use of a structure or land to a different use; or
- D. Change a nonconforming use.

403.2 Expiration of Zoning Certificate: The Zoning Certificate shall expire six (6) months from the date of its issuance.

403.4 Applications and Fees: Each applicant for a Zoning Certificate shall present, with the application, a plot plan showing clearly and completely the location, dimensions and nature of any structures involved and such other information as the Zoning Officer may require as to compliance with the Ordinance, together with a filing fee in accordance with a schedule annually affixed by resolution of the governing body.

403.4 Record: The Zoning Officer shall maintain a permanent file of all Zoning Certificates and applications as public records.

404 VIOLATIONS

Any person who violates the provisions of this Ordinance shall, upon the judgment of any Justice of the Peace determining such violations, be subject to a fine not exceeding one hundred dollars (\$100) and the cost for each offense, and in default of payment of fines and costs, shall be subject to imprisonment for a period not exceeding thirty (30) days. Any person who continues any such violation beyond one (1) calendar day shall be deemed to have committed a separate offense for each calendar day such violation continues.

ARTICLE 5. ADMINISTRATION

501 GENERAL

In accordance with law, the Planning Commission shall hold meetings, keep minutes, and pursuant to notice conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing within forty-five (45) days after hearing or continued hearing, all as required by law. For the filing of any appeal or proceeding with the Commission, a fee shall be charged in accordance with a schedule annually fixed by the municipal governing body.

502 APPEALS

Any person or municipal official aggrieved or affected by any provision of this Ordinance or by any decision of the Zoning Officer may appeal to the City Council within a reasonable time, as provided by rules of the Council, by filing a notice of appeal specifying the grounds thereof. The Council shall have the power to hear and decide appeals from any order, requirement, decision, grant or refusal made by the Zoning Officer in the administration of this Ordinance. All appeals and applications made to the Council shall be in writing on forms prescribed by the Council. Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall set forth exactly the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that variance should be granted, as the case may be. At least ten (10) days before the date of the hearing on an application or appeal, the Council shall transmit to the Planning Commission a copy of said application or appeal on order that the Planning Commission may have an opportunity of submitting a report or opinion to the Council.

503 VARIANCES

The Council, upon appeal, shall have the power to authorize variances from the provisions of this Ordinance where all the following conditions are met:

- 503.1 Literal enforcement of the Ordinance would result in an unnecessary hardship with respect to the property;
- 503.2 Such unnecessary hardship results because of unique characteristics of the property; and
- 503.3 The variance observes the spirit of the Ordinance, produces substantial justice, and is not contrary to the public interest.

In authorizing a variance, the Council may attach such conditions as it deems necessary to assure compliance with the objectives of this Ordinance.

504 CONDITIONAL USES

The Planning Commission shall have the power to decide applications for conditional uses as specified in this Ordinance, in harmony with its general purpose and intent and in accordance with the standards set forth. The Council shall approve a conditional use only if it conforms to the performance standards set forth in this Ordinance, is compatible with adjacent uses and structures, is suited to the topography and other characteristics of the site and complies with all off-street parking and other provisions of this Ordinance, they shall be held to be the minimum requirements for the health, safety and general welfare of the municipality.

505 PERFORMANCE STANDARDS

In cases involving performance standards:

- 505.1 The Planning Commission may require a plan of the proposed construction or development, a description of machinery proposed and specifications for the mechanisms and techniques to be used; and
- 505.2 The Planning Commission may obtain qualified expert consultants to testify as to whether a proposed use will conform to the performance requirements. The costs of such services shall be borne by the applicant.

506 NONCONFORMING USES

The Planning Commission shall have the power to authorize changes of lawful nonconforming uses as follows:

- 506.1 A nonconforming use which occupies a portion of a structure or premises may be extended within such structure or premises as they existed when the prohibitory provision took effect, but not in violation of the area and yard requirements of the districts in which such structure or premises are located.
- 506.2 The Planning Commission may impose such conditions as it deems necessary for the protection of adjacent property and the public interest. No change of a nonconforming use shall entail structural alterations beyond those required by law for the purpose of safety and health.

ARTICLE 6. AMENDMENTS

601 GENERAL

The municipal governing body may introduce and consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the governing body, by the Planning Commission or by a petition of a person residing or owning property within the township.

602 PETITIONS

Petitions for amendment shall be filed with the Planning Commission, and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, payable to the municipality in accordance with a schedule fixed by the governing body. The Planning Commission shall review the proposed amendment and report its finding and recommendations in writing to the municipal governing body.

603 REFERRAL

Any proposed amendment presented to the governing body without written findings and recommendations from the Planning Commission shall be referred to the Planning Commission for review by it prior to public hearing by the governing body. The Planning Commission shall report its findings and recommendations in writing to the governing body within such reasonable time prior to the public hearing as the governing body may specify in the referring action.

604 ACTION

Before acting upon a proposed amendment, the governing body shall hold a public hearing thereon. Notice of such public hearing, containing a brief summary of the proposed amendment and a reference to the place where copies of the same may be examined, shall be published in a newspaper of general circulation and in the legal newspaper of the County at least one (1) week but not more than three (3) weeks prior to the date of the hearing.

ARTICLE 7. DEFINITIONS

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with principal use or building.

Agriculture: Any agriculture use, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and forestry (including the harvesting of timber).

Alley: A narrow service way providing a secondary public means of access to abutting properties.

Area: Area of a lot or site shall be calculated from dimensions derived by horizontal projections of the site.

Basement: A story having more than 50 percent of its clear height below the average level of the surrounding ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for dwelling purposes.

Council: The governing body of (Municipality), Morton County, North Dakota.

Boarding, Rooming, Tourist or Lodging House: A building where lodging is provided, for compensation, for five or more persons.

Building: A roofed structure enclosed by walls for the shelter, housing or enclosure of persons, goods or animals.

Building Height: The vertical distance from the average elevation at grade level to the highest point of the deck of a flat roof or a mansard roof, or to the mean height between the eaves and the ridge for gable, hip and gambrel roofs.

Building or Setback Line: Imaginary line parallel to or concentric with the nearest road right-of-way line. No portion of a building foundation or wall may extend nearer the lot line than the required front yard depth.

Business Service: Any business activity which renders service to other commercial or industrial enterprises.

Camp: Simple building for temporary lodging of sportsmen, fishermen, campers, hunters or families for temporary occupancy; does not include vacation cottages or other dwellings designed for family living quarters.

Cartway: That portion of a road which is paved, graded or improved for travel by vehicles.

Clinic: Any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

Club: An establishment operated by an organization for social, recreational, educational and fraternal purposes, but open only to members and their guests and not the general public.

Commission: The (Municipality) Planning Commission of Morton County, North Dakota.

Conditional Use: Special exception.

Coverage: That percentage of the lot area covered by principal and accessory use structures.

Dwelling: Any building (including cottages) designed or used as a permanent or temporary living quarters for one or more families.

Dwelling, Single Family: A detached building arranged or used for occupancy by one family.

Dwelling, Two Family: A detached building arranged or used exclusively by two families living independently of each other.

Dwelling, Multiple: A building arranged or used as a residence for two or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, flats and group houses.

Dwelling Unit: One or more rooms for living purposes, together with separate cooking and sanitary facilities, used or intended to be used by one or more persons living together and maintaining a common household, and accessible from the outdoors either directly or through an entrance hall shared with other dwelling units.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, wires, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of

adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including structures.

Family:

1. One or more persons related by blood, marriage or adoption, plus domestic servants, occupying a dwelling unit, including not more than four boarders, roomers or lodgers.
2. Less than six unrelated persons occupying a dwelling unit, living together and maintaining a common household.

Garage, Repair (See also Service Station): Premises where motor vehicles are serviced and repaired, including engine overhaul and body work.

Golf Course: Land for playing the sport of golf, consisting of a minimum of nine holes, but excluding miniature golf, par-three golf, pitch and putt, driving ranges and similar golf-associated activities except as accessory uses on a golf course.

Junk Yard: Land or structure used for the collecting, storage, processing and sale of scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, waste paper, glass, rags, containers and other discarded materials. It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.

Light Manufacturing: The processing or fabrication of certain materials and products which does not produce noise, vibration, air pollution, fire hazard or other disturbance or danger to neighboring properties.

Loading Space: A portion of a lot usable for the standing, loading or unloading of motor vehicles, and having a minimum dimension of ten (10) feet by thirty-five (35) feet with a vertical clearance of fourteen (14) feet.

Lot: A parcel of land occupied or capable of being occupied by one or more buildings devoted to a common interest or use, and including accessory uses and open yard space.

Lot, Corner: A lot at the junction of and fronting on two or more intersecting street rights-of-way.

Lot, Depth of: A mean horizontal distance between the front and rear lot lines.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the office of the Register of Deeds of Morton County.

Lot, Minimum Area of: The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot, Width of: The mean width measured at right angles to its depth.

Mobile Homes: Any mobile vehicle used or designed to be used for dwelling purposes, whether the wheels be attached or not. A travel-trailer, as defined herein, shall be considered a mobile home if occupied.

Nonconforming Use: The legal use of land or a structure which does not conform to the applicable use regulation of the district in which it is located, either on the effective date of this Ordinance, or as a result of subsequent amendments thereto.

Personal Service: Any enterprise conducted for man which primarily offers services to the general public, such as: shoe repair, valet service, watch repairing, barber shops, beauty parlors and related activities.

Professional Offices: The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects and engineers.

Road: The entire right-of-way of a public or private street or highway.

Sign: Any structure or device to attract attention by words or graphic display.

Station, Service (See also Repair Garage): Premises where the main activity is the sale of gasoline and diesel fuel for motor vehicles; minor repairs, washing of vehicles and tire changing are incidental activities.

Story: The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be considered as a story if more than 50 percent of its clear height is above finished grade, or if it is used for business or dwelling purposes.

Specialized Animal Raising and Care: The use of land and structures for the raising and care of fur-bearing animals, the stabling and care of horses, animal kennels, bird-raising or similar operations.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location to the ground, including, in addition to buildings, billboards, carports, porches and other building features, but not including sidewalks, drives and patios.

Tourist Home: A rooming house primarily for transient guests.

Travel Trailer: A mobile vehicle with wheels designed for overnight occupancy or camping purposes, capable of being towed by a passenger automobile and having an overall length of less than twenty-five (25) feet and an overall width of less than eight (8) feet.

Truck Stop: A facility designed to provide for service and repair of trucks and associated motorized equipment and which may incidentally provide for eating and lodging facilities.

Truck Terminal: A facility designed to accommodate the service, repair and storage of trucks and other motorized equipment and which may incidentally provide warehousing activities.

Yard: Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted by this Ordinance. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line or road right-of-way line and the nearest point of the foundation wall of the main building.

Yard, Front: An open space extending the full width of the lot between the building and the road right-of-way line.

Yard, Rear: An open space extending the full width of the lot between the building and the rear lot line.

Yard, Side: An open space extending from the front yard to the rear yard between the building and the nearest side lot line.

Zoning Certificate: The written authorization issued by the Zoning Officer, for the use of land, or buildings, or other structures.

Zoning Map: The map containing the zoning districts of (Municipality), Morton County, North Dakota, together with all amendments subsequently adopted.

Zoning Officer: The Zoning Officer or his authorized representative, appointed by the governing body of the Municipality, Morton County, North Dakota.

Z O N I N G S C H E D U L E . D I S T R I C T
R E G U L A T I O N S

PERMITTED AND CONDITIONAL USES

C-1 Conservation District

Permitted Uses

1. Agriculture
2. Single-Family Detached Dwellings
3. Mobile Home (Trailer) Parks
4. Public Parks and Playgrounds
5. Churches
6. Hunting Preserves and Game Lands
7. Golf Courses
8. Camps
9. Specialized Animal Raising and Care
10. Stable and Riding Academies
11. Ski Facilities
12. Public Utility Buildings
13. Essential Services

Conditional Uses

1. Home Occupations
2. Individual Mobile Homes
3. Water Recreation and Storage
4. Airports
5. Cemeteries
6. Country Clubs and Lodges
7. Fire Stations
8. Public and Parochial Schools and Colleges
9. Sewage Treatment Plant
10. Municipal Buildings
11. Planned Unit Residential Projects
12. Open Land Recreational Uses
13. Sanitary Land Fills
14. Radio or TV Sending or Boosting Stations
15. Nurseries and Greenhouses
16. Permanent Sawmills
17. Mineral Excavation
18. Junk Yards

C-2 Conservation District

1. Agriculture
2. Single-Family Detached Dwellings
3. Mobile Home (Trailer) Parks
4. Public Parks and Playgrounds
5. Churches
6. Golf Courses
7. Ski Facilities
8. Stables and Riding Academies
9. Hunting Reserves and Game Lands
10. Public Utility Buildings
11. Essential Services.

1. All Conditional Uses Listed for C-1 District
2. Camps
3. Specialized Animal Raising and Care

R-1 Residential

Permitted Uses

1. Agriculture
2. Single-Family Detached Dwellings
3. Public and Parochial Schools
4. Churches
5. Public Parks and Playgrounds
6. Libraries
7. Municipal Buildings
8. Golf Courses
9. Essential Services

Conditional Uses

1. Home Occupations
2. Water Recreation and Storage
3. Cemeteries
4. Hospitals and Clinics for Humans
5. Colleges
6. Fire Stations
7. Public Utility Buildings
8. Mineral Excavation
9. Sewage Treatment Plant
10. Planned Unit Residential Projects

R-2 Residential

1. Agriculture
2. Single-Family Detached Dwellings
3. Public and Parochial Schools
4. Churches
5. Public Parks and Playgrounds
6. Libraries
7. Municipal Buildings
8. Golf Courses
9. Essential Services

1. Home Occupations
2. Mobile Home (Trailer) Parks
3. Water Recreation and Storage
4. Hospitals and Clinics for Humans
5. Nursing Homes
6. Nursery Schools
7. Fire Stations
8. Public Utility Buildings
9. Mineral Excavation
10. Sewage Treatment Plants
11. Planned Unit Residential Projects

R-3 Residential

1. Agriculture
2. Multiple Family Dwellings
3. Public and Parochial Schools
4. Churches
5. Public Parks and Playgrounds
6. Libraries
7. Municipal Buildings
8. Golf Courses
9. Essential Services

1. Home Occupations
2. Tourist Homes
3. Mobile Home (Trailer) Parks
4. Rooming and Boarding Houses
5. Funeral Homes
6. Nursing Homes
7. Nursery Schools
8. Fire Stations
9. Public Utility Buildings
10. Mineral Excavation
11. Sewage Treatment Plants
12. Planned Unit Residential Projects

B-1 Special Business

1. Retail Business
2. Eating and Drinking Es-

1. Agriculture
2. Motels

Permitted Uses

- tablshments (but NOT including drive-in types)
- 3. Food Stores
- 4. Offices
- 5. Personal and Professional Services
- 6. Commercial Schools
- 7. Indoor Commercial Amusement
- 8. Clubs
- 9. Funeral Homes
- 10. Essential Services

Conditional Uses

- 3. Water Recreation and Storage
- 4. Sewage Treatment Plants
- 5. Municipal Buildings
- 6. Public Utility Buildings
- 7. Auto Sales, Service and Repair
- 8. Churches
- 9. Animal Clinics
- 10. Hospitals and Clinics for Humans
- 11. Fire Stations
- 12. Mineral Excavation
- 13. Planned Unit Commercial Projects

B-2 Highway Service and Amusement

- 1. Eating and Drinking Establishments (including drive-in types with outside service)
- 2. Motels
- 3. Auto Sales, Service and Repair
- 4. Commercial Indoor and Outdoor Amusement
- 5. Trailer Sales and Display
- 6. Public Utility Buildings
- 7. Municipal Buildings
- 8. Essential Services
- 9. Fire Stations
- 10. Churches
- 11. Animal Clinics
- 12. Hospitals and Clinics for Humans

- 1. Agriculture
- 2. Mobile Home (Trailer) Parks
- 3. Retail Business
- 4. Food Stores
- 5. Offices
- 6. Personal and Professional Services
- 7. Research and Testing Laboratories
- 8. Sewage Treatment Plants
- 9. Water Recreation and Storage
- 10. Mineral Excavation
- 11. Planned Unit Commercial

B-3 General Business

- 1. All Permitted Uses for B-2 District
- 2. Wholesale Business
- 3. Supply Yards
- 4. Cleaning and Laundry Plants
- 5. Printing, Lithographing and Publishing Plants
- 6. Research and Testing Laboratories

- 1. Agriculture
- 2. Retail Businesses
- 3. Personal and Professional Services
- 4. Offices
- 5. Water Storage and Recreation
- 6. Sewage Treatment Plants
- 7. Machine and Welding Shops
- 8. Tire Retreading and Recapping
- 9. Plumbing, Heating and Ventilating Shops
- 10. Truck Stops (Not incl. terminal)
- 11. Mineral Excavation
- 12. Planned Unit Commercial Projects

LOT REQUIREMENTS

ZONING DISTRICT	MIN. AREA (SQ. FT. OR ACRES(a))	MIN. LOT WIDTH (FT.)	MIN. FRONT YARD (FT.)	MIN. SIDE YARDS (FT.)	MIN. REAR YARDS (FT.)	MAX. BLDG. HEIGHT (FT.)	MAX. LOT COVERAGE (%)
C-1 CONSERVATION							
Single-Family Detached Dwellings	3/a	250	50	30	50	35	5
Individual Mobile Homes	3/a	250	50	30	50	--	5
Other Uses	4/a	250	50	30	50	35	5
C-2 CONSERVATION							
All Uses	2/a	200	50	30	50	35	5
R-1 RESIDENTIAL							
All Uses <u>Not</u> Served by Public Sewers	1/a	150	50	25	50	35	10
All Uses Served By Public Sewers	15,000	100	35	15	40	35	20
R-2 RESIDENTIAL							
All Uses <u>Not</u> Served by Public Sewers	½/a	90	35	15	50	35	20
All Uses Served by Public Sewers	8,500	70	25	10	40	35	35

I-1 Light Industrial

Permitted Uses

1. Agriculture
2. Research and Testing Laboratories
3. Industrial Office Buildings
4. Light Manufacturing (As defined by Article 7) including production of following goods: home appliances, electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight non-ferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods and food products, but not including animal slaughtering, curing nor rendering of fats.

Conditional Uses

1. Water Recreation and Storage
2. Sewage Treatment Plants
3. Manufacturing Meeting Performance Standards of Section 306
4. Airports
5. Truck Terminals
6. Bulk Fuel Storage
7. Municipal Buildings
8. Public Utility Buildings
9. Fire Stations
10. Mineral Excavation
11. Planned Unit Industrial Projects

I-2 General Industrial

- | | |
|--|---|
| <ol style="list-style-type: none">1. All permitted uses listed for I-1 District2. Other industrial and related uses not otherwise prohibited by law3. Municipal Buildings4. Public Utility Buildings5. Fire Stations | <ol style="list-style-type: none">1. Water Storage and Recreation2. Sewage Treatment Plants3. Junk Yards4. Sanitary Land Fills5. Mineral Excavation6. Planned Unit Industrial Projects |
|--|---|

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SUBDIVISION REGULATIONS

Control of land subdivisions is one of the community's most important tools for assuring that new residential neighborhoods retain their beauty and value. It is another basic device that the municipality may use to accomplish the objectives of the Comprehensive Plan.

Once developed, the subdivision becomes a permanent part of the landscape. It can either be a permanent asset or a permanent liability. Today's subdivisions shape the character of the future communities. Therefore, it is essential that we make sure that each new addition to our County and its municipalities is the very best that today's design can provide.

Subdivision regulations establish uniform procedures in the review and approval of subdivision plans, set forth specific standards that must be met to obtain approval of such plans, and require installation of certain street and site improvements (or guarantees) before any lot may be recorded and sold. This in effect places the financial burden on the developer and residents of the new subdivision that stand to directly benefit rather than on the municipality and the taxpaying citizens, many of whom do not enjoy any direct benefit. The opportunity to avoid serious long-term problems such as substandard development, wasted and landlocked tracts and the like by requiring carefully thought out plans prior to development will undoubtedly prove advantageous to the developer as well.

S U G G E S T E D S T A N D A R D S A N D R E G U L A -
T I O N S F O R I N C L U S I O N I N M U N I C I P A L
S U B D I V I S I O N O R D I N A N C E S , O R R E S O -
L U T I O N

(NAME OF MUNICIPALITY), MORTON COUNTY, NORTH DAKOTA.

AN ORDINANCE (OR RESOLUTION) REGULATING THE SUBDIVISION OF LAND FOR THE PURPOSE OF SALE OR BUILDING DEVELOPMENT; DEFINING TERMS, PROVIDING REGULATIONS, REQUIREMENTS AND DESIGN STANDARDS; PRESCRIBING PROCEDURES FOR THE PRESENTATION, APPROVAL AND RECORDING OF PLATS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

Ordained and enacted by the (Governing Body of the Municipality), Morton County, North Dakota under the provisions of the North Dakota Century Code.

A R T I C L E 1. G E N E R A L P R O V I S I O N S

101 SHORT TITLE

This Ordinance (or Resolution) shall be known and may be cited as ". (Municipality) Subidivision Regulations."

102 PURPOSE

This Ordinance (or Resolution) is adopted for the following purposes:

- 102.1 To assist the orderly and efficient development of (municipality).
- 102.2 To promote the health, safety, morals and general welfare of the residents of (municipality).
- 102.3 To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

103 COMPLIANCE

No subdivision of any lot, tract or parcel of land shall be effected, no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel, or the common use of occupants of building abutting thereon, except in strict accordance with the provisions of regulations. No lot in a subdivision may be sold, no permit to erect, alter or repair any building in a subdivision may be issued, unless and until a plan of such subdivision shall have been approved and properly recorded, and until the improvements required by governing body in connection therewith shall have either been constructed or guaranteed as hereinabove provided.

104 HARDSHIP

Where, owing to special conditions, a literal enforcement of these regulations would result in unnecessary hardship, the governing body may make such reasonable exception thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, or erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

105 CONFLICT

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions of this city shall govern.

A R T I C L E 2. D E F I N I T I O N S

Words used in the present tense shall include the future. The singular number shall include the plural, and the plural, the singular. The word "person" includes corporation and unincorporated association. The word shall is mandatory.

201 SUBDIVISION

"Subdivision" is hereby defined as the division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land, including changes in street lines or lot lines, for the purpose, whether immediate or future, of transfer of ownership or of building development. Provided that divisions of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access, shall not be included within the meaning of "subdivision."

202 STREET AND ALLEYS

The term "street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, through-way, road, avenue, boulevard, land, place or however otherwise designated.

- 202.1 Arterial streets and highways are those which are used primarily for fast or heavy traffic.
- 202.2 Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- 202.3 Minor streets are those which are used primarily for access to the abutting properties.
- 202.4 Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.
- 202.5 Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
- 202.6 Pedestrian ways are intended for use only by pedestrians.
- 202.7 Cul-de-sac is a dead-end street terminating in a circular turn-around.

202.8 Half-street: one side of street divided longitudinally by a property line.

203 OTHER TERMS

- 203.1 Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines and the street lines.
- 203.2 Comprehensive Plan: The comprehensive development plan of (Municipality) indicating the general locations recommended for circulation facilities, community improvements, future land uses, and community development objectives.
- 203.3 Engineer: The municipal engineer or engineering consultant of (Municipality).
- 203.4 Governing Body: City Council, Borough Council or Board of Township Supervisors of (Municipality), Morton County, North Dakota.
- 203.5 Health Department: The Department of Health of the State of North Dakota.
- 203.6 Lot: A parcel of land intended as a unit for transfer of ownership, for use as a building site or other development. In determining the size of a lot, utility, drainage and similar easements may be included within lot boundaries; however, street, railroad and similar rights-of-way may not be included as part of any lot area.
- 203.7 Lot, Double Frontage (Also, reverse frontage lot): A lot extending between two streets.
- 203.8 Municipality: City, Borough or Township of (Municipality), Morton County, North Dakota.
- 203.9 Planning Commission: The Planning Commission of (Municipality).
- 203.10 Plot: A map or plan which portrays the subdivision of land into lots.
- 203.11 Subdivider: Any person who undertakes the subdivision of land as defined herein. The subdivider may be the owner or the authorized agent of the owner of the land to be subdivided.
- 203.12 Watercourse: The word watercourse shall include channel, creek, ditch, drain, river and stream.

ARTICLE 3. PLAN PROCESSING
PROCEDURES

301 PREAPPLICATION PROCEDURE

- 301.1 Prior to making formal application, the subdivider should appear before the Planning Commission at any regular or special meeting to discuss the general nature of his proposed development. The subdivider shall submit four (4) copies of preapplication plans and data as specified in Article 6, Section 601.
- 301.2 The Planning Commission shall advise the subdivider whether the plans and data as submitted do or do not meet the objectives of these regulations. When the Planning Commission finds the plans and data do not meet the objectives of these regulations, it shall express its reasons therefor.
- 301.3 The subdivider should also discuss his proposed development with (a) the Engineer, (b) the Morton County Planning Commission and (c) when septic tanks are contemplated, the subdivider shall confer with the North Dakota Department of Health.
- 301.4 If the subdivision is deemed a minor subdivision, the subdivider shall then submit a final plat and does not have to have conditional approval of a preliminary plat. A subdivision shall be considered a minor subdivision if:
- A. No new streets are involved;
 - B. The extension of sewers, water lines or storm drains is not involved, and it is not necessary to provide any drainage easements;
 - C. The lots or any part thereof to be created for sale are buildable lots in that they are not located on bottomland or natural drainage-ways which are periodically flooded;
 - D. In the opinion of the Planning Commission the subdivider has a buildable and saleable plan of lots which would not adversely affect the development of the remainder of the parcel or adjoining land, regardless of ownership; and
 - E. The number of lots involved does not exceed four (4).

302 PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT

- 302.1 On reaching conclusions informally, as recommended in 301 above, regarding his general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in Article 6, Section 602.
- 302.2 Four (4) copies of the preliminary plat and supplementary material specified shall be submitted to the Planning Commission with written application for conditional approval at least five (5) days prior to the meeting at which it is to be considered.
- 302.3 Following (a) review of the preliminary plat and other material submitted for conformity thereof to these regulations, and (b) negotiations with subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Commission shall submit a report of its recommendations to the governing body within thirty (30) days.
- 302.4 The governing body shall take action within thirty (30) days of receiving the Planning Commission report. The governing body may grant conditional approval subject to such conditions as it may require to carry out these regulations. If conditional approval is refused, the governing body shall state its reasons to the subdivider.
- 302.5 Conditional approval of a preliminary plat shall not constitute approval of the final plat (Subdivision Plat). Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

303 PROCEDURE FOR APPROVAL OF FINAL PLAT

- 303.1 The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at that time.
- 303.2 Application for approval of the final plat shall be submitted in writing to the Planning Commission at least five (5) days prior to the meeting at which it is to be considered.
- 303.3 Four (4) copies of the final plat and other exhibits required for approval shall be prepared as specified in Article 6, and shall be submitted

to the Planning Commission within twelve (12) months after approval of the preliminary plat by the governing body; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.

303.4 If the Planning Commission finds that this final plat accords with these regulations, it shall sign the plat and submit it to the governing body. If it disapproves, the Planning Commission should advise the governing body of its reasons within thirty (30) days.

303.5 The governing body may approve the final plat for recording following receipt of a report from the Planning Commission, and authorize a proper official to sign the Plat to be returned to the subdivider. If the governing body disapproves the plat, it must do so within thirty (30) days of receiving the Planning Commission report and must state the reasons for disapproval.

303.6 Before acting on any subdivision plan, the governing body may arrange for a public hearing thereon.

304 RECORDING

The approved final plat must be presented by the subdivider for recording to the office of the Register of Deeds for Morton County within thirty (30) days after the date of approval, or the approval shall be considered null and void. Re-approval thereafter may be granted by the governing body provided no significant changes have been made in either the plan or the surrounding community.

A R T I C L E 4. D E S I G N S T A N D A R D S

401 GENERAL

The governing body of (Municipality) shall not approve any plat unless the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood or other hazard.

402 NATURAL FEATURES

Existing natural features such as trees, steep slopes, water-courses and historic spots shall be preserved as a conservation measure except to the extent that their removal or modification is functionally related to the harmonious design of the subdivision.

403 STREETS

403.1 The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

403.2 Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall:

A. Provide for the continuation or appropriate projection of existing streets in surrounding areas; and

B. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

403.3 Minor streets shall be so laid out that their use by through traffic will be discouraged.

403.4 Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate pro-

tection of residential properties and to afford separation of through and local traffic.

- 403.5 Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- 403.6 Intersections of more than two streets at one point shall be avoided.
- 403.7 Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.
- 403.8 A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- 403.9 Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- 403.10 Dead-end streets, designed to be so permanently, shall not be longer than eight hundred (800) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet.
- 403.11 No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning Commission.
- 403.12 Street right-of-way widths, paving widths, angle of intersection, curb radii, horizontal alignments, vertical alignments, as well as maximum and minimum grades shall be as shown in the Comprehensive Plan and where not shown therein shall meet or exceed the following standards.

STREET STANDARDS TABLE

	ARTE- RIAL	COL- LEC- TOR	MINOR	MAR- GINAL ACCESS	CULS- DE- SAC	ALLEYS	CROSS WALKS
Minimum Right- of-way Width	80'	60'	50'	40'	40'	20'	12'
Minimum Pave- ment Widths	36'	30'	24'	20'	20'	20'	10'
Maximum Grade	7.5%	10%	12%	12%	12%	12%	---
Minimum Grade	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	---
Minimum Angle for Intersec- tion	90%	80%	70%	70%	70%	70%	---
Minimum Curb Radius	35'	25'	15'	15'	15'	15'	---
Maximum Grades for 25' Before Intersection	3%	3%	3%	3%	3%	3%	---
Horizontal Align- ment (Minimum Radii of Center Line)	600'	400'	200'	100'	100'	50'	---
Vertical Curves (Minimum Sight Distance)	500'	350'	200'	100'	100'	50'	---

404 ALLEYS

- 404.1 Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
- 404.2 Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

404.3 Dead end alleys shall be avoided where possible; but if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the Planning Commission.

405 EASEMENTS

405.1 Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least fifteen (15) feet wide.

405.2 Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

406 BLOCKS

406.1 Cross streets shall be placed at convenient intervals consistent with topography so as to provide convenient cross circulation between longitudinal streets. The lengths, widths and shapes of blocks shall be determined with due regard to:

A. Provision of adequate building sizes suitable to the special needs of the type of use contemplated;

B. Zoning requirements as to lot sizes and dimensions;

C. Needs for convenient access, circulation, control and safety of street traffic; and

D. Limitations and opportunities of topography.

406.2 Pedestrian crosswalks, not less than twelve (12) feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.

407 LOTS

407.1 The lot size, width, depth, shape, orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

- 407.2 Lot dimensions shall conform to the requirements of the zoning ordinance.
- 407.3 Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- 407.4 The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
- 407.5 Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- 407.6 Side lot lines shall be substantially at right angles or radial to street lines.
- 407.7 When a tract is subdivided into larger than required building lots and there is no covenant preventing resubdivision of the lots, such lots or parcels shall be so arranged as to permit a logical location and opening of future streets and resubdividing with provision for adequate utility connections for each subdivision.

408 PLANNED UNIT DEVELOPMENT

The design standards provided herein may be modified by the governing body of the (Municipality) in the case of a plan utilizing an unusual concept of development which meets the requirements of this section. The planned unit development provision is intended to encourage original and imaginative subdivision design which preserves the natural amenities of the site and provides for the general welfare of the municipality.

- 408.1 The unit plan shall be consistent with the spirit and intent of these regulations.
- 408.2 The unit plan shall conform to the "Planned Residential, Commercial and Industrial Projects" requirements of the (Municipality) Zoning Ordinance.
- 408.3 The area of land to be developed shall not be less than five (5) acres.
- 408.4 The unit plan shall be compatible with adjacent properties.

408.5 The unit plan shall permanently reserve land suitable for the common use of the public or the residents of a particular subdivision. This land may be for future public facilities or for recreational or scenic open space as determined by the governing body of (Municipality) and its Planning Commission.

ARTICLE 5. IMPROVEMENTS

501 GENERAL

All of the required improvements specified in this article shall be constructed in accordance with other articles of these regulations and all other applicable municipal, County and State regulations.

502 MONUMENTS

Concrete monuments shall be installed at or near the beginning and ends of tangent sections of all streets or provide permanent horizontal control.

503 STREETS

The streets shall be graded to the grades and dimensions shown on plans and profiles and approved by the governing body of (Municipality) or its authorized representative and shall include the following improvements:

- 503.1 Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets.
- 503.2 Curbs shall be required on all streets.
- 503.3 The base course shall consist of latest North Dakota Department of Highways approved material, having a thickness of eight (8) inches or such greater thickness as the governing body or its authorized representative shall determine to be necessary for the type of street that has been proposed.
- 503.4 Pavement shall be required on all streets, cul-de-sac. alleys and crosswalks.
- 503.5 Street shoulders shall be constructed which are uniformly and thoroughly compacted by rolling and level with the tops of curbs.

504 STORM DRAINAGE

The construction of a storm drainage system shall conform to the following requirements:

- 504.1 Drainage ditches or channels shall have a minimum gradient of one (1) percent.

- 504.2 Open watercourses shall have adequate capacity and erosion control to insure safe and healthful disposal of storm water.
- 504.3 When topsoil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose material, the subdivider shall be required to seed or provide other means to prevent the wash from damaging adjacent property or accumulating on street surface.

505 WATER SUPPLY

Where public water supply is reasonably accessible to the subdivision, the subdivider shall connect to such public water supply and construct a system of water mains to service each lot.

- 505.1 Where public water is not available, the subdivider shall supply acceptable evidence to the availability of water. The subdivider may be required to make one or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well logs from said test wells which are obtained shall include the name and address of the well driller and shall be submitted with the plan to the governing body.
- 505.2 If a private water supply is permitted, individual private wells shall be located at least twenty-five (25) feet from property lines; fifty (50) feet from all septic tanks; approximately one hundred (100) feet from all tile disposal fields and other sewage disposal facilities; ten (10) feet from all cast iron sewer lines; thirty (30) feet from any vitrified sewer tile lines; and shall not be located within any floor plan.

506 SEWERS

Where the public sewer system is reasonably accessible to the subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system to be connected to the public sanitary system. Where the municipal sewer system is not reasonably accessible to the subdivision, and in the judgment of the governing body, extension of the public sewage system to the subdivision will not take place in the foreseeable future, a sewage disposal system utilizing an interim treatment plant may be permitted if approved by the Health Department. If an interim treatment plant is permitted, equitable agreements approved by the governing body shall be established concerning the operation of the treatment plant. If a sewage disposal system utilizing an interim treatment plant is not feasible, a private sewage disposal

system consisting of septic tanks and tile absorption fields may be permitted, if approved by the Health Department.

507 UTILITIES

Every lot in a subdivision shall be capable of being served by utilities and the necessary easements shall be provided. Electric, gas and other utility distribution lines shall be installed within public right-of-way or within properly designated easements. To the fullest extent possible, underground utility lines located in street right-of-way shall not be installed beneath existing or proposed paved areas and in any case shall be installed prior to the placement of any paving.

508 TREES

Trees may be planted along the streets. The location and types of trees must meet the approval of the governing body.

509 STREET SIGNS

Street name signs of a type adopted or approved by the governing body shall be installed at each street intersection by the subdivider on a location specified by the governing body or engineer.

ARTICLE 6. PLAT SPECIFICATIONS

601 PREAPPLICATION PLANS AND DATA

- 601.1 General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required below. This information may include data on existing covenants, land characteristics and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, other public areas, proposed protective covenants, proposed utilities and street improvements.
- 601.2 Location map shall show the relationship of the proposed subdivision to the existing community and major needs which serve or influence it; Include development name and location; main traffic arteries; public transportation lines; shopping centers; elementary and high schools; parks and playgrounds; title; scale; north arrow and date.
- 601.3 Sketch Plan on topographic survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographic survey. In any event the sketch plan shall include either the existing topographic data listed in 602.1 below or such of these data as the Planning Commission determines is necessary for its consideration of the proposed sketch plan, in which case the U.S. Geological Survey seven and one-half (7½) minute quadrangle shall be deemed adequate.

602 PLATS AND DATA FOR CONDITIONAL APPROVAL

- 602.1 Topographic data required as a basis for the preliminary plat, in 602.2 below, shall include existing conditions as follows except when otherwise specified by the Planning Commission:
- A. Boundary Lines: Bearings and distances.
 - B. Easements: Location, width and purpose.
 - C. Streets on and Adjacent to the Tract: Name and right-of-way width and location; type, width and elevation of surfacing; any legally

established centerline elevations; walks, curbs, gutters, culverts and the like.

- D. Utilities on and Adjacent to the Tract: Location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles and street lights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers.
- E. Ground Elevations on the Tract, Based on Sandy Hook Datum of the U.S. Geological Survey: For land that slopes less than approximately two (2) percent show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than approximately two (2) percent either show contours with an interval of not more than five (5) feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two (2) feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.
- F. Subsurface Conditions on the Tract, If Required by the Planning Commission: Location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests by a registered engineer if individual sewage disposal systems are proposed.
- G. Other Conditions on the Tract: Watercourses, marshes, rock outcrop, wooded area, isolated preservable trees one (1) foot or more in diameter, houses, barns, shacks and other significant features.
- H. Other Conditions on Adjacent Land: Approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recordation date, and

number; show approximate percent built-up, typical lot size and dwelling type.

- I. Photographs, If Required by the Planning Commission: Camera locations, directions of views and key numbers.
- J. Zoning on and adjacent to the tract.
- K. Proposed Public Improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
- L. Key plan showing location of the tract.
- M. Title and Certificates: Present tract designation according to official records in office of appropriate recorder; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered civil engineer or surveyor and date of survey.

602.2 Preliminary plat (Preliminary Subdivision Plan, General Subdivision Plan) shall be at a scale of one hundred (100) feet to one (1) inch or larger. It shall show all existing conditions required above in 602.1, topographic data, and shall show all proposals including the following:

- A. Streets: Names; right-of-way and roadway widths; approximately grades and gradients; similar data for alleys, if any.
- B. Other Rights-of-way or Easements: Location, width and purpose.
- C. Location of utilities, if not shown on other exhibits.
- D. Lot lines, lot numbers and block numbers.
- E. Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.
- F. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
- G. Minimum building setback lines.
- H. Site data including number of residential lots, typical lot size and acres in parks.

I. Title, scale, north arrow and date.

602.3 Other Preliminary Plans: When required by the Planning Commission, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk; and preliminary plan of proposed sanitary and storm water sewers with grades and sizes indicated.

602.4 Draft of protective covenants whereby the subdivider proposed to regulate land use in the subdivision and otherwise protect the proposed development.

603 FINAL PLAT

603.1 Final plat shall be drawn in waterproof black ink on tracing cloth or plastic (or shall be a stable image reproduction on tracing cloth or plastic). It shall be at a scale of one hundred (100) feet to one (1) inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission. The final plat shall show the following:

- A. Primary control points or descriptions and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.
- B. Tract boundary lines, right-of-way lines of street, easements and other rights-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, radii, arcs and central angles of all curves.
- C. Name and right-of-way of each street or other right-of-way.
- D. Location, dimensions and purpose of any easements.
- E. Number to identify each lot or site.
- F. Location and description of monuments.

- G. Names of record owners of adjoining unplatted land.
 - H. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
 - I. Certification by registered surveyor or registered engineer certifying to accuracy of survey and plat.
 - J. Certification of title showing that applicant is the land owner.
 - K. Statement by owner dedicating streets, rights-of-way and any sites for public use.
 - L. Title, scale, north arrow and date.
- 603.2 Cross sections and profiles of streets.
- 603.3 A certificate by the Engineer certifying that the subdivider has complied with one of the following alternatives:
- A. All improvements have been installed in accord with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the preliminary plat; or
 - B. A bond or certified check has been posted, which is available to the municipality and in sufficient amount to assure such completion of all required improvements.
- 603.4 Protective covenants in form for recording.
- 603.5 Other Data: Such other certificates, affidavits, endorsements or deductions as may be required by the governing body in the enforcement of these regulations.

ARTICLE 7. ADMINISTRATION

701 INSPECTION

When the plans of streets and other improvements have been approved as provided in these regulations, the subdivider shall first notify the governing body or its authorized representative of his intention to proceed with the construction or installation of said streets and improvements; notification shall be made at least seventy-two (72) hours before any such construction or installation shall commence so as to give the governing body or its representative (i.e., Engineer) an opportunity to inspect the site prior to commencement of work and to inspect installation or construction of said streets and improvements during the course of work being performed.

702 MAINTENANCE

Prior to any street or other improvement being accepted by the municipality as hereinafter provided, the subdivider shall post a maintenance bond and/or other security naming the municipality as obligee in an amount deemed adequate by the governing body to remedy any defects which are caused by defective or inferior materials or workmanship which may develop during a period of two years from date of acceptance by the municipality.

703 ACCEPTANCE

After streets and improvements have been installed and constructed pursuant to the requirements contained in these regulations, the subdivider shall notify the governing body or its authorized representative that the construction or installation has been completed, and shall supply the municipality with a minimum of four (4) copies of the plan on which the street or improvement in question has been constructed or installed. The four (4) copies of the plan shall show thereon the signatures of all agencies and individuals who have approved the plan and contain a notice thereon as to where and when the plan was recorded in the Office of the Recorder of Deeds of the County.

The streets or improvements which the municipality accepts shall be clearly designated on each of the four copies. The plan shall also designate the number of lineal feet of said street or improvements which the subdivider desires to be accepted by the municipality.

704 APPEALS

In any case where the governing body disapproves a subdivision plan, any person aggrieved thereby may, within thirty

(30) days thereafter, appeal therefrom by petition to the Court of Quarter Sessions of the County.

705 VALIDITY

Should any provision of this Ordinance (or Resolution) be declared invalid by a court of competent jurisdiction, such decision shall not affect its validity as a whole or of any other provisions thereof.

706 PENALTIES

Any person, copartnership, corporation who or which shall subdivide any lot, tract or parcel of land into a subdivision, layout, construct, open or dedicate any street, sanitary sewer, storm sewer or water main for public use or travel or for the common use of occupants of buildings abutting thereon, sell any lot or erect any building in a subdivision without first having complied with the provisions hereof shall be guilty of a misdemeanor and upon conviction thereof, such person, or the members of such co-partnership, or the officers of such corporation responsible for such violation shall be sentenced to suffer imprisonment not exceeding two (2) years, or pay a fine not exceeding one thousand dollars (\$1,000), or both, in the discretion of the Court.