

**ZONING  
ORDINANCE**

**GOLDEN VALLEY  
COUNTY**

**NORTH DAKOTA**

Adopted: March 6, 2012

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# ARTICLE I: INTRODUCTION

## 1.1 Title

This ordinance, its regulations, and the County Zoning Map shall be known and may be cited as the Golden Valley County Zoning Ordinance.

## 1.2 Purpose and Intent

These zoning regulations and zoning districts are herein set forth to direct and guide the development of Golden Valley County; to promote the health, safety, and well-being of the citizens of Golden Valley County; and to promote the sound and desirable use of the lands of Golden Valley County.

## 1.3 Authorization

This ordinance is developed and enacted under authority granted in Chapter 11-33 of the North Dakota Century Code (NDCC).

## 1.4 Definitions

The words herein defined shall have the meaning intended in this ordinance. Words and phrases not defined in this or any other section will be applied as they are in common usage.

### 1.4.1 General Terms

The word shall is taken to mean mandatory; may is taken as permissive.

The word person is taken to mean any individual, group, firm, partnership, or corporation.

Words used in the present tense shall also be applied in the future; words used in the singular shall also be applied in the plural.

### 1.4.2 Specific Terms

**Accessory Use or Structure:** 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.

**Adult Bookstore:** An enclosed building having as a substantial or significant portion of its stock in trade books, magazines, or other periodicals that are distinguished or characterized by their emphasis on matter depicting or describing sexual activities or anatomic areas, such as genitals, breasts or buttocks.

**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.

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

**Adult Entertainment Facility:** An enclosed building wherein an admission is charged for entrance, or food or non-alcoholic 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.

**Affected Area:** An area having a radius of one-half mile from a proposed change.

**Agriculture:** The use of land and structures for the raising of crops and/or livestock, excluding commercial feedlots. An agricultural operation includes the farm residences and any crop/grain or livestock handling or holding facilities on the farm which are necessary to the-operation.

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

**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 code are met after a public hearing and approval by the County Commission.

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

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

**Animal Hospital or Clinic:** An establishment where animals are admitted principally for examination, treatment, board and care by a doctor of veterinary medicine.

**Animal Unit Equivalent:** A unitless number developed from the nutrient and volume characteristics of manure from a specific livestock type. The term animal unit is used to normalize the number of animals (e.g. head) for each specific livestock type which produce comparable bulk quantities of manure.

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

**Automobile Repair Shop:** An area of land, including structures thereon, that is used for the repair and servicing of automobiles and/or trucks under one ton of gross weight.

**Basement:** A story of a multi-story structure which has a greater portion of its height below the ground surface.

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

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

**Block:** A part of the platted area bounded by rights-of-way, intersecting streets and/or railroad.

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

**Building:** Any structure designed or intended for the enclosure, shelter, or protection of persons, animals or property.

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

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

**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.

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

**Commercial Feed Lot:** Any building, structure, enclosure, or premises used, designed or intended for the commercial feeding of 300 or more animal units which is operated as a separate pursuit and not as incidental to farming on a given piece of land regardless of its size.

**Comprehensive Plan:** A guide for the management of the physical resources and development of the county.

**Conditional Use:** Use of a special nature not automatically permitted in a zoning district and which requires review and approval by the County Commission 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 County Commission and only when the Commission finds that such use meets all of the requirements applicable to it as specified in the county codes including these regulations.

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

**County:** The Board of County Commissioners, Golden Valley County, North Dakota.

**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.

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

**District Zoning:** The areas of Golden Valley County for which these regulations governing the use of land and the use, density, bulk, height and location of structures and buildings are uniform.

**Duplex:** A structure designed with two (2) dwelling units which share at least one common wall.

**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.

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

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

**Dwelling Unit:** A room or group of rooms with kitchen and bathroom facilities which is designed or intended for occupancy by a single-family.

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

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

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

**Extraterritorial Jurisdiction:** The extension by ordinance of a city's zoning regulations to any quarter quarter section of unincorporated area within one mile of the corporate limits of the cities of Golden Valley County. A city has joint zoning and subdivision regulation jurisdiction from one-half mile to one mile with the adjoining political subdivision subject to the provisions of NDCC 40-47-01.1.

**Family:** A group of one or more persons occupying premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined.

**Farm:** A zoned area of Golden Valley County containing at least forty (40) acres, which is used for the production of agricultural crops or livestock, or the raising, feeding or producing livestock, poultry, milk, or fruit. The term does not include the production of timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services. Feed lots which are operated as a separate pursuit shall be deemed commercial feed lots and shall not be construed as farming or incidental to a farming operation.

**Farmer:** In order to be considered a farmer for the purposes of this code, the owner or tenant of the farm shall earn fifty-one (51) percent or more of his or her annual income from the operation of the farm.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of waters from any source.

**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.

**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.

**Frontage or Service Road:** Minor streets which are parallel to and adjacent to arterial streets and highways which provide access to abutting properties and protection from through traffic.

**Garage:** A building for the storage, repair or maintenance of motor vehicles.

**Grade:** The land elevation at the horizontal intersection of the ground and the building.

**Historical Monuments and/or Structures:** Any structure or building associated with an outstanding person, event or period of history.

**Home Occupations:** Any occupation or profession carried on by members of a family residing on the premises, which is clearly incidental and secondary to the use of the dwelling for residential purposes; does not change the character thereof; and does not create a nuisance, excessive noise, traffic, or conflict with adjoining uses.

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

**Improvements:** Street grading, surfacing, installation of sidewalks, curb, gutter, water, sanitary and storm sewer systems, culverts, bridges, and trees as may be required by the county.

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

**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.

**Junk and/or Salvage Yard:** A tract of land, structure or part thereof, used primarily for the collecting, storage and sale of scrap or discarded material or for the collecting, dismantling or storing and salvaging of machinery or vehicles not in running order or for the sale of parts thereof.

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

**Landfill:** Specially selected, designed, and operated sites for disposal of solid waste in accordance with NDCC 23-29-03 and the provisions of this ordinance.

**Livestock:** Domestic animals customarily raised or kept on farms for profit or other purposes including fur-bearing animals.

**Livestock Auction Yard:** An enclosure or structure designed or used for holding livestock for the purpose of sale or transfer by auction, consignment or other means.

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

**Lot Coverage:** The total area of buildings expressed as a percentage of the total lot, plot, or tract.

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

**Lot, Frontage:** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots-all-sides-of-a lot adjacent to streets shall be considered frontage.

**Lot, Line:** The property line bounding a lot.

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

**Manufacture:** Any method of processing, developing, fabricating or assembling either raw materials, semi-finished materials or parts thereof into a semi-finished or finished product.

**Master Plan:** The Comprehensive Plan, or any portion thereof, made and adopted by the Planning Commission in accordance with the laws of the state of North Dakota and regulations of Golden Valley County 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.

**MET Tower:** Temporary and permanent meteorological towers used for the measurement of wind speed.

**Mobile Home (now manufactured home):** A factory built structure, transportable in one or more sections and has at least seven hundred twenty (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.

**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.

**Mobile Home Subdivision:** Any parcel of land, subdivided and planed according to county ordinances exclusively for mobile homes. Said subdivision shall contain lots of a determined size with required utilities for acquisitions on a purchase basis.

**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.

**NDCC:** North Dakota Century Code.

**Nonconforming Use:** Any building or tract of land lawfully occupied by a use, at the time of passage of this ordinance or amendments thereto, which does not conform with the provisions of this ordinance or amendments thereto.

**Nonfarm Residence:** A single family dwelling which is to be situated on a parcel and whose initial occupant may or is to be a non-farmer or any other person who does not intend to farm such parcel or engage in upon such parcel the raising of livestock or other similar operations normally associated with farming and ranching or who does not expect to receive thereafter fifty or more percent of his annual net income solely from the foregoing farming and other activities engaged in upon such parcel.

**Outlot:** A plot of land devoted to and recorded as a single principal use which has proper road and utility access.

**Parking Space:** An off-street area designated for parking of automobiles. For the purpose of the ordinance, one (1) parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet.

**Permanent Foundation:** A wood, concrete or masonry foundation which extends below ground level and is set on footings.

**Permit:** A written document issued by a designated representative of Golden Valley County government which grants permission to perform an act or service.

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

**Permittee (Wind Energy Facility):** An individual, group of individuals, corporations, partnerships, joint venture, owners, or any other business entity, or combination thereof, that leases or owns the wind rights, wind turbines and the associated improvements, and all subsequent assignees and/or transferees of these rights, and that submits a Wind Energy Facility Siting Permit application, develops the Wind Energy Facility, and subsequently operates such facility.

**Person:** Any natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate or government.

**Planned Unit Development (PUD):** An area of land, controlled by a landowner, to be developed as a single project for a number of dwelling units and/or type of dwelling or commercial or industrial use, density, lot coverage and required open space to the regulations established in any one or more districts created, under the provision of this ordinance.

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

**Public Way:** Any dedicated and recorded right-of-way including alleys, bikeways, sidewalks, streets, roads or highways.

**Recreational Vehicle:** A vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy and is designed for vacation, recreational or residential use.

**Recreational Vehicle Park:** A tract of land designed, utilized and operated on a fee or other basis as a place for the temporary parking of occupied recreational vehicles.

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

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

**Rooming House:** Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for compensation, with or without meals.

**Rotor Diameter:** The diameter of the circle formed by the swept area of the wind turbine's blades.

**Service Station:** Any building or premises where automotive fuels, automotive related services, lubricants, parts, and supplies are made available to the motorist.

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

**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.

**Site Plan:** A detailed plan for making improvements to parcel(s) of land for the purpose of building and development as provided in this code.

**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.

**Street:** Except for the section lines, a route for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land place or however otherwise designated.

**Major Arterial Street or Road:** A street or road which provides for through traffic movements of light and heavy vehicles between or around areas and across the county. Access to abutting property may be provided and street or road design speeds shall exceed 30 mph.

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

**Minor Streets:** Those roads which are used primarily for access to the abutting property.

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

**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.

**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.

**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.

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

**Temporary:** Means one year or less.

**Total Height:** When referring to a wind turbine, the distance measured from the ground level to the blade extended at its highest point.

**Transmission Facility:** means any of the following:

- (a) An electrical transmission line and associated facilities with a design of forty-one and six-tenths kilovolts or more.
- (b) A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas or liquid hydrocarbon products for public commerce.
- (c) A liquid transmission line and associated facilities designed for or capable of transporting water from or to an energy conversion facility, said energy conversion facility being the same as that defined by subsection 5 of NDCC Section 49-22-03.

**Utility:** The basic facilities for public use such as water, sanitary and storm sewers, electricity, gas and telephone lines.

**Variance:** A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

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

**Yard, Front:** Yard extending across the full width of the lot from side lot lines, the depth of which is the least distance between the front lot line and the front building line or building face.

**Yard, Rear:** A yard extending across the flail width of the lot from side lot lines, the depth of which is the least distance between the rear lot line and the rear face of the principal building.

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

**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).

**Wind Energy Facility:** A facility directly generating electricity or indirectly generating electricity or energy through production of hydrogen, compressed air

or other energy carrier from conversion of wind to energy and consisting of one or more wind turbines under common ownership or operating control, and includes substations, temporary and permanent MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity directly, or through wind energy conversion to another form of energy, to off-site customer(s).

**Wind Energy Facility Perimeter:** The boundary of the Wind Energy Facility as defined by the external property lines of landowners who have a contractual relationship with the permittee and who will receive wind energy compensation payments or other forms of revenue derived from wind turbine sited within such Wind Energy Facility.

**Wind Energy Facility Siting Permit:** A construction and operating permit granted in accordance with the provisions of this code.

**Wind Turbine:** A wind energy conversion system which converts wind energy into electricity, hydrogen, compressed air, or some other energy carrier and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a wind turbine for the purposes of NDCC Chapter 4-11, if it has a nameplate capacity of 50 kilowatts or greater. Wind turbines of less than 50 kilowatts will be regulated as a utility.

## **ARTICLE II: GENERAL PROVISIONS**

### **2.1 Jurisdiction**

These regulations shall apply to all unincorporated areas of Golden Valley County, except those townships which have not by resolution relinquished the power to enact zoning regulations to the county, and those incorporated cities which have not elected to exercise extraterritorial zoning as authorized by NDCC Section 40-47-01.1.

### **2.2 Compliance with Ordinances, Statutes, Regulations and Plans**

No building, structure or land shall hereafter be occupied unless in conformity to this ordinance and

- 1) The provisions of the North Dakota Century Code.
- 2) The rules of the North Dakota State Commissions, Boards and Agencies.
- 3) Comprehensive Plan of Golden Valley County.

This ordinance shall not prohibit or prevent the use of land or buildings for farming and ranching or any of the normal incidents of agriculture.

### **2.3 Exceptions**

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

### **2.4 Severability**

If any part or provision of this ordinance or the application thereof to any persons, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its effect to that part, provision, section or application expressly involved in the controversy and shall not affect or impair the integrity or validity of the remainder of the ordinance or its application to other persons, property or circumstances.

The County Commissioners of Golden Valley County, North Dakota, hereby declare that it would have enacted the remainder of this ordinance even without the affected part, provision, section or application.

### **2.5 Repeal**

All previous zoning regulations or parts of county regulations, existing ordinances and provisions which address zoning are hereby repealed.

## **2.6 Nonconforming Use**

The lawful use of a building or premises at the date of the adoption of this code may be continued. Where a non-conforming use is discontinued for a period of more than eighteen (18) consecutive calendar months any subsequent use or occupancy of such premises shall conform to this code. Whenever a building is destroyed or damaged by fire or other casualty to the extent of more than fifty (50) percent of its market value, it shall not be restored unless such building shall conform to the provisions of the district in which it is located. Non-conforming uses shall not be expanded to occupy a larger area of land than existed at the date of the adoption of this code unless there is an undue hardship and is approved by the county.

## **2.7 Conditional Uses**

Where a use is classified as a conditional use under this code and exists at the date of the adoption of this code, it shall be considered an allowed use. Where a use is not allowed as a conditional use or permitted use, under this code, and exists at the date of the adoption of this code, it shall be considered non-conforming and shall be subject to the provisions of Section 2.6.

## **2.8 Temporary Uses**

Uses of lands or structures which are deemed allowable by the Golden Valley County Board of County Commissioners for the prescribed length of time shall be known as temporary uses and shall require a permit acquired through the procedure described in Section 6.7 of this ordinance.

## **2.9 Prohibited Uses**

All uses not identified in this ordinance and all uses identified as prohibited uses shall be known as prohibited uses and shall not be allowed.

## **2.10 Land Suitability**

No land shall be used for seasonal or permanent non-farm uses because of inadequate drainage, soil limitation, flooding or incompatible land use, or any other condition likely to be harmful to the health and safety of the area residents and the public.

## **2.11 Highway Access**

- 1) The points of access shall be limited to four (4) per mile per side of the highway.
- 2) Additional access points may be provided via frontage roads where the land owner shall dedicate a suitable right-of-way by deed or easement.

- 3) Shelterbelts shall be located a distance of not less than one hundred fifty (150) feet from the centerline of state and county highways, secondary county and township roads and major arterial streets.

## **2.12 Highway Setbacks**

- 1) The minimum setback for buildings from all section lines and the center line of county road shall be one hundred fifty (150) feet.
- 2) The minimum setback for trees plantings from all section lines and the center line of county roads shall be one hundred fifty (150) feet.
- 3) The minimum setback from the center of state highways shall be two hundred fifty (250) feet.

## **2.13 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 thirty-five (35) feet in height and be located at least twenty-five (25) feet from all lot lines.

## **2.14 Dedication of Land for Streets**

Whenever a parcel of land to be platted as a subdivision 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 shall be the responsibility of the subdivision.

## **2.15 On-Site Sewer System**

To protect the public health, to control water pollution and to reduce nuisance and odor, all new subdivision development within the county shall be connected to an approved on-site sewage system. The construction and use of privies, outhouses, and cesspools in subdivision developments in the county is prohibited.

## **ARTICLE III: DISTRICTS**

### **3.1 District Designation**

Golden Valley County is hereby divided into zoning districts for purposes of controlling the use of lands and structures as authorized by Section 11-33-02 of the NDCC. Said districts shall be known as:

- 3.4 Agricultural District
- 3.5 Recreational District
- 3.6 Residential District
- 3.7 Mobile Home District
- 3.8 Commercial District
- 3.9 Industrial District
- 3.10 Planned Unit Developments
- 3.11 Floodplain Overlay District

### **3.2 County Zoning Map**

The zoning districts as described in this ordinance shall be mapped. Said map shall be known as the Official County Zoning Map, shall have attached or be filed with all materials necessary for the interpretation of the map, shall have the date of adoption and date of each amendment to the map printed on the map, and shall be on file in the office of the County Auditor.

### **3.3 Zoning Map District Boundaries**

#### **3.3.1 Boundary Definition**

Zoning district boundary lines shall follow lot lines, subdivision lines, section lines, center lines of streets, roads, highways, alleys, railroad right-of-ways or such lines extended.

#### **3.3.2 Boundary Interpretation**

Where, due to map scale or lack of clarity, there is any uncertainty as to the intended location of a boundary line shown thereon, the County Zoning Director shall interpret and delineate the boundary line in question.

## **3.4 Agricultural District**

### **3.4.1 Intent**

It is the purpose of this ordinance and this district to encourage first and foremost the use of this land for agricultural activities, (that is general farming and ranching) and to discourage any use which would be detrimental to carrying out agricultural practices. Further, the provisions of this district are set forth to regulate scattered non-farm development and to promote the orderly and economic development of public service utilities and schools.

### **3.4.2 Permitted Uses**

- 1) All types of farming and ranching operations including dairying, livestock and poultry raising, apiaries and fur farming.
- 2) Truck gardening, nurseries, greenhouse and roadside stands offering for sale only those farm products which have been grown on the premises.
- 3) Accessory buildings and structures necessary to the operation of farms or ranches to include the farm residence, septic systems, feedlots and storage facilities.
- 4) Animal hospitals and clinics not nearer than five hundred (500) feet from any residence, except the residence of the owner-operator.
- 5) Cemeteries.
- 6) Churches and related facilities.
- 7) Home occupations.
- 8) Public parks and recreational facilities, wildlife and game management areas and refuges.
- 9) Public, private, and parochial schools
- 10) Oil and Gas Exploration

No person, partnership, association, corporation shall engage in the exploration for oil or gas within the County without first providing to the Code Zoning Director evidence of compliance with the provisions of NDCC Chapters 38-08 and 38-08.1.

11) Oil and Gas Drilling and Production

Oil and gas drilling and production is a permitted use in the Agricultural District provided the person engaged in such oil and gas drilling and production has met the following requirements:

- a) Provide the County Zoning Director with evidence of approval by the North Dakota Industrial Commission of all permits required by NDCC chapters 38-08 and 38-08.1, including but not limited to, drilling permits of any kind, underground injection permits, tank cleaning permits, waste storage permits, and treating plant permits.
- b) Provide the County Zoning Director with evidence of approval by the North Dakota Industrial Commission of a surety bond or cash bond, or alternative form of security, where such security is required by the North Dakota Industrial Commission.
- c) Obtain a County Road Approach Permit from the Code Administrator.
  - i. The County Zoning Director shall charge each applicant for a County Road Approach Permit a fee, the amount of which is to be determined by the Commission, to cover processing and administrative expenses, plus any mileage and expenses of the County Zoning Director at the rate allowed county officials by state law, should it be deemed necessary to conduct on-site inspections. Said fee for expenses must be paid prior to the approval and issuance of the County Road Permit.
  - ii. The County Zoning Director, in reviewing any application for a County Road Approach Permit, shall consider all relevant criteria, including the proposed use and the condition of the county roads and bridges at the time of the application, public safety concerns, maintenance costs to the county, weather conditions, etc.

**3.4.3 Conditionally Permitted Uses**

- 1) Single-Family, nonfarm residential units and accessory buildings or structures on lots of not less than five (5) acres unless said lots are part of an existing recorded plat. The lot shall be large enough, given the soil conditions, to allow for a proper septic system.

- 2) Commercial grain elevators and accessory structures.
- 3) Commercial feedlots subject to the provisions of Section 4.5.
- 4) Livestock auction yards.
- 5) Sanitary landfills and hazardous waste sites that comply with State Health standards.
- 6) Facilities for the manufacturing and/or processing of agricultural products indigenous to Golden Valley County.
- 7) Railroad tracks and spurs.
- 8) Airport with adequate flight path buffers.
- 9) Radio, television and telephone transmission, receiving towers, relay towers and/or facilities.
- 10) Governmental administrative, maintenance, and research facilities.
- 11) Electric transmission facilities and water, gas, oil, and coal slurry transmission pipelines.
- 12) Oil and gas gathering systems:

The applicant shall provide the following information to obtain a permit:

- a) A map of the pipeline route which clearly indicates that the pipeline right-of-way does not pass within two hundred (200) feet of a building or surface water body and is not within one hundred (100) feet of a highway right-of-way or section line unless perpendicular to said right-of-way or line pursuant to Section 11-18-16 NDCC; (Note: NDCC repealed in 1995);
- b) An identification of pipeline origin, destination, size, burial depth range, road crossing methods and product;
- c) An identification of areas where the pipeline right-of-way transverses a slope which exceeds fifteen (15) degrees and a plan for the construction of water bars to reduce erosion in such areas;
- d) An indication of the steps that will be used to reclaim and revegetate the right-of-way; and

- e) The name, telephone number and address of the senior engineer and local permit agent with the project.

13) Coal Mining

These provisions shall not apply to excavation of coal for private non-commercial uses. The applicant shall meet the following requirements:

- a) Copies of all non-confidential information that was submitted to the Public Service Commission concerning site operations, locations and ownership patterns.
- b) A copy of all information submitted to the North Dakota Public Service Commission concerning site reclamation.
- c) Evidence of approval by the Public Service Commission for operation of the mine or excavation, if required by state law.
- d) Conformance to all state and federal laws relating to the preservation, removal or relocation of historical or archaeological artifacts and to reclamation of strip-mined lands.
- e) To post a performance bond with the County Auditor in an amount to be determined by the County Commission for reclamation of the site, with, if not already posted state.

14) Other Subsurface Mineral Exploration

These provisions shall not apply to any digging, drilling, or excavation for agricultural purposes, the operation of coal mines and the digging, drilling or excavation by Golden Valley County. The applicant for a mineral exploration permit shall meet the following requirements:

- a) Provide the County Zoning Director with evidence of approval of the North Dakota State Industrial Commission of all permits required by NDCC Chapter 43-02-02 for Subsurface Mineral Exploration.
- b) A copy of the approved application of the North Dakota State Industrial Commission Mineral Exploration Compliance Bond.
- c) The duration of the permit shall be no more than 90 days.

- d) Upon completion of the operations, the operator shall file with the County Recorder the actual location of testing.

15) Other Subsurface Mineral Mining

These provisions shall not apply to private, non-commercial mining of subsurface minerals. The applicant shall meet the following requirements:

- a) Provide the County Zoning Director with evidence of the approval of the North Dakota Industrial Commission of all permits required by NDCC Chapter 43-02-02 for subsurface mineral production.
- b) Provide the County Zoning Director with copies of all non-confidential information that was submitted to the State Geologist concerning site operations, location, and ownership patterns.
- c) Provide the County Zoning Director a copy of all Information submitted to the North Dakota State Geologist concerning site reclamation.
- d) Written evidence of approval by the State Geologist for operations of the mine or excavation, if required by state law.
- e) Conformance of all state and federal laws relating to the preservation, removal, or relocation of historical or archaeological artifacts and to reclamation of strip-mined lands.
- f) Posting a performance bond for reclamation of the site with the County Auditor, if not already posted with the state.

16) Excavation and Mining of Sand, Gravel, Rock, Stone, Scoria, and Clay

The provisions of this section shall not apply to any excavation for agricultural purposes or excavation by Golden Valley County and its incorporated municipalities or for uses requiring less than ten thousand (10,000) cubic yards of excavation. The applicant for a permit shall submit the following:

Permit Requirements:

Any person who operates a sand, gravel, rock, stone, scoria, or clay operation shall make application to the Planning and Zoning Commission for a permit to operate such facility. The Planning and

Zoning Commission shall make recommendations to the County Commission to approve, disapprove, or approve with conditions such a permit request. Action by the County Commission is required before commencing any mining or excavation of the sand, gravel, rock, stone, scoria or clay sites.

The applicant for a permit shall submit the following:

- a) Written evidence of reclamation agreement with the surface owner.
- b) Evidence of written agreement between the applicant and property owner that excavation or processing shall not take place within three hundred (300) feet of an adjacent property line or within five hundred (500) feet of an existing residence.
- c) The applicant shall conform to all requirements regarding preservation, removal or relocation of historical or archaeological artifacts.
- d) Evidence of meeting all site approval requirements. All excavation sites require approval by the County Commission.
- e) Data Submission Requirements:
  - i. A site plan for operation and reclamation of the mined land including maps showing the location of the land to be mined, location of roads and points of access to the site, adjacent residences within one mile of site, maps showing the existing and proposed contours after the land is mined and a time table for operation of the site. There will be a minimum 1-to-3 slope. All top soil shall be replaced and planted to natural protected vegetation.
  - ii. Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned or closure of the operation of the site.
  - iii. Proof of compatibility with the existing landform including the vegetation, surface, and ground water resources.
  - iv. Bonding is required in an amount to be determined by the County Commission.

f) Proximity to Existing Uses

The operation of sand, gravel, rock, stone, scoria, or clay sites shall not be nearer than five hundred (500) feet from any residential uses.

- 17) Temporary work force housing subject to the provisions of Section 4.12.

### **3.5 Recreational District**

#### **3.5.1 Intent**

It is the purpose of this district to make provisions to protect sensitive, unique or vulnerable lands, structures, historic sites and monuments, vegetation or wildlife. It is further the intent of this district to promote the wise use of lands for recreational activity and residency around rivers, lakes and other water courses in order to maintain the quality of the environment.

#### **3.5.2 Permitted Uses**

- 1) Hunting, fishing, trapping and related facilities.
- 2) The raising of game animals, fowl and fish.
- 3) Harvesting of any natural crops.
- 4) Cropping and grazing activities which do not require the construction of any permanent buildings.
- 5) Public parks, including golf courses and outdoor recreational facilities.
- 6) Historical monuments and structures.
- 7) Accessory buildings or structures to any permitted uses.
- 8) Communication and power transmission lines and other public utility lines.
- 9) Restaurants, including all types of eating and drinking establishments.

#### **3.5.3 Conditionally Permitted Uses**

- 1) Commercial recreational parks, tourist and trailer camps.

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

- a) The minimum area for campground shall be five (5) acres and maximum number of recreational trailers shall be fifteen (15) units per gross acre.
  - b) 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 campsites; location of sanitary facilities; and location of water supply.
  - c) Proof of compliance with the requirements of North Dakota State Health Department and North Dakota Laboratories Department.
  - d) Approval of the County Commission for ingress and egress to the property.
- 2) Single-family dwelling units, cabins, and summer residences.
  - 3) Buildings associated with the farm operation and located on the premises.
  - 4) Public buildings, facilities or structures.

### **3.6 Residential District**

#### **3.6.1 Intent**

It is the purpose of this ordinance and this district to provide for orderly residential development; to protect the quiet and comfort of residential neighborhoods; and to protect the value of property.

#### **3.6.2 Permitted Uses**

- 1) Agriculture.
- 2) Single-family dwelling units.
- 3) Churches.
- 4) Schools and related facilities.
- 5) Public parks, playgrounds and other public recreational facilities.

- 6) Public libraries, museums and community centers.
- 7) Fire and police stations.
- 8) Home occupations.
- 9) Accessory uses and structures customarily incidental to the uses permitted in this district.

### **3.6.3 Conditionally Permitted Uses**

- 1) Duplexes and multiple family residences provided that public water and sewer are available or the dwelling units are within the existing platted areas where public water and sewer are likely to be installed.
- 2) Nursing homes and basic health care facilities.
- 3) Convenience grocery stores.
- 4) Temporary mobile homes which are to be replaced by a permanent single-family residence within the approved time frame.
- 5) Planned unit developments.
- 6) Daycare facilities.
- 7) Bed and Breakfast establishments.

### **3.6.4 Lot Area**

- 1) The minimum lot size for single family dwelling units (excepting dwellings constructed in subdivisions existing at the time of the adoption of this code or developed pursuant to the provisions of Article V, Subdivision Regulations) shall be one acre (forty-three thousand five hundred sixty [43,560] square feet) provided that the site meets the minimum standards for onsite sewage disposal by North Dakota State Health Department. The minimum lot width shall be one hundred fifty (150) feet.
- 2) The minimum lot area for multi-family units shall be the same as those for single family units, provided, however, that an area of not less than two thousand five hundred (2,500) additional square feet shall be required for each dwelling unit over one in number in multi-family structures.

### **3.6.5 Yards**

- 1) Front yard - minimum depth of seventy (70) feet (one hundred three (103) ft. from roadway centerline).
- 2) Side yard - minimum width of twenty-five (25) feet.

### **3.6.6 Off-street Parking**

- 1) For residential uses two parking spaces for each dwelling unit.

## **3.7 Mobile Home District**

### **3.7.1 Intent**

It is the purpose of this ordinance and this district to provide orderly and economic development of mobile home parks and temporary residential facilities; to reduce conflicts between these and other uses; and to maximize the comfort and quiet of mobile home park developments.

### **3.7.2 Permitted Uses**

- 1) Mobile homes on purchased lot or lots.

### **3.7.3 Conditionally Permitted Uses**

- 1) Mobile home parks. The applicant shall meet the following requirements for obtaining a permit for construction and operation of a mobile home park:
  - a) A site plan showing location of streets, utilities, off-street parking, driveways, walkways, blocks, lots, playground and park area, accessory buildings to be used for all park residents.
  - b) The park shall contain a minimum of five (5) acres of land in unincorporated areas and one (1) acre of land in incorporated areas of the county.
  - c) The maximum number of mobile homes in a park shall be seven (7) units per gross acre.
  - d) Approval of the County Commission for access to county roads.
  - e) 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. Each lot must be clearly marked with a reflective address sign.

- f) Each mobile home shall be placed on a lot at least fifty (50) feet wide with a minimum area of six thousand (6,000) square feet with seven and one half (7.5) feet lot line setbacks.
  - g) A minimum of twelve (12) percent of the park area shall be allocated for open space and recreational facilities.
  - h) Each unit shall be placed on a stand which provides a firm foundation for anchoring purposes to avoid accidental movement and overturning.
  - i) Underground utility hookups shall be provided for each lot.
  - h) Applicant must sign an agreement with the Golden Valley County Commissioners or their representative, accepting responsibility for road construction, maintenance and snow removal.
- 2) Multiple-family residences including rooming houses and dormitories.
  - 3) Recreational Vehicle (RV's) parks which are in compliance with regulations of the North Dakota State Laboratories Department.
  - 4) Grain elevators and accessory structures.
  - 5) Liquid or gas chemical bulk storage or distributing facilities.

### **3.8 Commercial District**

#### **3.8.1 Intent**

It is the purpose of this ordinance and this district to provide for the grouping of retail merchandizing and wholesaling merchandizing, light industry, and service activities into a defined area to maximize the costs of utility and other related services to commercial enterprises.

#### **3.8.2 Permitted Uses**

- 1) Agriculture.
- 2) Laundromats and dry cleaning shops.
- 3) Electrical and plumbing shops.

- 4) Professional offices including banks, insurance, real estate, medical clinics, newspaper and lawyers.
- 5) Retail and service uses including grocery, drugs, hardware, clothing, furniture stores, bakeries, restaurants, taverns, automobile service stations, used and new car lots, print shops, barber and beauty shops, and sale and service of appliances.
- 6) Wholesale activities not requiring yard storage.
- 7) Hotels and motels.
- 8) Theaters.
- 9) Bowling alleys and other recreational buildings.
- 10) Governmental facilities.
- 11) Clubs and lodges.
- 12) Bus stations and taxi shelters.

### **3.8.3 Conditionally Permitted Uses**

- 1) Light manufacturing activities which do not require yard storage.
- 2) Construction equipment sales.
- 3) Garages.
- 4) Parking lots and/or facilities.
- 5) Lumber yard.
- 6) Farm implement sales and service.
- 7) Residential quarters for managerial, custodial, or security personnel who must be on site on a 24-hour basis.
- 8) Warehouses and wholesale dealerships.
- 9) Commercial grain bins or related activities.

### **3.8.4 Setback**

Minimum depth of fifty (50) feet from the center of a roadway.

### **3.8.5 Off-street parking**

- 1) A ratio of one-to-one for all rolling equipment.
- 2) A ratio of one per employee.

## **3.9 Industrial District**

### **3.9.1 Intent**

It is the purpose of this ordinance and this district to provide for the development of the mineral and agricultural resources of Golden Valley County; to provide for the refining and processing of unfinished and partially finished resources and products; and to isolate industrial activities in locations where conflicts with other uses will be minimized.

### **3.9.2 Permitted Uses**

- 1) Agriculture.
- 2) Dry bulk storage.
- 3) Manufacturing requiring yard storage.
- 4) Heavy equipment storage and repair.
- 5) Truck and freight terminals.
- 6) Wholesale/warehousing activities requiring yard storage.
- 7) Railroad freight and/or bulk terminals, tracks and spurs.
- 8) Concrete, concrete products and clay product plants.
- 9) Rock, sand or gravel excavation, crushing or handling.
- 10) All uses permitted in the Commercial District except residential.
- 11) 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.

- 11) Oil and gas exploration, oil and gas drilling and production subject to the provisions of Sections 3.4.2 and 3.4.3.

### **3.9.3 Conditionally Permitted Uses**

- 1) Liquid, gas bulk, explosives and other hazardous material storage.
- 2) Sewage lagoons and sediment ponds in compliance with State Health standards.
- 3) Sanitary landfills and hazardous waste sites in compliance with State Health standards.
- 4) Salvage yards.
- 5) Stockyards and commercial livestock feedlots and slaughterhouses.
- 6) Electric transmission facilities, water, gas, oil and coal slurry transmission pipelines under the conditions stipulated in Sections 3.4.3.11 and 3.4.3.12.
- 7) Exploration, drilling, excavation and mining for coal, sand, gravel, clay and other subsurface minerals as provided by Sections 3.4.3.13 and 3.4.3.14 of these regulations.
- 8) Electric power plants, coal gasification plants, coal liquefaction plants, oil refineries and petrochemical plants in accordance with the following regulations:
  - a) The applicant shall provide the summary portion of the application for an Energy Conversion Facility permit submitted to the North Dakota Public Service Commission for said Energy Conversion Facility as required under Chapter 49-22 of the NDCC.
  - b) The applicant shall submit all materials which constitute a ruling by the North Dakota Public Service Commission on said Energy Conversion Facility including appropriate scale maps of the site.
- 9) Wind energy generation.

- 10) Other subsurface mineral mining and surface extraction under the stipulation in Section 3.4.3.15.
- 12) Radio, television and telephone transmitting and/or receiving towers and facilities.
- 11) Adult entertainment centers.
- 13) Temporary workforce housing subject to the provisions of Section 4.12.

#### **3.9.4 Performance Standard**

- 1) A buffer strip, acceptable to the County Commission, shall be provided.
- 2) The open storage of material, including waste products or salvage shall not be permitted closer than one hundred (100) feet from any residence. All combustible material shall be stored in such a way to permit free access to firefighting equipment.

#### **3.9.5 Lot Area, Width, and Yard Requirements**

- 1) The minimum lot area for the industrial district shall be two (2) acres.
- 2) The minimum lot width shall be one thousand two hundred fifty (1,250) feet.
- 3) There shall be at least two hundred (200) feet setback from the centerline of the front public road or access.
- 4) The minimum rear building line, measured from the rear lot line, shall be fifty (50) feet.
- 5) The minimum side building line, measured from the side lot line, shall be twenty-five (25) feet.
- 6) No building or structure shall be located within one thousand two hundred fifty (1,250) feet from the boundary of residential areas.

### **3.10 Planned Unit Developments**

#### **3.10.1 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.

#### **3.10.2 Permitted Uses**

- 1) All conditionally permitted uses in Residential Districts and permitted uses in Commercial Districts under the following provisions:
  - a) Setbacks and buffer zones are designed to the Planning and Zoning 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.

### **3.11 Floodplain Overlay District**

#### **Floodplain District - Purpose**

The purpose of this district is to minimize private and public losses due to flood conditions.

### **3.11.1 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 Golden Valley County 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.

### **3.11.2 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 will be free from flooding or flood damages. This ordinance shall not create liability on the part of Golden Valley County, 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.

### **3.11.3 Permitted Uses**

- 1) General building uses including general farming, pasture, and grazing and related uses provided that the buildings and structures for residential uses are flood proofed above the one hundred (100) year floodplain as established by FEMA
- 2) Non-structural uses including ponding of run-off water and treated waste water
- 3) Public utilities including railroads, roads and highways, channels, and pipelines
- 4) Outdoor recreational uses including golf courses, bicycle trails, picnic areas, and boat launching ramps

### **3.11.4 Conditional Uses**

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

### **3.11.5 Additional Permit Requirements**

Before construction or development begins within any area of special flood hazard, a permit shall be obtained from the Zoning Administrator. The permit shall include all the information required in this ordinance. In addition, the permit shall specifically include:

- 1) Elevation in relation to mean sea level of the lowest floor (including basement) of all proposed structures.
- 2) Elevation in relation to mean seal level to which any structure will be flood-proofed.
- 3) Certification by registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Section 3.11.8.
- 4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### **3.11.6 General Standards**

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

- 1) Anchoring
  - a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
  - b) 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:
    - i. over-the-top ties be provided at each of the corners of the mobile home, with two (2) additional ties per at intermediate locations, with mobile homes less than fifty (50) feet long requiring one additional tie per side.
    - ii. 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.
    - iii. all components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.

- iv. any additions to the mobile homes be similarly anchored.

2) Construction Materials and Methods

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

3) Utilities

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- b) 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.
- c) On-site waste disposal systems shall be located to avoid impairment to the systems or contamination from during flooding.

4) Subdivision Proposals

- a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- e) 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.

5) 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.

**3.11.7 Specific Standards**

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

1) 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.

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

- a) be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied .

3) Mobile Homes

- a) Mobile homes shall be anchored in accordance with Section 3.11.6.
- b) 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 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:

- i. 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 the base flood level.
- ii. adequate surface drainage and access for a hauler are provided.
- iii. 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.
  - reinforcement is provided for pilings more than six (6) feet above the ground level.

#### 4) Crawlspace

##### Below-Grade Residential Crawlspace Construction

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

- a) Have the interior grade elevation that is below base flood elevation no lower than two (2) feet below the lowest adjacent grade.
- b) 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.
- c) Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood.
- d) Be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads.
- e) Be constructed with materials and utility equipment resistant to flood damage.
- f) Be constructed using methods and practices that minimize flood damage.

- g) 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.
- h) 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:
  - i. 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.
  - ii. The bottom of all openings shall be no higher than one (1) foot above grade.
  - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### **3.11.8 Flood Proofing Measures**

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

- 1) Anchorage to resist flotation and lateral movement.
- 2) Installation of watertight doors, bulkheads, or similar methods of construction.
- 3) Reinforcement of walls to resist water pressure.
- 4) The usage of paints, membranes, or mortar to reduce the seepage of water through walls.

- 5) The construction of water supply and waste treatment systems which will prevent the entrance of flood waters.
- 6) The addition of mass or weight to structures to reduce flotation.
- 7) The installation of pumps to lower water levels in structures.
- 8) 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.
- 9) 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.

## ARTICLE IV: SPECIAL PROVISIONS

### 4.1 Sewage Disposal

Certain soil types in Golden Valley County have severe limitations for soil absorption disposal systems (septic tanks), as is indicated in the maps and tables of Natural Resource Conservation Service (NRCS) survey of Golden Valley County soils. Said soils shall be avoided when designing a septic tanks system. If said soils cannot be avoided, proof that adequate precautionary steps shall be taken shall be provided to the Planning and Zoning Commission.

**4.1.1** All soil absorption systems shall adhere to the following restrictions:

- 1) Soil absorption systems shall be located at a point lower than elevation grade of any nearby water well or spring.
- 2) Soil absorption systems shall not be located within fifteen (15) feet of a dwelling, within sixty (60) feet of a private water supply or within one hundred twenty (120) feet of a public water supply, stream, river, lake, reservoir or other water area.
- 3) No part of a seepage pit or drain field shall be located closer than fifteen (15) feet to any property line nor closer than one hundred twenty (120) feet to any lake or drainage ditch.

**4.1.2** A soil absorption system on rural, unplatted lots shall not be constructed on any lots smaller than one (1) acre (forty-three thousand five hundred sixty [43,560] square feet) in soils with slight limitations or on any lot smaller than two (2) acres (eighty-seven thousand one hundred twenty [87,120] square feet) in soils with severe soil limitations. In platted areas with centralized water systems, septic systems may be placed on smaller sized parcels when soils exhibit good percolation rates. Absorption field designs shall be determined in the following fashion:

- 1) Percolation tests at the site of the proposed absorption shall be made by the Golden Valley Natural Resource Conservation Service (NRCS) or methods and results shall be approved by the NRCS.

- 2) The desired square footage of the absorption field trenches or bed shall be related to household size and soil permeability. The breakdown of square footage by percolation rate per person is:

| <u>Percolation Rate<br/>(inches per hour)</u> | <u>Square Footage<br/>of trench or bed</u> |
|---|--|
| 1   | 65 sq. ft.                                 |
| 2   | 125 sq. ft.                                |
| 3   | 105 sq. ft.                                |

Therefore, a family of four wishing to build on a lot with one inch per hour soil drainage shall need six hundred sixty (660) square feet of absorption trench or bed area for the drain field.

- 3) Standard absorption trench or bed systems shall not be allowed where percolation rates are less than one (1) inch per hour.
- 4) Absorption field trenches shall be two (2) feet wide and spaced six (6) to eight (8) feet apart when measuring from trench centerlines. Seepage bed drainage pipes or tiles shall be at least six (6) feet apart and three (3) feet from the bed wall.
- 5) Trenches shall be less than one hundred (100) feet in length and shall be looped to allow for flow monitoring.
- 6) Trenches and beds shall be less than thirty (30) inches in depth to insure minimal seepage into the water table.

From the above example, six hundred sixty (660) square feet of absorption area would require three hundred thirty (330) linear feet of trench. Four (4) trenches each eighty-two (82) feet long would require a drain field of at least eighty-six (86) feet by twenty-eight (28) feet or two thousand four hundred eight (2,408) square feet. Given drain field setback requirements, such a system would be eight (8) feet too wide and twenty (20) feet too long for a standard 140 x 50 foot residential lot. In many cases, two (2) lots will be required.

#### **4.2 Off-Street Parking**

Off-street parking requirements are established for Residential, Mobile Home, Commercial, and Industrial Districts. The following requirements shall be adhered to:

- 1) In Residential and Mobile Home Districts, at least two (2) off-street parking spaces will be provided for each single-family dwelling unit.

- 2) In Commercial Districts one (1) off-street parking space will be provided for each commercial vehicle; one (1) off-street parking space for every two (2) employees; and one (1) off- street parking space for each management employee.
- 3) In Industrial Districts one (1) off-street parking space will be provided for each commercial vehicle; and one (1) off-street parking space for every three (3) employees. Parking will be allowed on setbacks and yards.
- 4) Off-street parking for special use will be determined by the Planning and Zoning Commission.

#### **4.3 Area Requirements**

Front, side, rear yard and total lot area minimum requirements shall be set for each District except PUDs. Building setbacks shall be measured from the face of the building to the lot line.

- 1) Recreation District lots shall be a minimum of three (3) acres and shall have front, side, and rear lot setbacks of not less than one hundred (100) feet.
- 2) Agricultural District lots shall be a minimum of three (3) acres and shall have front, side and rear lot setbacks of not less than one hundred (100) feet. This does not apply to previously platted areas.
- 3) Residential Districts shall have a minimum lot size of six thousand five hundred (6,500) square feet and shall have residential building front lot setbacks of not less than twenty-five (25) feet, side lot setbacks of not less than ten (10) feet, and rear lot setbacks of not less than thirty (30) feet from the lot line where soil absorption sewage systems (septic tanks) are not needed. Sheds, garages and non-residential structures shall be placed in compliance with front lot setbacks, by may be placed four (4) feet from side and/or rear lot lines.
- 4) Mobile Home Districts shall have minimum lot sizes of six thousand (6,000) square feet in mobile home parks, with lot setbacks of not less than seven and one half (7.5) feet and no more than seven (7) mobile homes per acre. For permitted mobile homes on purchased lots, lots shall be a minimum of six thousand five hundred (6,500) square feet, and the mobile home shall have front, side, and rear lot setbacks of thirty (30), ten (10), and thirty (30) feet respectively.
- 5) Industrial Districts shall have a minimum lot size of two (2) acres and front, side and rear lot setbacks of not less than one hundred (100) feet.
- 6) Hazardous bulk storage shall not be within six hundred (600) feet of any existing residential, mobile home or commercial district.

- 7) Residential, mobile home and commercial structures or uses shall be prohibited within the area represented by four thousand (4,000) foot extensions of airport clear zones. Any structure may be limited in height to Federal Aviation Administration (FAA) controlled flight areas.

#### **4.4 Signs and Advertising**

These regulations shall apply to all signs erected, altered or maintained and shall adhere to the regulations of Chapter 24-17 of the NDCC.

- 1) Signs shall be maintained in a good state of repair and shall be shown to be serving a current function; shall not constitute a traffic or pedestrian obstruction or hazard; and shall be of a reasonable size by a determination of the Planning and Zoning Commission.
- 2) Signs which do not adhere to the above regulations shall be removed or altered to specifications determined by the Planning and Zoning Commission.

#### **4.5 Commercial Feed Lots – Purpose**

These regulations are designed to allow feedlots for feeding of livestock, furbearers, and poultry at the same time to protect the adjoining uses against odor, run off, and other incompatible characteristics associated with feed lots.

##### **4.5.1 General Requirements**

- a) All feed lots as defined by this code are only permitted as conditional uses subject to the provisions of this code and the requirements of the North Dakota State Health Department.
- b) All feed lots shall be designed and constructed with all reasonable preventative measures to avoid surface run-off including construction of sealed collection and retention ponds.
- c) Where appropriate, there shall be sufficient drainage to avoid pollution of the ground and surface water from the standing effluents.
- d) Feed lots shall not be placed in the floodplains.
- e) The applicant, as part of the site approval application, shall submit a plan for removal and disposal of the liquid solid waste generated by the feed lot.
- f) An “animal unit equivalent” is a unitless number developed from the nutrition and volume characteristics of manure for a specific livestock types. The term “animal units” is used to normalize the

number of animals (e.g., head) for each specific livestock type which produce comparable bulk quantities of manure. The animal equivalent units for types of livestock and the number of livestock for facility size thresholds of three hundred (300) animal units (a.u.), and so forth, are listed in the following table.

### Equivalent Numbers of Livestock (hd)

#### For Four Sizes (a.u.) of Animal Feeding Operations

| Livestock Type Equivalent   | Animal Unit | 300 a.u. | 1,000 a.u. | 2,000 a.u. | 5,000 a.u. |
|-----------------------------|-------------|----------|------------|------------|------------|
| 1 horse                     | 1.0         | 300 hd   | 1,000 hd   | 2,000 hd   | 5,000 hd   |
| 1 dairy cow                 | 1.33        | 225      | 750        | 1,500      | 3,750      |
| 1 mature beef               | 1.0         | 300      | 1,000      | 2,000      | 5,000      |
| 1 beef feeder-finishing     | 1.0         | 300      | 1,000      | 2,000      | 5,000      |
| 1 beef feeder-backgrounding | .75         | 400      | 1,333      | 2,667      | 6,667      |
| 1 mature bison              | 1.0         | 300      | 1,000      | 2,000      | 5,000      |
| 1 bison feeder              | 1.0         | 300      | 1,000      | 2,000      | 5,000      |
| 1 swine>55 lbs              | 0.4         | 750      | 2,500      | 5,000      | 12,500     |
| 1 goose or duck             | 0.2         | 1,500    | 5,000      | 10,000     | 25,000     |
| 1 sheep                     | 0.1         | 3,000    | 10,000     | 20,000     | 50,000     |
| 1 turkey                    | 0.2         | 1,500    | 5,000      | 10,000     | 25,000     |
| 1 chicken                   | 0.1         | 3,000    | 10,000     | 20,000     | 50,000     |

- g) No feed lot shall be located nearer than one-half mile from a residence, residential development in an unincorporated area or city limits in the county, park, cemetery, church, or school other than the owner/operator's.

### Setback Distances for Animal Feeding Operations

From a residence, residential development in an unincorporated area, park, cemetery, church, or school.

| Number of Animal Units | Hog Operations | Other Operations |
|------------------------|----------------|------------------|
| 100-299                | 1 mile         | 0.5 mile         |
| 300-999                | 1.5 miles      | 1 mile           |
| 1,000 or more          | 2.5 miles      | 2 miles          |

#### 4.5.2 Water Resource Setbacks

The owner of a new animal feed lot operation that has more than 300 animal units shall not locate or establish that operation:

- a) Within a delineated source water protection area for a public water system.
- b) Within one thousand two hundred (1,200) feet of a private ground water well which is not owned by the operator or within one thousand five hundred (1,500) feet of a public ground water well which does not have a delineated source water protection area.
- c) Within one thousand (1,000) feet of surface water which is not included in a source water protection area.

#### **4.5.3 Application Procedure and Requirements**

The application for a conditional use permit to operate a facility for a commercial feeding operation shall include a scaled site plan. If the facility will handle more than three hundred (300) animal units, the scaled site plan shall be prepared by a registered land surveyor, a civil engineer, or other person having comparable experience or qualifications. The application shall also list or provide:

- a) The proposed number of animal units.
- b) Total acreage of the site of the facility.
- c) Existing and proposed roads and access ways within and adjacent to the site of the facility.
- d) Surrounding land uses and ownership, if the operation will have the capacity to handle more than three hundred (300) animal units.
- e) A copy of the permit application submitted by the applicant to the North Dakota State Department of Health.

### **4.6 Sanitary Landfills and Solid Waste Sites**

#### **4.6.1 Solid Waste Disposal Facility**

Solid waste disposal facilities as regulated by this section shall include all facilities for the incineration of disposal of solid waste or solid waste residue which are required to be permitted under statute or rule by the North Dakota Department of Health and Consolidated Laboratories. A solid waste disposal facility may be allowed in any Agriculturally Zoned District as a Conditionally Permitted Use provided:

- a) It is located at least one-half (1/2) mile from any residence or residentially-zoned area unless written approval is obtained from the owner of any residence within this area.

- b) It is continuously licensed and approved by the State Health Department as to location and operation.
- c) There is no substantive evidence that the facility will endanger the public health or the environment.
- d) The Conditional Use Permit will be valid for a period of time set by the Board of County Commissioners. For the permit to be approved, sixty (60) percent of all property owners within one mile of the proposed location must agree to the proposed facility.

#### **4.6.2 County Code and Procedures**

The County hereby adopts the solid waste provisions of NDCC 11-33-20, to assure meeting the purposes of this code.

#### **4.6.3 Site Approval Requirements**

All solid waste sites require a review and approval by the County Commission.

#### **4.6.4 Collection of Solid Waste**

No person may collect or transport waste materials for a fee without obtaining a permit from Golden Valley County. 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.

### **4.7 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 permit 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.

## **4.8 Fences**

- 1) No site-obscuring fence over forty-eight (48) inches in height shall be erected within the front yard of any lot used for residential purposes.
- 2) No permanent fence shall be constructed on a road right-of-way or within the confines of the ditch backstop.
- 3) Electrical fences shall conform in all respects to the State of North Dakota regulations for electrical wiring, and shall be energized only with Underwriters Laboratories approved equipment.

## **4.9 Home Occupations, Standards for Approval**

### **4.9.1 A home occupation in an unincorporated community:**

- 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 personnel 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 other than the sign described above.
- f) The occupation shall not adversely affect the character of the uses permitted in the district in which it is located.

### **4.9.2 Rural Home Occupations**

Rural home occupations shall conform to the requirements for homes subject to the provisions of Section 4.9.1 except:

- a) Rural home occupations may be located in a separate non-residential or farm building provided any building principally used for the home occupation shall not exceed one thousand two hundred eighty (1,280) square feet. The minimum lot size for a separate non-residential building shall be one (1) acre.
- b) Employees are limited to two full-time or four part-time personnel.

- c) Structural additions may be made to a dwelling provided the alterations shall not exceed twenty-five (25) percent of the main floor area of the dwelling, but not including basement or garage floor area. A building permit is required.

#### **4.10 Adult Entertainment Centers**

- 1) An adult entertainment center shall not be located within one thousand two hundred eighty (1,280) 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 within one thousand two hundred eighty (1,280) feet of any establishment that dispenses alcohol on-premises.
- 3) An adult entertainment center shall not be located within within one thousand two hundred eighty (1,280) feet of any other adult entertainment center.
- 4) An adult entertainment center must prohibit entrance by persons less than 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.

#### **4.11 Wind Energy Facility**

##### **4.11.1 Purpose**

The purpose of the provision is to provide a regulatory framework for the siting, construction and operation of Wind Energy Facilities in the county, subject to reasonable restrictions, which will preserve the safety and well-being of the residents while allowing equitable and orderly development of Wind Energy Facilities.

#### **4.11.2 Regulatory Framework**

1) Zoning

Wind energy facilities constructed within the county are subject to the restrictions and conditions of this ordinance.

2) Principal or Accessory Use

A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this code shall not be deemed to constitute expansion of a nonconforming use or structure.

3) Applicability

The requirements of this code shall apply to all wind energy facilities with one or more wind turbines rated at fifty (50) kilowatts nameplate capacity or larger constructed after the effective date of this code. No operation of an existing wind energy facility shall be allowed without full compliance with this code and its Wind Energy Facility Siting Permit, and no modification or alteration of an existing wind energy facility shall be allowed without issuance of a new Wind Energy Facility Siting Permit pursuant to Section 4.11.3.

#### **4.11.3 Wind Energy Facility Siting Permit**

1) Application for Permit

No work, except for wind monitoring, soil testing and other survey work, may commence to construct a wind energy facility until a County Wind Energy Facility Siting Permit (“permit”) has been issued by the County Commission. The prospective permittee shall submit an application for said Permit to the County Planning and Zoning Commission. The application shall be signed by an authorized representative of the prospective permittee, include a fee to be determined by the County Commission for each proposed wind turbine, and the following information:

- a) The complete name, legal address and phone number of the prospective permittee and responsible contact person.
- b) A USGS topographical map of the wind energy facility and five hundred (500) feet of all adjoining properties along the wind energy facility perimeter, which map shall show all existing features, including property boundaries, structures,

improvements, roads, utility lines, public facilities and natural features. The map shall also show location of all proposed improvements for the wind energy facility, including wind turbines, MET towers, electrical lines and roads. Each proposed wind turbine shall be numbered and fully described in technical details, including rotor diameter, model, and manufacturer, and distances, measured in feet, from property lines and from existing improvements for each proposed wind turbine.

- c) Details as to how the prospective permittee will comply with each item in Section 4.11.6.
- d) A schedule for the proposed start and completion of construction of the wind energy facility.
- e) Copies or signed summaries of all leases and easements for wind turbines and associated equipment and infrastructure to be sited within the county and any written agreements between the prospective permittee and affected parties holding associated wind rights on adjoining properties established for the purpose of seeking a setback variance(s).

#### **4.11.4 Public Hearings**

Upon receipt of the application, the Planning and Zoning Commission and any experts it may retain shall review the application and, hold a public hearing on the application giving notice of which shall be published at least two weeks prior to the hearing in the official newspaper of the county. The notice shall include: 1) the time and place of hearing; 2) description of the property to be affected; and 3) the time and place for public inspection of the documents prior to the hearing. Notice of the hearing shall be mailed to property owners within five hundred (500) feet of the proposed wind energy facility.

1) Deliberation and Decision

If the Planning and Zoning Commission, following the public hearing, shall make recommendation to the Commission for the approval or denial, modification, and/or imposition of conditions of each application. Upon approval by the Commission, the Planning and Zoning Commission shall issue such Wind Energy Facility Siting Permit.

**4.11.5 Demonstration of Compliance**

The permit issued pursuant to Section 4.11.3 shall be contingent upon the permittee's final demonstration of compliance with the requirements of the permit following completion of construction of the wind energy facility. Within ninety (90) days of wind energy facility construction, the permittee shall submit to the Planning and Zoning Commission an updated and final USGS topographical map, or survey if available, providing all information pursuant to Section 4.11.3 and demonstrating actual compliance with the requirements and conditions of the permit.

**4.11.6 General Requirements for Wind Energy Facilities**

- 1) Appearance, Lighting, Facility Footprint, Agricultural Operations, Roads and Power Lines
  - a) Wind turbines shall be painted a non-reflective, non-obtrusive color.
  - b) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
  - c) Each wind turbine shall be marked with a visible identification number to assist with provision of emergency services, and the permittee shall file with local fire departments, law enforcement and the county emergency management coordinator a wind energy facility map identifying wind turbine locations and numbers.
  - d) Wind turbines shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
  - e) At wind energy facility sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, and location that will blend the wind energy facility into the natural setting and existing environment.

- f) At wind energy facility sites, the location and construction of access roads and other infrastructure shall, to the extent reasonably possible, minimize disruption to farmland, the landscape and agricultural operations within the county. Prior to construction, the applicant shall make satisfactory arrangements (including obtaining permits) for road use, access road intersections, maintenance and repair of damages with governmental jurisdiction with authority over each road. The applicant shall notify the county road superintendent on request.
- g) The permittee shall promptly replace or repair all fences or gates removed or damaged during all phases of the wind energy facility's life, unless otherwise negotiated with the affected landowner. When the permittee installs a gate where electric fences are present, the permittee shall provide for continuity in the electric fence circuit.
- h) The permittee shall ensure that, following completion of construction of a wind energy facility, county roads will be repaired or restored to a condition at least equal to the condition prior to construction of such facility.
- i) The permittee shall place electrical lines, known as collectors, and communication cables underground when located on private property. Collectors and cables shall also be placed within or adjacent to the land necessary for wind turbine access roads, unless otherwise negotiated with the affected landowner. This paragraph does not apply to feeder lines.
- j) The permittee shall place overhead feeder lines on public rights-of-way, if a public right-of-way exists, or the permittee may place feeder lines on private property. A change of routes may be made as long as the feeders remain on public rights of way and approval has been obtained from the governmental unit responsible for the affected right-of-way. When placing feeders on private property, the permittee shall place the feeder in accordance with the easement negotiated with the affected landowner.

## 2) Setbacks

The following setbacks and separation requirements shall apply to all wind turbines in a wind energy facility.

- a) Occupied Structures and Facilities: Each wind turbine shall be set back from the nearest occupied dwelling, commercial building or publicly-used structure or facility at a distance not less than two thousand (2,000) feet.
- b) Public Roads and Above Ground Communication and Electrical Lines: Each wind turbine shall be set back from the nearest public road or above ground communication and electrical lines at a distance not less than two hundred (200) feet, determined at the center of the existing right-of-way.
- c) Wind Energy Facility Perimeter: Each wind turbine shall be set back from the Wind Energy Facility Perimeter at a distance not less than two and one half (2.5) times the rotor diameter of the wind turbine. A variance may be granted if an authorized representative or agent of the permittee and those affected parties on adjoining properties with associated wind rights sign a formal and legally-binding agreement expressing all parties' support for a variance that waives or reduces the setback requirement.

### **4.11.7 Minimum Ground Clearance**

The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

### **4.11.8 Restoration of Property**

Within one hundred and eighty (180) days of termination or abandonment of leases or easements for a wind energy facility in the county, the permittee shall, at its expense, comply with the following decommissioning requirements:

Decommissioning and site restoration includes dismantling and removal of all towers, turbine generators, transformers, and overhead cables; removal of underground cables to a depth of twenty-four (24) inches; removal of foundations, buildings and ancillary equipment to a depth of four (4) feet; and removal of surface road material and restoration of the roads; and turbine sites to substantially the same physical condition that existed immediately before construction of the commercial wind energy conversion facility or wind turbine. The site must be restored and reclaimed to the same general topography that existed prior to the beginning of the construction of the wind energy conversion facility.

Areas disturbed by the construction of the facility and decommissioning activities must be graded, top soiled, and reseeded according to natural resource conservation service technical guide recommendations and other agency recommendations, unless the landowner requests in writing that the access roads or other land surface areas be retained.

#### **4.11.9 Transfer of Wind Energy Facility Siting Permit**

In the event of a change in ownership or controlling interest in a wind energy facility and the transfer of the permit, any successors and assigns of the original permittee shall comply with the requirements and conditions of such permit for the duration of operation of a wind energy facility permitted in the county. Within thirty (30) days of such change in ownership or controlling interest of any entity owning a wind energy facility, the parties to the transaction shall notify the Commission by letter and provide information pursuant to Section 4.11.3. The letter shall be signed by the authorized representatives or agents of both the original permittee and the entity to which the permit is being transferred.

### **4.12 Temporary Crew Housing (Workforce Temporary Housing)**

#### **4.12.1 Definitions**

##### **Temporary Crew Housing (work camp housing):**

Modular residential structures used to house workers on a temporary basis for a specified period of time. It may include one or more lodging units which are not mobile homes as defined in NDCC Section 57-02-04 and are not mobile homes as defined in NDCC Section 57-55-01.

##### **Crew Housing Permit**

A right granted by the county to locate a crew housing facility within the jurisdiction of the county and to enjoy attendant services and facilities provided by the County Commission.

##### **Skid Units**

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 basis.

##### **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.

#### **4.12.2 Conditional Use Permit**

A Temporary Closed Crew Camp Housing Permit authorizes a conditional use, the procedure for the issuance of which is referred to within Section 2.7 of this code. It is allowable as a conditional use in Industrial Districts.

#### **4.12.3 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.
- 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 current 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 County Commission.
- 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 County Commission. 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 affect for two (2) 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 County Zoning Director, the Planning and Zoning Commission, or the County Commission.

#### **4.12.4 Prohibited Housing Types**

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

#### **4.12.5 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.

#### **4.12.6 Termination of Crew Housing Permit**

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

#### **4.12.7 Renewal of Conditional Use Permit**

Any Temporary Closed Crew Housing Permit granted in accordance with this section shall expire two (2) 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.

## **ARTICLE V: SUBDIVISION REGULATIONS**

### **5.1 Intent**

- 1) To insure the orderly development of the county 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.
- 5) To avoid development of unsuitable areas because of soil, drainage and other physical limitations.
- 6) To facilitate subdivision of larger parcels into smaller parcels and lots.
- 7) To implement the Comprehensive Plan of the County.

### **5.2 Compliance with Chapter**

All subdivisions made within the County and not located in any municipality or its extra-territorial jurisdiction shall be subject to and shall conform to the three-step requirements: Sketch Plan, Preliminary Plat and Final Plat 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 the regulations developed for minor subdivisions.

## **5.4 Sketch Plan**

### **5.4.1 Submission**

- 1) Prior to the filing of an application for tentative approval of the preliminary plat, the subdivider shall submit for review by the Planning and Zoning Commission sketch plans.
- 2) Such sketch plans will be considered as submitted for informal discussion between the subdivider and the Planning and Zoning Commission. Submission of a subdivision sketch plan shall not constitute formal filing of a plat.
- 3) Prior to presentation of the sketch plan to the Planning and Zoning Commission, the subdivider should contact the Zoning Administrator to ensure that the proposed subdivision conforms to the design standards of this chapter, the county comprehensive plan, street or utility master plans, and discuss any possible modifications necessary to ensure conformance.

### **5.4.2 Data Required for Sketch Plan**

- 1) Tract boundaries;
- 2) North point;
- 3) Description of nature and purpose of street(s) on and adjacent to the tract;
- 4) Proposed general street layout;
- 5) Significant topographical and physical features;
- 6) Proposed general lot layout; and
- 7) Existing and proposed land use.

## **5.5 Preliminary Plat**

The preliminary plat shall be prepared by a registered land surveyor and shall be submitted to the Planning and Zoning Commission for review and recommendation to the County Commission. The preliminary plat shall cover the entire contiguous area owned or controlled by the subdivider if it is less than twenty (20) acres even though only a small portion of it is proposed for the development at the time. The subdivider may be required to submit a

development plan if he/she owns or controls more than twenty (20) contiguous acres of land.

### **5.5.1 Preliminary Plat Content**

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

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

- n) Layout, number and dimensions of all lots and blocks.
- o) Parcels of land intended to be dedicated or reserved for public use or set aside for the use of property owners within the subdivision.
- p) Building setback lines, showing dimensions.

### **5.5.2 Preliminary Plat Submission Requirements**

- a) The subdivider shall apply to the Planning and Zoning Commission on appropriate forms provided by the County Zoning Director at least ten (10) days prior to its regularly scheduled meeting or special meeting.
- b) The subdivider shall submit two (2) prints of the preliminary plat to the County Zoning Director at the time the application is made. The plat shall comply with the provisions of this code.
- 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 Planning and Zoning Commission requests.

### **5.5.3 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 Planning and Zoning Commission may require other information as a part of the development plan.

#### **5.5.4 Review Process**

- a) The Planning and Zoning Commission shall review the preliminary plat and may request additional information before it takes action.
- b) The conditional approval of a preliminary plat shall clearly state the nature and extent of the conditions which shall be met before a final plat is submitted for review and approval. Tentative approval of a preliminary plat by the Planning and Zoning Commission is not an acceptance of a subdivision plat, but is an expression of approval of a general plat as a guide to preparation of a subdivision for final plat review and approval.
- c) The Planning and Zoning Commission may require the 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 County 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).

#### **5.5.5 Data Omitted on Minor Subdivision Plats**

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

- 1) Location and approximate sizes of sidewalks, curbs, and gutters.
- 2) Topographic contours at a two (2) foot interval or a maximum interval of five (5) feet if the latter is acceptable to the reviewing authority.
- 3) Location and extent of problem soil types and results of all percolation tests, if required.
- 4) Location, widths and functions of all alleys, pedestrian walkways, easements and other areas to be dedicated for public purposes.
- 5) Layout of public and private utility service lines and easements to include sewer and water, gas, electric, telephone, and communication lines.

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

## **5.6 Final Plat**

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

### **5.6.1 Final Plat Content**

The final plat shall conform to all provisions of this code and conditions set forth by the County Commission.

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

- m) Accurate location of all monuments, which shall be of material size in accordance with the standards of the city, the county, and the state.
- n) Accurate outlines and legal descriptions of any areas (not including streets, alleys or public utility easements) to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for common use of all property owners.
- o) Where required, detailed engineering drawings, cross-sections or profiles of streets, utility lines, catch basins or other installations of improvements as installed.
- p) Building or property covenants.
- q) Certification by registered surveyor to the effect that the plat represents a survey made by him/her, and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.
- r) 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.

### **5.6.2 Final Plat Submission Requirements**

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

- a) The subdivider shall submit the final plat to the Planning and Zoning Commission at least two weeks before the regularly scheduled meeting of the Planning and Zoning Commission.
- b) The final plat shall comply with all provisions of this code and conditions and requirements set forth as a part of review and approval of the preliminary plat. All filing fees shall be paid to the county at the time of filing the final plat for approval.
- c) The Planning and Zoning Commission may require the 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.

### **5.6.3 Review Process**

- a) If the Planning and Zoning Commission, after a public hearing, finds the final plat in conformance with the stipulations as presented in the preliminary plat, it shall make a recommendation for action to the County Commission.
- b) The subdivider shall prepare an estimate of the cost of providing the required improvements based on the county design standards for street, curb, gutter, sidewalk, sanitary sewer, storm sewer and water lines.
- c) After receiving recommendations from the Planning and Zoning Commission, the County Commission shall review the recommendations and the final plat and approve or disapprove the proposed subdivision.
- d) Within thirty (30) days after the final plat approval is granted, the final plat of record shall be filed with the County Recorder for Golden Valley County.

### **5.7 Amendment of Any Project Development Plan**

Upon final approval of a subdivision involving the creation of new streets, the widening, decreasing or vacation of existing streets or alleys, or the creation, enlargement or decrease of other lands devoted to public use, the County Commission and/or Planning and Zoning Commission shall approve such change in streets, alleys or public lands as an amendment to any project development plan, as it finds appropriate.

### **5.8 Filing of Subdivision Plat**

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

### **5.9 Design Standards—Conformance**

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

### **5.10 Street Design**

- 1) The arrangement, character, classification, extent, width, grade, and location of all streets shall be designed in relation to existing and planned streets, topographic conditions, existing natural features, public convenience and safety and the proposed uses of land served by such streets and to the most advantageous development of adjoining uses.

- 2) Where it is not shown on the Development Plan, the arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing streets in surrounding areas or conform to a plan approved by the Planning and Zoning Commission to meet a particular situation.
- 3) Where a subdivision abuts or contains an existing or proposed major street or highway, the Planning and Zoning Commission may require service streets, reverse frontage lots with screen planting in a reservation strip along the rear property line, deep lots with rear service alleys abutting the primary street or highway, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.
- 4) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.
- 5) Reserve strips in private ownership controlling access to streets are prohibited.
- 6) Street with centerline offsets of less than one hundred fifty (150) feet shall be avoided.
- 7) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on major streets.
- 8) When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than four hundred (400) feet for local and collector streets, and of such greater radii as the Planning and Zoning Commission shall determine for special cases.
- 9) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than eighty (80) degrees.
- 10) Curb radii on all block corners shall be ten (10) feet and a five (5) foot radius shall be used at intersections of streets and alleys.

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

| <b>Street Type</b>                   | <b>Minimum Right-of-Way Width (lot line to lot line)</b> | <b>Minimum Roadway Width</b> | <b>Maximum Gradient</b> | <b>Minimum Gradient</b> |
|--------------------------------------|--|------------------------------|-------------------------|-------------------------|
| Arterial Streets                     | 100 feet   | 48 feet                      | 4%                      | 0.7%                    |
| Collector and Industrial Use Streets | 70 feet  | 40 feet                      | 6%                      | 0.7%                    |
| Local Streets                        | 60 feet  | 34 feet                      | 10%                     | 0.5%                    |

- a) Cul-de-sac, one hundred (100) feet in diameter for a turnaround.
  - b) Alleys, residential district, twenty (20) feet.
  - c) Sidewalks, four (4) feet.
  - d) Bike paths (per DOT standards).
- 12) Half-streets are prohibited except where essential to the reasonable development of the subdivision and in conformity with the other requirements of this code and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever an existing half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- 13) Cul-de-sacs shall not be longer than five hundred (500) feet.
- 14) General considerations for intersection design are that:
- a) Intersections of more than two (2) streets at a point shall not be permitted
  - b) Alleys shall be discouraged in residential districts but may be provided in commercial and industrial districts
- 15) Dead-end streets without a suitable turnaround are prohibited.

**5.11 Block Design**

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

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

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

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

#### **5.12 Lot Design**

- 1) The shape, size and orientation of the lots shall be appropriate for the location of the subdivision. Residential lot dimension within the county shall be subject to Sections 3.6.4 and 3.6.5.
- 2) For non-residential lots, the provisions of appropriate zoning district of this code shall apply.
- 3) Residential lots abutting major streets shall have extra depth of at least twenty (20) feet to allow for proper setbacks.
- 4) All lots shall front a public street.
- 5) Side lot lines shall be substantially at right angles.
- 6) Residential corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from the side streets.
- 7) Double frontage lots shall be avoided except where essential to provide separation of development from arterial streets.
- 8) Depth and width of lots reserved or laid out for commercial or industrial uses shall be adequate to provide for off-street parking and service facilities required by the type of use a development and the provisions of the appropriate zoning district.

### **5.13 Street Names**

- 1) The Planning and Zoning Commission may disapprove of the name of any street shown on the plat which does not conform to existing naming patterns, has already been used elsewhere in the area, or because of a similarity that may cause confusion.
- 2) Where a street maintains the same general direction, except for curvilinear changes for a short distance, the same name shall continue for the entire length of the street.

### **5.14 Utility Easements**

- 1) Easements across lots or along rear or side lot lines shall be provided for utilities where necessary and shall be a minimum of five (5) feet wide on each side of the lot line and shall be designated as "utility easement".
- 2) All lots shall be served by underground electric, cable television, natural gas and telephone lines unless waived by the Planning and Zoning Commission due to topographic conditions or excessive costs.
- 3) All utility lines for electric power, cable television and telephone services carried overhead shall be placed in utility easement.
- 4) Utility lines installed in the utility easement shall not be closer than one foot to the property line or three (3) feet to any survey monument.

### **5.15 Grading and Drainage**

- 1) When required, the subdivider shall provide a detailed grading and drainage plan showing the grades of streets and drainage improvements.
- 2) The drainage shall not discharge into any sanitary sewer facility.
- 3) The drainage facilities shall be located in street right-of-way or in drainage easements.
- 4) All developers should submit a management plan for storm water.
- 5) The grading and drainage system shall be approved by the Planning and Zoning Commission.
- 6) Grading established in any subdivision shall not be changed without approval of the Planning and Zoning Commission.

## **5.16 Drainage Way Easement**

Where a subdivision is traversed by a water course or drainage way, an adequate grading of such easement shall be set by the Planning and Zoning Commission to accommodate the anticipated discharge from the property being subdivided and also the anticipated run-off from the adjoining properties.

## **5.17 Tree Planting**

The planting of trees of an appropriate species and at appropriate locations may be required by the Planning and Zoning Commission. Trees must be placed at a minimum setback of one hundred fifty (150) feet from county road centerlines.

## **5.18 Street Lights**

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

## **5.19 Required Improvements**

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

### **1) Completion Assurance**

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

### **2) Survey Monuments**

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

### **3) Public Water**

- a) Where appropriate, watermains shall be installed so as to provide individual service to each lot within the subdivision.
- b) Watermains shall extend to the boundary of the subdivision, except where in the opinion of the Planning and Zoning Commission it is deemed impractical.

- c) A rural water supply shall comply with the requirements of the State of North Dakota.

## **5.20 Sanitary Sewer**

- 1) All subdivisions shall be provided with sanitary sewers to each lot. On an individual case review, an on-site sewage system may be allowed.
- 2) Private septic systems may be approved by the county sanitarian or Southwest Health District on lots of a minimum of one (1) acre.
- 3) Sanitary sewer shall be extended to the boundary of the subdivision, except where in the opinion of the Planning and Zoning Commission it is deemed impractical.
- 4) All sanitary systems shall be reviewed and approved by county sanitarian or Health District.

## **5.21 Storm Sewer**

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

## **5.22 Grading and Surfacing**

The full width of all rights-of-way shall be graded in accordance with the Golden Valley County streets road standards.

## **5.23 Curbs, Gutters and Sidewalks**

Concrete curb and gutters, where appropriate, may be installed in all subdivisions in accordance with the county standards. Where the county requires construction of a sidewalk, it shall be in accordance with the design standards established by the Planning and Zoning Commission.

## **5.24 Installation of Improvements**

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

## **ARTICLE VI: ADMINISTRATION**

### **6.1 Golden Valley County Board of County Commissioners**

#### **6.1.1 Authority**

The Golden Valley County Board of County Commissioners is authorized to regulate the use of property through the use of zoning and has final responsibility for the preparation of this ordinance, the county zoning map and the administration thereof, under Section 11-33-01 of the NDCC.

#### **6.1.2 Duties**

- 1) The County Commission shall review and take action on all proposed amendments to this code.
- 2) The County Commission or its designee shall review and decide all applications for zoning modifications.
- 3) The County Commission or its designee shall hear and decide all requests for variances or other relief from the provisions of this code.
- 4) The County Commission or its designee shall review all applications for conditional use permits.
- 5) The County Commission shall hear and decide all appeals of decisions of the Planning and Zoning Commission.
- 6) The County Commission or its designee shall investigate all violations of these regulations and shall determine and take appropriate remedial action.
- 7) Appoint the Planning and Zoning Commission;
- 8) Appoint the County Zoning Director;

### **6.2 Golden Valley County Planning and Zoning Commission**

#### **6.2.1 Authority**

The Golden Valley County Planning and Zoning Commission is created by the Golden Valley County Board of County Commissioners in accordance with the North Dakota Century Code, Chapter 11-33.

### **6.2.2 Duties**

- 1) The Planning and Zoning Commission shall hold public hearings on and make written recommendations to the County Commission with respect to all proposed amendments to this code.
- 2) The Planning and Zoning Commission shall hold public hearings on applications for zoning modifications and make written recommendations to the County Commission for the approval or denial of such applications.
- 3) The Planning and Zoning Commission shall hold public hearings on applications for conditional use permits and make written recommendations to the County Commission for the approval, denial, modification, and/or the imposition of conditions upon such applications.
- 4) The Planning and Zoning Commission shall hold public hearings on applications for variances from the provisions of this code and make written recommendations to the County Commission for the approval, denial, modification, and/or the imposition of conditions upon such applications.
- 5) The Planning and Zoning Commission shall report all zoning violations to the County Commission for appropriate action.
- 6) See to the publication of notice of zoning hearings and posting of the notice of zoning amendments on the affected site;

## **6.3 Board of Adjustment**

### **6.3.1 Authority**

The Board of County Commissioners shall act as a board of adjustment.

### **6.3.2 Duties**

- 1) The board shall hear appeals from any person, party, firm or organization aggrieved by the actions or decisions of the Planning and Zoning Commission.
- 2) The board shall authorize a variance from the terms of this ordinance when the literal enforcement of the provisions of this ordinance would result in unnecessary hardship and said variance will not be contrary to the public interest.

Application for a variance shall include:

- (a) The special conditions and circumstances which are unique to the land or structure and not applicable to other land or structure in the same district.
- (b) The special conditions and circumstances which are a result of the actions of the applicant.
- (c) The literal interpretation of those portions of the ordinance which would deprive the applicant of rights commonly enjoyed by other properties in the district.
- (d) Information that the granting of the variance will not confer any special privilege on the applicant that is denied by the ordinance to others in the same district.
- (e) Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district.

## **6.4 County Zoning Director**

### **6.4.1 Authority**

The Board of County Commissioners shall appoint a Zoning Director to carry out the directives and duties as assigned by the Planning and Zoning Commission. Said director shall be responsible directly to the Planning and Zoning Commission.

### **6.4.2 Duties of the Zoning Director**

- 1) Attend all hearings.
- 2) Maintain updated copies of the ordinance and district zoning map.
- 3) Keep copies of all records.
- 4) Post notice of amendment hearings of affected site.
- 5) Make inspection of land and/or structures to determine compliance with the provisions of this ordinance.
- 6) Carry out any other duties assigned by the Planning and Zoning Commission.

- 7) Grant building permits.
- 8) Prepare materials and opinions on all applications submitted to the Planning and Zoning Commission.

## **6.5 Permits, Procedures, and Fees**

Permits are required for nonagricultural uses in agricultural districts and conditionally permitted uses in all districts in accordance with this ordinance and said permits shall be received by the applicant before physical action on the use may be taken and must be complied with. A fee is required for all permits. Said fee shall be paid to the County Auditor. All fee payments shall be deposited in the county general fund.

### **6.5.1 Building Permits**

A building permit is required prior to the construction or moving in of any nonagricultural building or structure and whenever the outside dimensions of an existing nonagricultural building are altered. The conditions of the permit must be adhered to. To receive a building permit, an application which shall include the following shall be submitted to the zoning director.

- 1) Description of the nature or function of the building, structure or addition.
- 2) Description of the size, principle construction materials used and cost of the building, structure or addition.
- 3) A legal description of the property and a plat map of a reasonable scale which shows the size of building or structure, its position on the lot and surrounding yard dimensions.
- 4) Must demonstrate compliance with district requirements and permitted uses.
- 4) A building permit shall be valid for a period of one year from the date of issuance. The term of the permit may be extended for good cause shown.
- 5) The fee schedule for building permits shall be determined by the County Commission.

## 6.6 Conditional Use Permit

The development and administration of this code is based on the division of the county into districts within which the uses of land and buildings are mutually compatible. However, there are certain uses which, because of their unique characteristics, cannot be classified as unrestricted permitted uses in any particular district or districts without consideration in each particular case of the impact of those uses upon adjoining lands or public facilities. Such uses, nevertheless, may be necessary or desirable in a particular district provided that due consideration is given to location, development and operation of such uses.

- 1) In order to promote and protect public health, safety and the general welfare, the Planning and Zoning Commission may stipulate conditions and restrictions upon the establishment, location, construction and operation of the proposed use. In all cases in which conditional uses are granted, the Planning and Zoning Commission shall prior to issuance of a certificate of compliance, require evidence of compliance with these provisions and with the conditions set forth.
- 2) No conditional use permit shall be recommended by the Planning and Zoning Commission or approved by the County Commission unless the applicant shall have met all the following criteria:
  - a) The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.
  - b) The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.
  - c) The proposed conditional use shall not impede the normal orderly development of the surrounding property.
  - d) Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.
  - e) Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.
  - f) The proposed conditional use shall conform to all applicable regulations of the district within which it is located.
- 3) The Planning and Zoning Commission shall hold a public hearing on any request for a conditional uses permit, a notice of which shall be published at least two weeks prior to the hearing in the official newspaper of the

county. The notice of hearing shall include: 1) the time and place of hearing; 2) description of the property to be affected; 3) the proposed use; and 4) time and place for public inspection of documents prior to the hearing.

- 4) The Planning and Zoning Commission, following a public hearing, shall make recommendation to the County Commission for the approval or denial, modification, and/or imposition of conditions of each application for a conditional use permit. Upon approval by the County Commission, the Planning and Zoning Commission shall issue such conditional use permit.
- 5) If the Planning and Zoning Commission finds that the conditions or restrictions set forth in a conditional use are not being complied with, it may revoke the conditional use permit after a public hearing.
- 6) In any case where a conditional use has not been commenced, or in appropriate cases substantially completed, within one year of the date of approval of the conditional use, the permit shall be null and void without further action of the Planning and Zoning Commission or the County Commission.
- 7) Upon the cessation or abandonment for a period of one year of any use, for which a conditional-use permit has been issued, such conditional use permit is deemed to have been terminated and any future use of the land, building(s), or premises shall be in conformity with this code.

## **6.7 Temporary Use Permit**

A temporary use permit may be granted by the County Zoning Director following a ruling by the Planning and Zoning Commission on the application submitted. Temporary use permits shall apply to the structures and uses identified as appropriate under each district, and any other activities or uses considered by the Planning and Zoning Commission to warrant limitations on the length of time the land can be occupied by said use or activity.

The application for a temporary use permit shall contain the information required for a conditional use permit and under the district's ordinances plus a justification for the permit period requested by the applicant.

A public hearing on the temporary use permit request shall be held following proper notice pursuant to Section 11-33-08 NDCC. The notice shall include a description of the action and location in sufficient detail so that concerned parties may determine the action's impacts.

A temporary use permit fee shall be paid in an amount to be determined by the County Commission.

## **6.8 Amendments**

Any person, the Zoning Director, Planning and Zoning Commissioners or Board of County Commissioners may instigate action for the amendment of Zoning Ordinance or Zoning Map. Said action shall be directed to the Golden Valley County Planning and Zoning Commission, and shall be in the form of a petition if submitted by any person or a written request if submitted by a County Commissioner, County Planning and Zoning Commission member or the Zoning Director. A petition for amendment shall include:

- 1) Signatures of over thirty percent (30%) of the landowners to be affected by the ordinance or district change.
- 2) Description of the change including a legal description and a map of appropriate scale showing the area in question.
- 3) The nature of the change requested and reason for the change.
- 4) A detailed description of any uses, building or structures that are proposed for the area covered by the petition.
- 5) Any additional information requested by the Board of County Commissioners or Planning and Zoning Commission.

### **6.8.1 Petitions Received**

Upon receipt of a petition for a zoning change or written request from a zoning official, the Board of County Commissioners shall forward the request to the Planning and Zoning Commission for their review.

### **6.8.2 Review of Petitions**

The Planning and Zoning Commission shall review the petition or written request and shall conduct a public hearing on the requested zoning change following proper notice of said hearing.

### **6.8.3 Recommendation**

Following the public hearing on the petition for a zoning change, the Planning and Zoning Commission shall formulate and submit a recommendation to the County Commission on the zoning change. Said recommendation shall include specific map or ordinance alterations.

#### **6.8.4 Adoption/Rejection/Appeal**

The Board of County Commissioners may hold a second hearing and shall adopt or reject the recommendations of the Planning and Zoning Commission. Petitioners may appeal to the County Commission pursuant to Section 11-33 NDCC or may appeal to district court for a change to the ruling or zoning. Any petition which is rejected may be re-submitted one (1) year hence.

### **6.9 Violations and Penalties**

#### **6.9.1 Complaints Regarding Violations**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Director. The Director shall record properly said complaint, notify the Planning Commission and make an inspection of the affected site.

#### **6.9.2 Remedies Regarding Violations**

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure or land is used in violation of any other of the conditions of a conditional use or in violation of any other of the regulations and restrictions of this ordinance, the Board of County Commissioners or any affected citizen or property owner may institute any appropriate action or proceedings in addition to other remedies to:

- 1) Prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
- 2) Restrain, correct or abate such violations;
- 3) Prevent the occupancy of the building, structure or land or;
- 4) Prevent any illegal act, conduct, business or use in or about such premises.

#### **6.9.3 Penalties for Violations**

Each violation of any regulation or restriction of this ordinance by any person shall constitute the maintenance of a public nuisance and shall be a class B misdemeanor. Each day that a violation occurs shall be considered a separate punishable offense.

**6.10 Building Code**

All buildings or structures or parts of structures used for residential or commercial purposes, and accessory structures thereto shall be designed and constructed, altered, equipped, and maintained in accordance with the Universal Building Code and the same is hereby made a part of this resolution and incorporated therein as if set out at herein, and from the date this resolution takes effect the provisions thereof shall be controlling in the construction of all residential buildings and accessory.

THIS DOCUMENT RECOMMENDED FOR APPROVAL THIS 27 DAY OF  
February, 2012.

Gene Skoglund  
Chairman  
Golden Valley County  
Planning and Zoning Commission

Feb 27, 2012  
Date

ADOPTED THIS MAR 6, 2012

David L. Orval  
Chairman  
Golden Valley County  
Board of Commissioners

Cecilia A. Tesman  
Auditor  
Golden Valley County