

**BELFIELD
NORTH
DAKOTA

ZONING
ORDINANCE**

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ZONING ORDINANCE FOR THE CITY OF BELFIELD

ARTICLE I

INTRODUCTION

1.1 Title

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

1.2 Purpose and Intent

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

1.3 Authority

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

1.4 Severability

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

1.5 Repeal

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City of Belfield inconsistent or in conflict with this ordinance to the extent of inconsistency or conflict are hereby repealed.

1.6 Effective Date

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

1.7 Interpretation

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

ARTICLE II

RULES AND DEFINITIONS

2.1 Compliance

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

2.2 Word Use

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

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

2.3 Definitions

1. **Access:** The place or way by which pedestrians and vehicles have safe and suitable entrance and exit to a property.
2. **Accessory Building and Uses:** A subordinate building or portion of the main building the use of which is clearly incidental to and serves exclusively to the principal building or principal use and shall be located on the same zoning lot.
3. **Adult Bookstore:** An enclosed building having as a substantial or significant distinguished or characterized by their emphasis on matter depicting or describing sexual activities or anatomic areas, such as genitals, breasts or buttocks.

4. **Adult Cinema:** An enclosed building used on a regular basis for presenting pictorial materials or other visual images by way of direct or indirect projection, which materials are distinguished or characterized by an emphasis on the depiction of sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks for observation by patrons in return for the payment of consideration, irrespective of the number of persons who may be able to view the presentation at one time.
5. **Adult Entertainment Center:** An adult bookstore, adult cinema, adult entertainment facility, or any combination thereof.
6. **Adult Entertainment Facility:** An enclosed building wherein an admission is charged for entrance, or food or nonalcoholic beverages are sold or intended for consumption, and wherein may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks.
7. **Alley:** A public way which affords only secondary access to abutting property.
8. **Allowed Uses:** Those uses, buildings or structures which comply with the provision of specific zoning districts because of the similarities in nature and relationship to each other. Allowed uses are distinct from conditional uses in that they are authorized only if certain requirements of this ordinance are met after a public hearing and approval by the City Council.
9. **Alteration:** As applied to a building or structure, is a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height or depth, or the moving from one location or position to another.
10. **Amendment:** Any change, revision or modification of the text of the ordinance or the Zoning District Map.
11. **Animal Hospital or Kennel:** A building or premises set up for treatment and boarding of domestic animals including veterinary facilities.
12. **Basement:** A story, partly underground with more than one-half of its height below grade.
13. **Block:** A segment of the city bounded by rights-of-way, intersecting streets and/or railroads.

14. **Board of Adjustment:** The body appointed by the City Council to hear appeals on the enforcement of the provisions of this ordinance.
15. **Buildable Area:** The portion of a lot remaining after required yards have been provided.
16. **Building:** Any structure designed or intended for shelter or protection of persons or property.
17. **Building Area:** That portion of the zoning lot that can be occupied by the principal use, excluding the front, rear and the side yards.
18. **Building Height:** The vertical distance from the grade to the highest point of the roof.
19. **Building Line:** A line establishing the minimum distance which structures may be placed from the lot lines or street right-of-way. For the purposes of this ordinance, the building line is the same as the setback line.
20. **Certificate of Compliance:** A certificate stating compliance with the provisions of the ordinance.
21. **City:** The City of Belfield together with those parcels outside of its corporate limits but within its extraterritorial zoning jurisdiction.
22. **Club:** A private club or lodge which is a nonprofit association of persons for the purpose of gatherings and entertaining members including consumption of food and beverages.
23. **Commercial Building:** Any structure which is not used for residential, medical, religious, or instructional purposes and which is constructed in compliance with the adopted building code.
24. **Commercial District:** The areas designated by the City Council of Belfield on the District Zoning Map which provides for the grouping of retail merchandising and service activities.
25. **Community Garage:** A group of private garages located jointly on any lot or premises of two or more adjacent premises having no shop or service in connection therewith, providing the storage space includes at least two hundred and fifty (250) square feet for each vehicle.
26. **Comprehensive Plan:** A statement in documented text setting forth explicit goals, objectives, policies, and standards of the jurisdiction to guide public and private development within its control.

27. **Conditional Use:** Use of a special nature not automatically permitted in a zoning district and which requires review and approval by the City Council after a public hearing. It is a use which would not be appropriate in a particular zoning district, but, which if controlled as to the number, location, or relation to the surrounding uses and the area, would be consistent with the purpose and the intent of these zoning regulations. A conditional use is permitted in a district specifically permitting it, subject to the approval of the City Council and only when the City Council finds that such use meets all of the requirements applicable to it as specified in the city codes including these regulations.
28. **Conforming Building or Structure:** A building or structure which complies with all requirements of this ordinance and other regulations adopted by the city.
29. **Development:** Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings , structures, or accessory structures, the construction of additions or alterations to buildings or structures, ditching, dredging, paving, excavation or drilling operations.
30. **Development Plan:** A document including maps and data for physical development of an area as provided by this ordinance.
31. **District Zoning:** A section or sections of the City of Belfield for which regulations governing the use of building and premises, the building heights, the size of yards, lot area, lot width, and the use thereof are uniform.
32. **Dwelling:** Any building or portion thereof, used exclusively for human and other temporary occupancy habitation including single family and multiple family units but not including hotels or motels, or vehicles designed for camping, such as vacation vehicles.
33. **Dwelling, Manufactured Home:** A structure transportable in one or more sections which is a minimum of eight body feet in width and is thirty-two body feet or more in length and is built on a permanent metal chassis and designed to be used as a dwelling with or without a permanent foundation and additions when connected to the required utilities and includes the plumbing, heating, and air conditioning and electrical systems contained therein.
34. **Dwelling, Multiple Family:** A single building, or portion thereof, containing two (2) or more dwelling units.
35. **Dwelling, Single Family:** A building containing one (1) dwelling unit only.

36. **Dwelling Unit:** One or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.
37. **Easement:** The right granted by deed or contract entitling its holder to specific use and enjoyment of a part or all of a parcel of land which is owned by another person, firm, corporation or unit of government.
38. **Encroachment:** Any fill, building, structure or use including accessory uses projecting into the adjacent yard areas or public and private properties.
39. **Establishment:** A place of business for processing, production, assembly, sales, service of goods and materials.
40. **Extraterritorial Jurisdiction:** The area outside of the corporate limits of the City of Belfield over which the city claims authority for zoning purposes as established by the North Dakota Century Code.
41. **Family:** Persons related by blood or marriage, relatives or kinfolk.
42. **Flood Insurance Rate Map (FIRM):** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
43. **Flood Insurance Study:** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.
44. **Garage, Private:** An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is an accessory.
45. **Garage, Public:** Any building or premises used for equipment, repairing, hiring, selling, or storing motor-driven vehicles, not including show rooms for the display of the cars.
46. **Grade:** The surface of the ground, court, lawn, yard or sidewalks adjoining a building; the established grade is the grade of the street, curb lines fixed by the City of Belfield; the natural grade is the undisturbed natural surface of the ground, court, lawn, or yard after filling or grading to desired elevation or elevations around a building or structure; but where the finished grade is below the level of the adjoining street, the established grade shall be deemed the finished grade.

47. **Home Occupation:** Any occupation which: (a) is carried on in a dwelling unit by members of the family; (b) is clearly secondary to the use of the residential dwelling units; and (c) does not create a nuisance, excessive noise, traffic, or conflict with adjoining uses.
48. **Hotel or Motel:** A building with lodging accommodations, either with or without meals, which are provided for compensation.
49. **Improvements:** Street grading and surfacing with or without curbs, gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets and landscaping.
50. **Industrial District:** The areas designated by the City Council of Belfield on the District Zoning Map which provide for the grouping of manufacturing, assembly, and heavy commercial activities.
51. **Industrial Waste:** All waste resulting from an industrial, manufacturing, or commercial activity that is managed as a separate waste stream and as defined by NDCC 23-29-03.
52. **Inert Waste:** Non-putrescent solid waste which will not generally contaminate water or form a contaminated leachate. Inert waste does not serve as food for vectors. Inert waste includes, but is not limited to construction and demolition material, such as metal, wood, brick, masonry, and concrete, asphalt concrete, tires and tree branches.
53. **Junk or Salvage Yard:** Land or buildings where waste, discarded or salvaged materials are bought, sold, stored, exchanged, cleaned, packed, disassembled or handled including but not limited to scrap metal, rags, paper, hides, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles.
54. **Kenel:** Any premises where dogs, cats, and other household pets are boarded, bred, and maintained for compensation.
55. **Land Use Administrator:** The officer appointed by the City Council of Belfield to administer the zoning affairs of the City of Belfield.
56. **Lot:** A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, and having its principal frontage upon a street or road.
57. **Lot Area:** The total area within the boundary lines of the lot or parcel of land excluding public right-of-way.

58. **Lot, Corner:** A lot abutting on two or more streets other than an alley at their intersection.
59. **Lot, Depth:** The mean horizontal distance between the front and rear lot lines.
60. **Lot, Line: The property line bounding a lot.**
61. **Lot of Record:** A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Stark County, or a parcel of land, the deed to which was recorded in the office of the County Recorder prior to the adoption of these regulations.
62. **Lot, Width:** The horizontal distance between the side lot lines measured at setback line.
63. **Master Plan:** The Comprehensive Plan, or any portion thereof, made and adopted by the City Zoning Commission in accordance with the laws of the state of North Dakota and regulations of the City of Belfield indicating the general or specific locations recommended for streets, parks, public buildings, zoning districts and all other public improvements to include local policies and standards.
64. **Mobile Home (Manufactured Home):** A factory built structure, transportable in one or more sections and has at least 720 or more square feet and is designed as a year-round dwelling unit to be placed on a secure or a permanent foundation or basement. The mobile home must comply with the latest Manufactured Home Safety Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development. A recreational travel trailer is not a mobile home.
65. **Mobile Home (Manufactured Home) District:** The area designated by the City Council of Belfield on the District Zoning Map for development of mobile home residential dwelling units.
66. **Mobile Home Park:** A tract of land designed and developed to accommodate mobile homes (manufactured homes), each occupying a portion of the site of a purchased, leased or rental basis and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for long-term residential occupancy.
67. **Modular Home:** A factory-built dwelling unit, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site and which does not have permanently attached to its body or frame any wheel or axel and bears a label certifying

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

68. **NDCC:** North Dakota Century Code
69. **Nonconforming Building:** Any building or structure which does not conform to any or all of this ordinance but existed at the time of the adoption of this ordinance.
70. **Nonconforming Use:** Any principal use of land or building which does not conform to any or all parts of this ordinance but existed at the time of the adoption of this ordinance.
71. **Parking Space:** An off-street area designated for parking of automobiles accessible from a public street or alley.
72. **Permanent Foundation:** A continuous wood or masonry foundation which extends below ground level and is set on footings. The footings may be concrete or gravel depending on soil conditions.
73. **Permitted Use:** Any use which complies with the requirements of a zoning district.
74. **Person:** Any individual, firm, corporation, association, partnership, or legal entity.
75. **Plat:** A map of a subdivision.
76. **Preliminary Plat:** The preliminary plan of a subdivision and any accompanying material prepared in accordance with the requirements of this ordinance.
77. **Prohibited Use:** Any use or structure which is not allowed in a particular district. Any use not identified explicitly in this ordinance shall be considered prohibited and shall not be allowed until incorporated through the amendment procedure.
78. **Public Utility:** Any business which furnishes the general public telephone, telegraph, electricity, natural gas, or water service, and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State.
79. **Public Way:** Any dedicated and recorded right-of-way including alleys, bikeways, sidewalks, streets, roads or highways.

80. **Recreational Vehicle:** A vacation trailer or other vehicular or portable unit which is either self-propelled or towed and which is intended for human occupancy and is designed for vacation or recreational purposes but not permanent residential use.
81. **Recreational Vehicle Park:** A lot which is operated on a fee or other basis as a place for the parking of occupied recreational vehicles.
82. **Regional Flood:** A flood baseline determined by the state and Federal Emergency Management Agency which is representative of large floods known to have occurred in Stark County, North Dakota.
83. **Residential District:** The areas designated by the City Council of the City of Belfield on the District Zoning Map for development of residential dwelling units.
84. **Right-of Way:** A strip of land designated or dedicated for public way, including streets, sidewalks, railroads, electric transmission lines, telephone and telecommunications lines, oil or gas pipelines, sanitary sewer, storm sewer, or water systems and brown water systems.
85. **Setback:** The line within a property defining the required minimum distance between the front lot line and the building line.
86. **Sign:** Any emblem, name, identification, description or illustration which is used for outdoor advertising having a permanent location on the ground or attached to or painted on a building including bulletin boards, poster boards and billboards, but excluding real estate for sale signs, political campaign signs, public information and traffic signs.
87. **Site Plan:** A detailed plan for making improvements to parcel(s) of land for the purpose of building and development as provided in this ordinance.
88. **Solid Waste:** Any garbage, refuse, sludge from a waste treatment plant, water treatment plant, or air pollution control facility and other discarded waste material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. The term does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to Permit Section 402 of the Federal Water Pollution Control Act, as amended, or source, special nuclear or the by-product material as defined by the Atomic Energy Act of 1954, as amended.
89. **Street:** A public way for pedestrian and vehicular traffic.

Major Street: Street which gathers and distributes traffic from and to minor streets and adjacent lands.

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

90. **Structural Alterations:** Any change in the supporting elements of a building or structure including bearing elements, partitions, columns, beams, girders, roofs, exterior walls and embankment.
91. **Structure:** Anything constructed or erected which requires permanent location on the ground excluding fences under six (6) feet in height.
92. **Subdivision:** The division of a lot, parcel of land, or tract , creating one or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale or of building development, and any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights-of-way, whether public or private, for access to or from any such lot, tract or parcel, and the creation of new or enlarged parks, playgrounds, plaza, or open spaces.
93. **Substantial Improvements:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
94. **Temporarily Permitted Use:** A conditionally permitted use which has a definite time period as one of its conditions.
95. **Temporary:** Means one year or less.
96. **Variance:** A relaxation of the terms of this Code where such variance will not be contrary to the public interest and ordinance, owing to conditions peculiar to the property and not the result of the actions of the applicant, and where the literal enforcement of the ordinance would result in unnecessary and undue hardship.
97. **Yard:** A required open space on the same lot with the principal building or structure.

98. **Yard, Front:** A yard that extends across the full width of the lot, as the least distance between the front lot line and the front building line.
99. **Yard, Rear:** The least distance between the rear lot line and the rear of the principal building.
100. **Yard, Side:** The least distance between the sides of principal building and the side lot line.
101. **Wind Energy Conversion System:** Any device that is designed to convert wind power to another form of energy such as electricity, mechanical or heat (also referred to by such common names as wind charger, wind turbine, and wind mill).
102. **Zoning Commission:** The body appointed by the City Council of Belfield to conduct the zoning affairs of the city.
103. **Zoning District Map:** The map showing the zoning districts of the City of Belfield officially adopted by the City Council of the City of Belfield.

ARTICLE III

GENERAL PROVISIONS

3.1 Jurisdiction

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

3.2 Compliance with Ordinances, Statutes, Regulations and Plans

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

1. The provisions of the North Dakota Century Code (NDCC).
2. The rules of the North Dakota State Health Department, North Dakota Highway Department and other North Dakota state agencies.
3. City of Belfield Comprehensive Plan.

3.3 Exceptions

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

3.4 Amendments

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

1. Any person, firm or corporation which owns land is entitled to submit an application for amendment to the Zoning District Map.
2. Procedure for Amendments:
 - (a) Applications for amendments shall be filed with the City Auditor a minimum of thirty (30) days prior to any scheduled board meeting.
 - (b) The City Auditor shall present the application to the City Zoning Commission at its next regularly scheduled meeting.

3. Notice of Amendment Hearings:
 - (a) Notice of the time and place of the hearing shall be published by the City in the newspaper of general circulation once a week for two consecutive weeks prior to the hearing.
4. Public Hearing:
 - (a) Following a public hearing conducted by the City Zoning Commission, said Commission shall submit its recommendations concerning the proposed amendment or development to the City Council.
 - (b) Upon receipt of the City Zoning Commission's recommendations, the City Council shall hold a hearing for the proposed amendment or development.
 - (c) Following the hearing, the City Council shall approve or disapprove the proposed amendment or development.
5. Protests to Amendments:
 - (a) If a protest against an amendment is signed by the owners of twenty (20) percent or more:
 - (i) of the area of the lots included in such proposed change; or
 - (ii) of the area adjacent, extending one hundred and fifty (150) feet from the area to be changed, excluding the width of streets, the amendments shall not become effective except by the favorable vote of three-fourth (3/4) of all the members of the City Council of Belfield.
6. Appeals

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

3.5 Land Suitability

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

3.6 Non-Conforming Uses

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

3.7 Conditionally Permitted Uses

1. Conditional Uses. Where a use is classified as a conditional use under this ordinance and exists at the date of the adoption of this ordinance, it shall be considered an allowed use. Where a use is not allowed as a conditional use or allowed use, under this ordinance, and exists at the date of the adoption of this ordinance, it shall be considered a non-conforming use.
2. Application for a conditional use permit shall be submitted to the Land Use Administrator.
3. The City Zoning Commission shall hold a public hearing on the application. Notice of said hearing shall be published in the newspaper of general circulation at least one week prior to the hearing.
4. No application for a conditional use permit shall be granted unless the City Zoning Commission shall find all of the following conditions present:
 - (a) The conditional use shall not be detrimental to or endanger the public health, safety or general welfare.
 - (b) The conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.
 - (c) The conditional use shall not impede the normal and orderly development of the surrounding property.
 - (d) Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided.
 - (e) Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the neighboring properties and traffic congestion in the public street.

- (f) The conditional use shall conform to all applicable regulations of the district within which it is located.
- 5. The City Zoning Commission may stipulate conditions and restrictions upon the establishment, location, construction and operation of the proposed use in order to promote and protect public health, safety and general welfare. In all cases in which conditional uses are granted, the City Zoning Commission shall prior to issuance of a Certificate of Compliance, require evidence of compliance with these provisions and with the conditions set forth.
- 6. The City Zoning Commission, finding that the conditions or restrictions set forth are not being complied with, may revoke the conditional use permit after a public hearing.
- 7. In any case where a conditional use permit has not been instituted within one year of the date of approval, the permit shall be null and void.
- 8. Any use for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use of the building or premises shall be in conformity with these regulations.

3.8 Residential Development

No lot shall contain more than one principal single family residential building, and no dwelling unit shall be built on a lot which does not abut a dedicated public road. Accessory buildings shall be smaller than the principal building and shall be limited to fifteen (15) feet in height and be located at least six (6) feet from all lot lines.

3.9 Dedication of Land for Streets

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

3.10 On-Site Sewer System

To protect the public health, to control water pollution, and to reduce nuisance and odor, all new development within the city shall be connected to city services. All new development within the extraterritorial jurisdiction of the city shall be

connected to an approved on-site sewage system. Construction and use of privies, outhouses, and cesspools is prohibited within the city.

ARTICLE IV

ZONING DISTRICTS

4.1 District Map

Zoning Districts

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

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

4.2 Zoning Map

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

1. Where uncertainty exists with respect to the boundaries of the various districts hereby established and as shown on the Zoning District Map, the following rules shall apply:
 - (a) The district boundaries are the center lines of streets or alleys, unless otherwise shown.
 - (b) Where the district boundaries are not center lines of streets or alleys and where the land has been or may hereafter be divided into lots or blocks and lots, the district boundaries shall be construed to be lot lines.
 - (c) Where land has not been subdivided into lots or blocks and lots, the district boundary lines on the Zoning District Map shall be determined by the Board of Adjustment.

4.3 R-Residential District

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

(a) Permitted Uses:

- (i) Single-family dwellings
- (ii) Public parks, playgrounds and other public buildings and structures
- (iii) Accessory buildings
- (iv) Public and parochial schools
- (v) Churches and related facilities
- (vi) Home occupations
- (vii) Daycare facilities
- (viii) Bed and Breakfast establishments

(b) Conditionally Permitted Uses:

- (i) Two or more family dwelling units; a single building or portion thereof, containing two (2) or more dwelling units.
- (ii) Manufactured homes on permanent type foundations on platted lots.

Pre-manufactured and mobile homes are allowed provided that they are placed on a permanent foundation, permanent or properly anchored basement made of concrete or post and pier foundation. Loose blocks shall not constitute a permanent foundation. Wheels and hitches must be removed. All manufactured homes must be permitted through the city.

- (iii) Public facilities including public water and sewage treatment lagoons.

(c) Area Requirements:

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

- (i) Minimum width: seventy-five (75) feet
- (ii) Minimum area: seven thousand (7,000) square feet

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

Minimum width: one hundred (100) feet.

Minimum area: forty thousand (40,000) square feet provided that the site meets the minimum standards for on-site sewage disposal by the North Dakota State Health Department.

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

- For two-family (duplex) units of a total of three thousand (3,000) square feet for each additional unit (up to four units).
- For all other multi-family units a lot area requirement shall be the same as for a single family unit with an additional one thousand (1,000) square feet of lot area for each dwelling unit over four (4) in number in the structure.

- (d) Yard Requirements

(i) Front yard: A minimum depth of fifteen (15) feet

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

(iii) Side yard - minimum width of six (6) feet and twenty (20) feet from a garage entrance from an alley.

- (e) Height requirements:

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

- (f) Off-Street Parking:

For residential uses, two parking spaces for each dwelling unit

For all other uses, one parking space for each four hundred (400) square feet of building space shall be provided.

All parking spaces shall be hard-surfaced with either concrete or asphalt.

(g) Fences and Retaining Walls:

Walls and retaining walls up to forty-eight (48) inches in height shall be permitted so as not to interfere with traffic visibility. Barbed wire or sharp-point metal fences or electrically charged fences shall not be permitted.

Chain link fences and other type fences which do not limit the visibility may be allowed up to a height of six (6) feet subject to front line setback requirements upon approval of the Land Use Administrator. Privacy slats or foliage of over thirty (30) inches in height are not permitted in the front twenty-five (25) foot setback. Trees will be allowed twelve and one-half (12.5) feet from the curb and must be trimmed up five (5) to six (6) feet. No trees, shrubs, or hedges can be planted on the boulevards. No fences can be constructed on the boulevards.

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

(a) Permitted Uses:

- (i) All uses permitted in R-1 district.
- (ii) Multi-family dwellings.
- (iii) Community garages.
- (iv) Manufactured homes on a permanent foundation as required above.

(b) Area Requirements:

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

- (i) Single family: seven thousand (7,000) square feet.
- (ii) Duplexes, multiple-family, condominiums, and townhouses: each additional unit up to four (4) three thousand (3,000) square feet.
- (iii) One thousand (1,000) additional square feet for each unit over four (4).

(c) Yard Requirements:

All structures in this district shall be subject to the yard requirements of the R-1 district.

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

(a) Permitted Uses:

(i) All uses allowed R-2.

(ii) High-rise apartments.

(iii) Water reservoirs.

(b) Area Requirements:

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

(i) 13,000 square feet for the first four units.

(ii) 1,000 square feet for each additional unit.

(iii) The structures shall not cover more than seventy (70) percent of the buildable area of interior lots with a minimum depth of twenty-five (25) feet on each street side of each corner lot.

(c) Yard Requirements:

All structures in this district shall be subject to the yard requirements of the R-1 district.

4. Density Requirements.

Any structure built in these districts shall meet the following density requirements:

<u>Zone</u>	<u>Maximum Percentage of Coverage</u>	
	Building	Impervious
R-1	25	50
R-2	60	65
R-2-Corner	45	65
R-3	70	75
R-3-Corner	55	75

4.4 MH-Mobile Home District

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

1. Mobile Home (Manufactured Home) parks and prefabricated housing
 - (a) Manufactured home parks shall contain a minimum of ninety thousand (90,000) square feet of land and contain a maximum of seven (7) mobile homes per gross acre.
 - (b) A minimum of ten (10) percent of the gross area of the project shall be devoted to parks and playgrounds.
 - (c) Each manufactured home shall be placed within a lot at least fifty (50) feet wide, one hundred (100) feet in depth and with a minimum area of 5,000 square feet.
 - (d) Each unit shall have a minimum front setback of twenty (20) feet, a minimum rear setback of twenty (20) feet and a minimum side setback of six (6) feet. Permitted encroachments on setback space include carports, outdoor terraces or patios without roofs or walls, and encroachments may project four (4) feet into any setback space. No unit shall be located closer than twelve (12) feet to any other unit.

- (e) Underground utility, including water, sewer, gas, electricity and telephone, shall be provided to each lot in the park.
- (f) All lots and streets in the park shall be accessible at all times to emergency vehicles and streets shall be so designed as to permit a minimum number of ingress and egress points to control traffic movement from the park.
- (g) Where the park is served by private streets, those streets shall conform to the design standards recommended by the city and streets and parking areas shall be surfaced for all weather travel.
- (h) Each manufactured home shall be placed upon a stand which shall be surfaced in the same manner as herein required for streets, and which stand shall also provide a satisfactory method of anchoring mobile home tie-downs.
- (i) All units in the park shall be served with public sewer and a water supply approved by the North Dakota State Department of Health.
- (j) The entire manufactured home park shall be landscaped, excluding hard-surfaced areas.
- (k) Application for the establishment of a manufactured home park shall include a plot plan as to location and legal description and which plan shall set forth the foregoing requirements in detail.
- (l) There shall be two off-street parking spaces per unit.

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

- 1. Permitted uses
 - (a) Retail service uses including grocery, pharmacies, hardware, clothing, bakeries, eating and drinking places, automobile service station, print shop, and repair shops.
 - (b) Personal service uses including offices and clinics, barber and beauty shops, hotels and motels, financial institutions, bowling alleys and amusement centers, theaters, dry cleaners, laundries and tailor shops.
 - (c) Educational, governmental, philanthropic, or charitable institution.

- (d) Sales and servicing of motor vehicles and farm implements.
- (e) Amusement places including bowling alleys, athletic clubs, pool halls and similar indoor facilities.
- (f) Automobile dealerships.
- (g) Hotels and motels.

2. Area and yard requirements

Lot area and yard requirements for buildings used for residential purposes shall conform to the yard requirements of R-Residential District. There is no requirement for any other building.

3. Setback Requirements

(a) Front Yard

No structure or building shall be closer than thirty (30) feet from the center line of any street.

(b) Rear Yard

Any building or structure in the Commercial District shall have a rear yard setback of twenty (20) feet from the property line to allow for complete access to all structures.

4. Off-street parking and loading facilities

- (a) Provide off-street parking for all employees and all rolling equipment at a ratio of one-to-one; for visitors and customers, at a ratio of one-to-employee.
- (b) For residential uses there shall be two parking spaces per unit.
- (c) Adequate loading-unloading facilities shall be provided and shall be located on the same lot as the principal use.

5. Conditionally Permitted Uses

- (a) Contractor's yard and operations.
- (b) Processing and packaging of materials.
- (c) Warehouses and wholesale dealerships.

- (d) Commercial grain bins or related activity.
- (e) Commercial truck stops and convenience stores and associated structures to service the same.

6. Commercial Development Submission Requirements

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

4.6 I-Industrial District – It is the intent of these district regulations to provide for the best location of heavy commercial and industrial uses which would be incompatible with other uses.

1. Permitted uses

- (a) Commercial district uses.
- (b) Grain and feed elevator or mill.
- (c) Heavy equipment sales, service, or repair.
- (d) Lumber yard.
- (e) Trucking or freight terminal, truck parking, commercial truck stops and garages and associated structures to service the same.
- (f) Warehouses.
- (g) Agriculture.
- (h) Any industrial or manufacturing operation providing that: (a) dust, fumes, odors, smoke, vapor, noise, lights, and vibrations shall be confined within the industrial district, and (b) outdoor storage, equipment and refuse areas shall be concealed from view of abutting rights-of-way.

2. Conditionally permitted uses

- (a) Chemical and chemical fertilizer plant.
- (b) Coal gasification plant.
- (c) Electrical power generating plant, to include wind generation.
- (d) Refinery.
- (e) Salvage and junk yards.
- (f) Fuel and explosive material storage tanks and terminals.
- (g) Adult entertainment centers.
- (h) Noxious waste disposal sites.
- (i) Animal hospitals, kennels, and veterinary clinics.
- (j) Sewage treatment facilities.
- (k) Solid waste landfill and transfer stations.
- (l) Radio, communication and television towers and accessory buildings.

3. Performance standards

- (a) A buffer strip consisting of a solid fence, wall, trees or shrub rows with a potential of at least eight (8) feet in growth height shall be provided when an industrial use is abutting R-Residential District. If the buffer strip provided consists of tree rows, a minimum of three rows of trees and/or shrubs with a total minimum depth of twenty-five (25) feet shall be required.
- (b) The open storage of materials, other than waste products or salvage, may be permitted when located at least one hundred (100) feet from any R-Residential District and at least thirty (30) feet from any street right-of-way or other lot line. All material shall be handled so as to effectively control dust. All combustible material shall be stored in such a way as to permit free access to fire-fighting equipment.

4. Lot Area, Width, and Yard Requirements

- (a) The minimum lot area for the industrial district shall be ten thousand (10,000) square feet.
- (b) The minimum lot width shall be one hundred (100) feet.
- (c) There shall be at least a twenty (20) feet setback from the front line of the lot.
- (d) The minimum rear building line, measured from the rear lot line, shall be twenty (20) feet.
- (e) The minimum side building line, measured from the side lot line, shall be twenty (20) feet.
- (f) No building or structure shall be located within one thousand (1,000) feet from the boundary of residential areas.
- (g) The maximum lot coverage shall not exceed eight-five (85) percent of the buildable area.

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

1. Permitted Uses:

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

- (a) Structures and operation incidental to the operation of a farm.
- (b) Churches and related facilities.
- (c) Public parks, playgrounds, public buildings and structures.
- (d) Public and parochial schools.
- (e) Temporary structures incidental to construction work.
- (f) Utility lines and facilities for public service.
- (g) Home Occupations.

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

2. Conditionally Permitted Uses:

- (a) Cemeteries.
- (b) Animal hospitals, kennels, and veterinary clinics.
- (c) Grain elevator.
- (d) Airports.
- (e) Radio, television towers, communication towers, and accessory buildings.
- (f) Sanitary landfill operation and sewage treatment facilities.
- (g) Skeet, trap and rifle ranges.
- (h) Tourist and trailer camps: recreational vehicle campgrounds:
 - (i) Campground shall contain a minimum of ninety (90,000) square feet and a maximum of fifteen (15) campsites per gross acre.
 - (ii) The site plan showing location of all facilities, drives and campsites shall be approved by the city.
 - (iii) Water and sanitary facilities shall meet the requirements of the North Dakota State Health Department, evidence of which shall be presented to the city on or before the hearing
- (i) Single-family non-farm residences on five (5) acres or more.

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

1. Permitted Uses:

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

- (c) Churches, schools and related facilities.
- (d) Raising of game animals, waterfowl and fish.
- (e) Communication and power transmission lines and other public utility lines.
- (f) Accessory buildings or structures to any permitted uses.
- (g) Golf driving range, miniature golf course, go-cart track, or race track provided:
 - (i) the same not be constructed within five hundred (500) feet of a residential district.
 - (ii) flood lights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property, highways and streets.

2. Conditional Uses:

- (a) Recreational parks, tourist and trailer camps.

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

- (i) The minimum area for campground shall be ninety thousand (90,000) square feet and maximum number of recreational trailers shall be fifteen (15) units per gross acre.
 - (ii) A site plan showing the boundary of property, topographic information with contour intervals of no more than five (5) feet; arrangement of streets, drives and access roads; location of service buildings; location and dimension of camp sites; location of sanitary facilities; and location of water supply.
 - (iii) Proof of compliance with the requirements of North Dakota State Health Department and North Dakota State Laboratories Department.
- (b) Single family dwelling units.
 - (c) Places of amusement (parks).
 - (d) Refreshment stands.

- (e) Commercial campgrounds and recreational vehicle parks.
 - (f) Restaurants, including all types of eating and drinking establishments.
3. Setback Requirements:
- (a) A minimum of sixty (60) feet shall be maintained between all structures or recreation vehicle campsites and the natural shoreline of streams, rivers, lakes, reservoirs, or other water areas. No structures will be allowed in Flood Plain Zone.
 - (b) Maximum height requirements: No building shall exceed forty (40) feet or two (2) stories in height.

4.9 Floodplain Overlay District

1. Purpose

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

2. Land to which Ordinance Applies

Applicability

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

3. Warning and Disclaimer of Liability

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

damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

4. Permitted Uses

- (a) General building uses including general farming, pasture, and grazing and related uses provided that the buildings and structures for residential use are floodproofed above the 100-year floodplain as established by FEMA.
- (b) Non-structural uses including ponding of run-off water and treated waste water.
- (c) Public utilities including railroads, roads and highways, channels, and pipelines.
- (d) Outdoor recreational uses including golf courses, bicycle trails, picnic areas, rodeo grounds, ball parks, and boat launching ramps.

5. Conditional Uses

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

6. Additional Permit Requirements

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

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

7. General Standards

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

(a) Anchoring

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

(b) Construction Materials and Methods

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

(c) Utilities

- (i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (ii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters

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

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

(d) Subdivision Proposals

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

(e) Encroachments

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.

8. Specific Standards

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

(a) Residential Construction

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

(b) Non-residential Construction

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement elevated to or above one (1) foot

above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (i) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (iii) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official Land Use Administrator.

(c) Mobile Homes

- (i) Mobile homes shall be anchored in accordance with Section 4.7.7 (a).
- (ii) For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivision, require that:
 - stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above one foot above the base flood level.
 - adequate surface drainage and access for a hauler are provided; and,
 - in the instance of elevation on pilings, that:
 - lots are large enough to permit steps,
 - piling foundations are placed in stable soil no more than ten (10) feet apart, and
 - reinforcement is provided for pilings more than six (6) feet above the ground level.

(d) Crawlspace

Below-Grade Residential Crawlspace Construction

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

- (i) Have the interior grade elevation that is below base flood elevation no lower than two (2) feet below the lowest adjacent grade;
- (ii) Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four (4) feet at any point;
- (iii) Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;
- (iv) Be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads;
- (v) Be constructed with materials and utility equipment resistant to flood damage;
- (vi) Be constructed using methods and practices that minimize flood damage;
- (vii) Be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (viii) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

- The bottom of all openings shall be no higher than one foot above grade;
- Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

9. Flood Proofing Measures

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

- (a) Anchorage to resist flotation and lateral movement.
- (b) Installation of watertight doors, bulkheads, or similar methods of construction.
- (c) Reinforcement of walls to resist water pressure.
- (d) The usage of paints, membranes, or mortar to reduce the seepage of water through walls.
- (e) The construction of water supply and waste treatment systems which will prevent the entrance of flood waters.
- (f) The addition of mass or weight to structures to reduce floatation.
- (g) The installation of pumps to lower water levels in structures.
- (h) The location of all electrical equipment, circuits and installed appliances in a manner which will insure they are not subject to flooding and to provide protection from inundation by the regional flood.
- (i) The location of all structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare above the flood protection elevation or the provision of

adequate flood proofing to prevent flotation of storage containers which could result in the escape of toxic materials into flood waters.

4.10 Planned Unit Development Overlay District

4.10.1 Intent

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

4.10.2 Allowed Uses

1. All conditionally allowed uses in Residential Districts and allowed uses in Commercial Districts under the following provisions:
 - (a) Setbacks and buffer zones are designed to the Planning Commission satisfaction.
 - (b) Adequate and appropriate areas of the PUD are set aside for open space and parks.
 - (c) Interior streets, parking areas and utility service facilities are safe, adequate and efficient in design and are covered under a district maintenance program.
 - (d) The overall unit is compatible with the surrounding land uses in that district.
 - (e) Proposed phases of completion are defined.

ARTICLE V

LAND SUBDIVISION

5.1 Intent

1. To insure the orderly development of the city and its unincorporated planning area.
2. To provide for proper arrangement of streets in relation to other existing and planned streets.
3. To provide for adequate and convenient open spaces for traffic, utilities, firefighting, recreation, light and air.
4. To facilitate adequate provisions for access, placement of public non-profit and for profit utilities, schools, and public open spaces.
4. To avoid development of unsuitable areas because of soil, drainage and other physical limitations.
5. To facilitate subdivision of larger parcels into smaller parcels and lots.
6. To implement the Comprehensive Plan of the city.
7. To repeal and replace Section 2: Article 8: Subdivision Regulations as contained in City Ordinance No. 281.

5.2 Compliance with Chapter

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

5.3 Minor Subdivision

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

5.4 Sketch Plan

1. Submission
 - (a) Prior to the filing of an application for tentative approval of the preliminary plat, the subdivider shall submit for review by the City Zoning Commission sketch plans.
 - (b) Such sketch plans will be considered as submitted for informal discussion between the subdivider and the City Zoning Commission. Submission of a subdivision sketch plan shall not constitute formal filing of a plat.
 - (c) Prior to presentation of the sketch plan to the City and Zoning Commission, the subdivider should contact the Zoning Administrator to ensure that the proposed subdivision conforms to the design standards of this chapter, the county comprehensive plan, street or utility master plans, and discuss any possible modifications necessary to ensure conformance.
2. Data Required for Sketch Plan
 - (a) Tract boundaries;
 - (b) North point;
 - (c) Description of nature and purpose of street(s) on and adjacent to the tract;
 - (d) Proposed general street layout;
 - (e) Significant topographical and physical features;
 - (f) Proposed general lot layout; and
 - (g) Existing and proposed land use.

5.5 Procedure for Subdivision Approval

1. Preliminary Plat
 - (a) The subdivider shall prepare a preliminary plat and file an application for approval with the City Zoning Commission. The application shall include all data required by these regulations accompanied by three copies of the plat.

- (i) The preliminary plat shall cover all contiguous lands owned or controlled by the subdivider even if only a part of it is proposed for development at that time.
 - (ii) The City Zoning Commission shall within thirty (30) days from the date submitted, approve, approve conditionally or reject the preliminary plat based on its determination of conformance with these regulations.
- (b) The preliminary plat shall be based upon a survey and shall be submitted in three copies on a scale of not more than one hundred (100) feet to one (1) inch and shall show correctly:
- (i) Name, address and telephone number of the person to be contacted regarding the plat.
 - (ii) Date, graphic scale and north point.
 - (iii) Name of the proposed subdivision.
 - (iv) Location of the proposed subdivision by government lot, quarter section, section, township, range and county.
 - (v) A scaled drawing of the exterior boundaries of the proposed subdivision referenced to the corner established in the U.S. Public Land Survey and the total acreages encompassed thereby.
 - (vi) Names and locations of adjacent subdivisions, parks, cemeteries and other development.
 - (vii) Location of existing property lines, buildings, streams or water courses, marshes and wetlands, wooded areas, and other similar significant features within the parcel being subdivided.
 - (viii) Location, right-of-way width and names of any existing or proposed streets, alleys or other public ways; easements, and railroad and utility rights-of-way.
 - (ix) Contours at vertical intervals of not more than five (5) feet.
 - (x) Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public uses and open spaces not requiring subdividing of land.

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

(c) Commercial Subdivision Submittal Requirements.

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

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

2. Preliminary Plat Submission Requirements

- (a) The subdivider shall apply on appropriate forms provided by the Land Use Administrator to the City Zoning Commission at least ten (10) days prior to its regularly scheduled meeting.
- (b) The subdivider shall submit three (3) copies of the preliminary plat to the Land Use Administrator at the time the application is made. The plat shall comply with the provisions of this ordinance.
- (c) The subdivider may submit any instrument whereby he/she proposes to regulate land use in the subdivision for protecting the proposed development.
- (d) The subdivider shall provide other data related to drainage, soil suitability, financing of improvement and other related information which the City Zoning Commission requests.

3. Development Plan

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

- (a) Location of existing property lines, buildings, drives, streams, wooded areas and other significant natural features.
- (b) General layout of proposed streets and location of blocks for designated uses.
- (c) Location of open spaces and facilities for public uses.

- (d) Existing drainage pattern based on the available topographic information from the U.S. Geological Survey maps and other similar information.
- (e) The development plan shall be drawn at a scale of one inch representing four hundred (400) feet.
- (f) The City Zoning Commission may require other information as a part of the development plan.

4. Review Process

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

5. Final Plat

- (a) If the preliminary plat has been approved or approved conditionally the subdivider shall submit three (3) copies of the final plat to the City Zoning Commission.
- (b) The final plat of the proposed subdivision shall be prepared by a registered land surveyor or engineer and shall conform to the requirements of the preliminary plat and any conditions attached thereto by the City Zoning Commission.

- (c) The City Zoning Commission shall hold a public hearing as required by the North Dakota Century Code before action on the final plat is taken. Notice of the time and place of such hearing shall be published once in the official newspaper for the city one week prior to the date of the hearing. If the final plat meets the requirements of these regulations and in the case where a preliminary plat was given conditional approval and those conditions have been met, City Zoning Commission shall recommend approval of the plat to the City Council.

6. Final Plat Content

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

- (a) Name of subdivision and date of tentative approval by the City Council.
- (b) Location by section, quarter section, township and range, or other legal description.
- (c) Names of owners and surveyor or other professional person preparing the plat.
- (d) Plat map with scale of one inch representing one hundred (100) feet or less.
- (e) Date, graphic scale and north point.
- (f) Boundary line of subdivision based on an accurate traverse, showing distances and bearings.
- (g) Exact location, width and name of all streets within and adjoining the subdivision and the exact location of all alleys and crosswalks.
- (h) True bearing and distances to the nearest established street lines or official monuments which shall be accurately described on the plat.
- (i) City, township, county or section lines accurately tied to the boundary lines of the subdivision by bearing and distance.
- (j) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.

- (k) All easements for rights-of-way provided for public services and public utilities.
- (l) All lot numbers and lot lines with accurate dimensions.
- (m) Accurate location of all monuments, which shall be of material and size in accordance with the standards of the city, the county and the state.
- (n) Accurate outlines and legal descriptions of any areas (not including streets, alleys or public utility easements) to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for common use of all property owners.
- (o) Building setback lines, accurately shown with dimensions.
- (p) Where required, detailed engineering drawings, cross-sections or profiles of streets, utility lines, catch basins or other installations of improvements as installed.
- (q) Building and property covenants.
- (r) Certification by registered surveyor to the effect that the plat represents a survey made by him, and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.
- (s) Notarized certification by the owners of the land of the adoption of the plat and the dedication of sewers, water distribution lines and other improvements and of streets and other public areas.

7. Final Plat Submission Requirements

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

- (a) The subdivider shall submit the final plat to the City Zoning Commission at least ten days before the regularly scheduled meeting of the City Zoning Commission.
- (b) The final plat shall comply with all provisions of this ordinance and conditions and requirements set forth as a part of review and approval of the preliminary plat. All filing fees shall be paid to the city at the time of filing the final plat for approval.

- (c) The City Zoning Commission may require the subdivider to submit detailed drawings for grading of the lots, blocks, streets, detailed drawings for pavement, curb, gutter and sidewalk, drawings for installation of water, sanitary and storm sewer facilities.

8. Review Process

- (a) If the City Zoning Commission finds the final plat in conformance with the requirements stipulated for approval of the preliminary plat, it shall recommend to the City Council for approval after a public hearing.
- (b) The subdivider shall prepare an estimate of the cost of providing the required improvements based on the city design standards for street, curb, gutter, sidewalk, sanitary sewer, storm sewer and water lines.
- (c) If all conditions and requirements have been met, the City Zoning Commission shall make a recommendation on the plat to the City Council.
- (d) Within a reasonable time after receiving recommendations from the City Zoning Commission, the City Council shall review the recommendations and the final plat and approve or disapprove the proposed subdivision.
- (e) Within thirty (30) days after the final plat approval is granted, the final plat of record shall be filed with the County Recorder for Stark County.

9. Amendment of Any City Development Plan

Upon final approval of a subdivision involving the creation of new streets, the widening, decreasing or vacation of existing streets or alleys, or the creation, enlargement or decrease of other lands devoted to public use, the City Council and/or City Zoning Commission shall, at the same time, and with a public hearing, approve such change in streets, alleys or public lands as an amendment to any City Development Plan, if deemed appropriate.

10. Filing of Subdivision Plat

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

11. Design Standards

(a) Streets

- (i) The arrangement, character, extent, width, grade and location of all streets shall be related to: existing and planned streets; topographic conditions; existing natural features including wetlands, marshes, and tree growths; public convenience and safety, existing and proposed uses of land served by the streets; and to the most advantageous development of adjoining uses.
- (ii) The arrangement of streets in a subdivision shall provide, where possible, for the continuation or appropriate extension of existing and proposed streets in the city.
- (iii) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way; the City of Belfield may require a street approximately parallel to and on side of such right-of-way, at a distance suitable for the appropriate use of the intervening land.
- (iv) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than seventy-five (75) degrees, and no more than two streets shall intersect at one point.
 - Dead-end streets shall not be permitted without a suitable turn-around with a diameter of not less than one hundred forty (140) feet. Appropriate arrangements shall be made for those parts of temporary turnarounds outside of street rights-of-way to revert to the abutting property owners at such times as streets shall be extended.
 - No street names shall be used which will duplicate or be confused with the names of existing streets in the city.
- (v) The width of the right of way shall not be less than eighty (80) feet for major commercial streets, sixty-six (66) feet for major residential streets and sixty (60) feet for minor residential streets.

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

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

- (i) Cul-de-sac, if approved, one hundred (100) feet in diameter for a turnaround and not more than five hundred (500) feet in length.
 - (ii) Alleys, residential district, twenty (20) feet.
 - (iii) Sidewalks, four and one half (4.5) feet.
 - (iv) Bike paths (per DOT standards).
- (c) General considerations for intersection design are that:
- (i) Intersections of more than two (2) streets at a point shall not be permitted.
 - (ii) Alleys shall be discouraged in residential districts but may be provided in commercial and industrial districts.
- (d) Utility Easements
- (i) Easements of at least ten (10) feet shall be provided along the rear and exterior side of corner lots and shall be designated as "Utility Easement" on the plat.
 - (ii) All utility lines for electric power and telephone service shall be placed in the utility easements and shall be underground unless overhead utility lines are approved by the City Zoning Commission.
 - (iii) For blocks over 400' long a 10' wide utility easement perpendicular to the right-of-way shall be dedicated so there are not segments of property over 400' long without a utility easement. The utility easements will as much as possible divide the block into even segments.

(e) Grading and Drainage

- (i) When required, the subdivider shall provide a detailed grading and drainage plan showing the grades of streets and drainage improvements.
- (ii) The drainage shall not discharge into any sanitary sewer facility.
- (iii) The drainage facilities shall be located in street right-of-way or in drainage easements.
- (iv) All developers should submit a management plan for storm water.
- (v) The grading and drainage system shall be approved by the City Zoning Commission.
- (vi) Grading established in any subdivision shall not be changed without approval of the City Zoning Commission.

(f) Drainage Way Easements

- (i) Where a subdivision is traversed by a water course, drainage-way or wetland, there shall be provided an adequate drainage-way easement as required by the City Zoning Commission.
- (ii) The location, width, alignment and grading of such easements shall be of such a width and design to accommodate the anticipated discharge from the property being subdivided and also the anticipated run-off that may occur when property at a higher elevation in the drainage basin is developed.

(g) Blocks

The length, width and shape of blocks shall be suited to the planned use of land, zoning requirements, convenient access, control and safety of street traffic and the limitations and opportunities of topography.

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

measured through adjacent back lot lines or through the center of the block.

- (ii) Pedestrian crosswalks not less than ten (10) feet wide may be required in blocks longer than six hundred (600) feet where the crosswalks are deemed by the City Zoning Commission to be essential to provide circulation, or access to schools, playgrounds or other community facilities, and handicap access (curb cuts) required.
- (iii) The width of blocks shall generally be sufficient to allow two (2) tiers of lots and shall be at least two hundred and fifty (250) feet wide.
- (iv) Block intended for commercial and industrial use shall be specifically designated for such purposes with adequate space set aside for off-street parking and delivery facilities. The City Zoning Commission may require service drives or frontage roads along major streets for commerce and industry.

(h) Lots

- (i) The size, shape and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing site for the building contemplated.
- (ii) Every lot shall front or abut a public street.
- (iii) Lot width as measured from the building setback line and lot area for residential development shall conform to the requirements of these regulations.
- (iv) Side lot lines shall be substantially at right angles or radial to street lines.
- (v) Lot lines shall not cross the municipal boundary lines.
- (vi) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for off-street parking.

(vii) The lot area for residential development shall be not less than nine thousand (9,000) square feet and the lot width shall be not less than sixty-five (65) feet.

(i) Required Improvements

(i) Survey Monuments

Monuments shall be placed at all block corners, single points, points of curves in streets and at intermediate points as required by the City Zoning Commission.

(ii) Municipal Water Supply

Water mains shall be installed so as to provide service to each lot within the subdivision.

(iii) Sewage Disposal System

Municipal sanitary sewers shall be installed so as to provide service to each lot within the subdivision.

(iv) Grading and Surfacing

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

(v) Storm Water Drainage Facilities

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

(vi) Curbs and Gutters

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

(vii) Sidewalks

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

(j) Installation of Improvements

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

The improvements specified herein shall be installed and approval of the final plat shall be given only after work has been completed or there shall have been filed with the city one of the following:

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

(k) Dedication of and for Streets

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

(l) Street Lights

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

5.6 Dedication of Public Lands

1. Purpose

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

2. Minimum Dedication

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

3. Character of land Dedicated

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

4. Deed to Land Dedicated

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

5. Cash Payment in Lieu of Land Dedication

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

ARTICLE VI

SPECIAL PROVISIONS

6.1 Parking

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

6.2 Special Requirements

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

1. Business, professional or public office building, studio, bank , medical or dental clinic: three (3) parking spaces plus one additional space for each four hundred (400) square feet of floor space over one thousand (1,000) square feet.
2. Private club or lodge: two parking spaces for each two hundred (200) square feet of service area.
3. Restaurant, eating and drinking establishment: one parking space for each three (3) person seating capacity.
4. For industrial uses there shall be one off-street parking space for every one and one-half (1½) employees.

6.3 Collection of Solid Waste

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

6.4 Recycling Facilities

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

1. The facility does not abut residential and public uses.
2. The facility will be screened from the public right-of-way.
3. The facility shall not be placed in the floodplain.
4. The site shall be free of litter and other undesirable materials. Containers shall be clearly marked to identify the type of material that may be deposited.
5. There shall be pest control plan for review and approval.

6.5 Public Nuisances

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

6.6 Noise

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

6.7 Home Occupations, Standards for Approval

1. Home occupation:
 - (a) The occupation shall be limited to the dwelling and the area of the occupation shall not exceed twenty-five (25) percent of the main floor area, but not including basement or garage floor space.
 - (b) Structural changes shall not be made in the dwelling, unless a building permit is obtained.
 - (c) Employees are limited to two full-time or four part-time besides owners without a special use permit.
 - (d) No sign may be permitted larger than four (4) square feet.

- (e) Evidence of the occupation shall not be visible from the road.
- (f) The occupation shall not adversely affect the character of the uses permitted in the district in which it is locate.

6.8 Adult Entertainment Centers

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

6.9 Exceptions to Maximum Height Requirements:

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

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

2. Towers may be erected to any height provided the same shall not exceed one-quarter (1/4) the area of the lot upon which the principle building is located, and shall not exceed two thousand five hundred (2,500) square feet in area, and shall be a minimum of twenty-five (25) feet at every point from any adjoining property line.

6.10 General Exception to Lot Size Requirements:

If a property ownership, consisting of the entire contiguous land holdings held in a single ownership at the time of passage of this ordinance, has an area of dimension which does not meet the lot size requirements of the district in which the property is located, the holdings maybe occupied by a use permitted in the district subject to the other requirements of the district, provided that if there is an area deficiency, residential use shall be limited to a single family dwelling or to the number of dwelling units consistent with the intensity requirement of the district. The record of ownership as recorded in the office of the County Recorder at the time of the passage of this ordinance shall be the basis for application of this exception unless the owner submits proof that a different ownership existed at the time the provisions of this ordinance becomes applicable to the land concerned.

6.11 Uses by Temporary Permit:

1. The following uses require a temporary permit from the Land Use Administrator:
 - (a) Bazaars, Carnivals, or Fairs
 - (b) Musical Events
 - (c) Racing Events
 - (d) Rodeos
 - (e) Public gatherings for a Single—Purpose Event
 - (f) Temporary building or yard for construction materials and/or equipment incidental and necessary for current construction in the immediate surrounding area. Such structure shall be considered affixed to the real estate and taxable as an improvement to the realty.
 - (g) Temporary office incidental and necessary for the construction, sale, or rental of the property in the immediate surrounding area. Such structure shall be considered affixed to the real estate and taxable as an improvement to the realty.

2. Permits shall be valid for such period of time as determined by the City Council and shall be renewable at the discretion of the City Council.

6.12 Crew Camp Housing (Temporary Workforce Housing)

6.12.1 Definitions

As used in this ordinance:

- (a) “Crew Housing facilities” means one or more lodging units or skid units, ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis, which are not real property, as defined in NDCC §57-02-04 and are not mobile homes as defined in NDCC §57-55-01.
- (b) “Crew housing permit” means a right granted by the City Council to locate crew housing facilities on property within the jurisdiction of the city under this ordinance and to enjoy attendant services and facilities provided by the city.
- (c) “Skid unit” means a structure or group of structures, either single or multi- sectional, which is not built on a permanent chassis and is ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis.
- (d) Closed Crew Camp:
Employee housing occupied by employees of an applicant business or premises leased to a business for the purpose of providing temporary housing to only the employees of that business.

6.12.2 Conditional Use Permit

A Temporary Closed Crew Camp Housing Permit authorizes a conditional use, the issuance of which is subject to the procedures contained within Section 3.7 of this ordinance. It is allowable as a conditional use in Industrial Districts but in no case within three miles of the jurisdictional boundary of any incorporated city within this county unless the Zoning Commission receives written approval from a jurisdiction to the siting of a facility within that area.

6.12.3 Application Procedure:

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

- 1) A description of the units together with a numbering system.
- 2) A description of how the proposed units are set and/or anchored.
- 3) A statement that roads to be constructed within the facility will meet county specifications and if the facility is within three miles of a city, the city's road specifications, if any.
- 4) The name and address and contact information of the applicant.
- 5) The name and address and contact information of the on-site manager.
- 6) A copy of lease (if applicable).
- 7) An occupancy list to be maintained and provided to the county 911 emergency coordinator on a weekly basis, including a unit numbering system where appropriate.
- 8) Plat plans drawn to scale showing housing units, additional structures, setbacks, utilities, drainage, ingress and egress, screens, buffers, and fencing.
- 9) Unit spacing adequate to accommodate emergency services
- 10) List of house rules and regulations
- 11) On-site security plan.
- 12) Fire and emergency evacuation plan.
- 13) Copy of permit issued by the North Dakota State Health Department and Southwest Health Department including fresh water, refuse disposal plan, and septic or sewer discharge plan.
- 14) Pay an annual Planning and Zoning Fee in an amount to be determined by the City Council.
- 15) A copy of the closure plan.

- 16) Submit a surety bond for clean-up purposes, the amount of which is to be determined by the City Council based upon the recommendations city's designated engineering firm. The amount of the bond shall include a sum sufficient to clean the premises upon abandonment together with an escalator clause to cover anticipated increases in costs for such purpose. The bond posted must continue in effect for two years after the facility is abandoned.
- 17) Off-street parking shall be provided on a one-to-one ratio, one parking space per bed.
- 18) Any additional information deemed necessary by the Code Administrator, the Zoning Commission, or the City Council.

6.12.4 Prohibited Housing Types

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

6.12.5 Prohibited Activities

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

6.12.6 Termination of Crew Housing Permit

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

6.12.7 Renewal of Conditional Use Permit

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

6.13 Landscaping and Screening Standards

6.13.1 Purpose

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

6.13.2 Applicability

The provisions of this section shall apply to all new development on each lot or site upon application for a building permit, except the following:

- 1) Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
- 2) Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.
- 3) Additions or enlargements of existing uses or structures which increase floor area to coverage area by less than twenty (20) percent.

6.13.3 Landscaping Requirements

Landscaping shall be required adjacent to each property line and within street yards as set forth in Table 1.

6.13.4 Landscaping Materials and Installation Standards

- 1) Official List of Plant Materials: All plant material installed in landscaped areas or bufferyards shall be consistent with the Official List of Plant Materials provided through the office of the Land Use Administrator. All plant material shall conform in size, species and spacing with this section of the ordinance.
- 2) Use of Inorganic Landscaping Materials: Artificial trees, shrubs, plants or turf shall not be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as tone or decorative pavers, may be counted toward fulfilling these minimum requirements provided that such material does not

comprise more than 35% of the required landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for walkways less than five (5) feet in width.

Table 1

Required Landscape Depth

Zoning District	Depth of Landscaping Adjacent to Street Property Line
A: Agricultural	35 feet
R1: Residential	15 feet
R-2, R-3: Residential	15 feet
MH: Mobile Home	35 feet
C: Commercial	10 feet
I: Industrial	No requirement

6.13.5 Bufferyard Provisions

These provisions apply to the regulations contained in Section 4.6.3 (a) herein and when use is established in a more intensive zoning district which is adjacent to a less intensive zoning district. The owner, developer, or operator of the use shall install and maintain a landscaped bufferyard on his/her lot or site as set forth in this section.

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

6.13.6 Screening Standards

1) Application

Screening is required between adjacent Residential and Industrial zoning districts when one or more of the following conditions is directly visible from the Residential District:

- a) The rear elevation of buildings.
- b) Outdoor storage areas or storage tanks, unless otherwise screened.
- c) Loading docks, refuse collection points, and other service areas.

- d) Major machinery or areas housing a manufacturing process.
- e) Major on-site traffic circulation areas or truck and /or trailer parking.
- f) Sources of glare, noise, or other environmental effects.

2) Opaque Barrier

A six foot opaque barrier shall be provided which visually screens the conditions listed in Section 6.13.6 (a) from less intensive uses as follows:

- a) A solid wood, masonry, or approved maintenance free material fence or wall at least six (6) feet in height.
- b) A solid wood and/or masonry fence or wall at least six (6) feet in height.
- c) A landscaping screen, using evergreen or deciduous materials, capable
- d) of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six (6) feet within three (3) years of planting.
- e) A landscaped earth berm with a maximum slope of three to one (3 to 1), rising no less than six (6) feet above the existing grade of the lot line separating zoning districts.
- f) Any combination of these methods that achieves a cumulative height of six (6) feet.

3) Location of Screening Wall

A screening wall or fence shall be installed no closer to the less intensive zoning district than one-half the width of the required bufferyard.

4) Screening: Effect on Drainage

Screening shall not adversely affect surface water or snow drainage.

6.13.7 Tree Plantings

In any landscaped area required by the Minimum Depth Requirements or the Bufferyard Requirements, one tree of an approved species with a minimum caliper size of one and one-half (1 & 1 /2) inches shall be planted and maintained for each five hundred (500) square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.

6.13.8 General Provisions

1) Time of Application

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

2) Maintenance of Required Landscaping

Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Requires landscaping that does not remain healthy shall be replaced consistent with the provisions of this Article.

3) Obstruction of View

Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.

4) Earth Berm Locations

All earth berm locations shall be reviewed by the City Council to determine how the berms shall relate to drainage, snow, and public utilities.

5) Exceptions

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

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

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

7.1 City Council

1. Duties
 - (a) The City Council shall review and take action on all amendments to these regulations after a public hearing held by the City Zoning Commission.
 - (b) The City Council shall investigate all violations from the provisions of these regulations and take action.
 - (c) The City Council shall approve conditional use permits.
 - (d) The City Council shall hold all hearings as required herein and as required by statute.

7.2 Belfield Zoning Commission

1. Membership
 - (a) The Commission shall consist of five (5) members appointed by the City Council in accordance with Chapter 40-47 of the NDCC.
2. Duties
 - (a) The Commission shall hold public hearings on all applications for amending this ordinance.
 - (b) The Commission shall report and make recommendations to the City Council on all zoning variances, amendments, and land subdivisions for approval, denial or modification of applications.
 - (c) The Commission may investigate violations and report to the City Council for appropriate action.

7.3 Board of Adjustment

1. Establishment. A Board of Adjustment is hereby established to provide relief in situations of hardship or to hear appeals as provided in this section. The Board shall consist of five members appointed by the City Council.
2. Duties.
 - (a) Hear appeals of any person, firm, or organization aggrieved by the decision of or ruling of the Land Use Administrator or City Zoning Commission.
 - (i) The Board shall fix a reasonable time for the hearing of an appeal and shall decide the appeal within thirty (30) days of the date of a public hearing.
 - (ii) Notice of the scheduled hearing must be published in the official newspaper at least one week prior to the hearing date. The notice of hearing shall include: 1) the time and place of hearing; 2) description of the property by street address for platted lands and clearly identifiable location for unplatted lands; 3) the proposed use and requested zoning district change; and 4) time and place for public inspection of the documents before the hearing.
 - (b) Hear requests for variances from the strict application of this ordinance.
3. Requirements for granting a variance:
 - (a) Strict application of the ordinance will produce an undue hardship.
 - (b) The hardship is unique to the property affected and not generally shared by other properties within the same zoning district.
 - (c) The purpose of the variance is based upon a demonstrable and exceptional hardship and not for convenience or economic gain.
 - (d) The granting of the variance will not cause substantial detriment to the public welfare nor substantially impair the intent and purpose of this ordinance.

4. Conditions for granting of variance:
 - (a) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permitted under the terms of this ordinance.
 - (b) No non-conforming use of neighboring lands, structures, or buildings in the same district or other districts shall be considered grounds for the issuance of a variance.
 - (c) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 7.7.

5. Data Submission Requirements. Applications for variances shall be submitted with the following data:
 - (a) Legal description of the property.
 - (b) A map showing the existing land uses and zoning district classification of the area.
 - (c) The reason for the variance request.
 - (d) The type of variance requested and an explanation of whether the hardship is unique to the applicant's property.
 - (e) Any other information that the City Zoning Commission deems necessary.
 - (f) A fee, the amount of which shall be determined by the City Council, plus additional costs incurred by the City in processing the applications, may be charged to offset administrative costs.

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

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

7.4 Land Use Administrator

1. Appointment

- (a) The Land Use Administrator shall be appointed by the City Council.

2. Duties

- (a) Receive and file all applications for plats of subdivisions, amendments to this ordinance, maintaining the Zoning District Map, and development permits.
- (b) Make inspections and maintain records.
- (c) Issues Certificates of Compliance and Development Permits.
- (d) Report all complaints to the City Zoning Commission.
- (e) Report all zoning violations to the City Zoning Commission and the City Council for appropriate action.
- (f) In the area of special flood hazard:
 - (i) Permit Review
 - Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 - Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For purposes of this ordinance, "adversely affect" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

(ii) Use of Other Base Flood Data

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

- (g) Prepare and publish notices and notify adjoining property owners.
- (h) Notify, in writing, the property owner or uses upon finding a violation of this ordinance and cite the nature of the violation clearly, require compliance and provide a report of the findings to the City Council.
- (i) Receive, file, and forward to the City Zoning Commission all applications for preliminary and final plats and the supporting documents.

3. Information to be Obtained and Maintained.

- (a) Obtain and record the actual elevation (in relation to the mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (b) For all new or substantially improved flood proofed structures:
 - (i) verify and record the actual elevation (in relation to mean sea level), and
 - (ii) maintain the flood proofing certifications.
- (c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

7.5 Development Permit

- 1. It shall be unlawful for any person to commence any development without obtaining a development permit, except buildings and activities directly used in connection with farming operations.
- 2. Any permit issued pursuant to these provisions shall expire one year from the date of issuance.
- 3. Fees: The City Auditor shall charge and collect a fee as follows;

The City Auditor shall charge and collect a fee according to the resolution of fees and schedules established by the city. The applicant for a conditional use permit and amendment to the zoning ordinance, or building permit, shall be liable for and pay to the City Auditor sufficient sums of money to pay for and cover costs incurred by the City for the processing of such application, including, but not limited to: publication costs, attorney's fees, mileage, copy expense, etc. No permit shall be issued until such costs have been paid by the applicant, unless the City Council has otherwise provided by resolution for a particular case.

7.6 Certificate of Occupancy

No building or structure shall be occupied until a Certificate of Occupancy shall have been issued by the Land Use Administrator for determining the conformity with the specifications for which the development permit has been issued.

7.7 Violations and Penalties

1. Violation of this ordinance is an offense punishable by law as provided by Chapters 40-47 and 40-48 of the NDCC. All complaints for violation shall be filed with the Land Use Administrator who shall investigate such violation and report to the City Zoning Commission and the City Council.

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

- (a) To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
 - (b) To restrain, correct, or abate such violations;
 - (c) To prevent the occupancy of the building, structure, or land; or
 - (d) To prevent any illegal act to conduct business or use in or about such premises.
2. A violation of any provision of this ordinance or the regulations and restrictions made herein shall constitute the maintenance of a public nuisance and shall be a Class B Misdemeanor.

7.8 Building Code

The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, uses, height, area and maintenance of buildings or structures in the City of Belfield shall conform to the provisions of the rules and regulations of the State adopted building code(s) and any future updates and amendments to that code, copies of which are on file with the City Auditor and are hereby made part of this chapter by reference with the exception of any sections hereinafter set forth affecting local conditions in the City of Belfield, which are amended, for use and application in the City of Belfield, North Dakota.

Adopted this ____ day of _____, 2013.

City of Belfield

By: _____
Mayor

By: _____
City Auditor