Dunn County Land Development Code

A. General Provisions

1. **Title** - This Ordinance shall be known and may be cited and referred to as the "Dunn County Land Development Code."
2. **Purpose** - The purpose of this Ordinance is to promote the health, safety, morals, and general welfare of the Dunn County and its residents. It is further the purpose of this Ordinance to facilitate the orderly and efficient development of the county in a manner which is consistent with its Comprehensive Plan.
3. **Statutory Authority** – This Land Development Code is adopted pursuant to the authority granted by Chapters 11-33 and 11-33.2 of the North Dakota Century Code.
4. **Severability** - If any section, provision or portion of this Ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
5. **Nonconforming Lots, Uses, and Structures** - In every case where the provisions of this Ordinance, upon its effective date, cause lots or parcels, structures, and uses of land or structures to be out of compliance with the requirements of this Ordinance, such cases of non-compliance shall be allowed to continue until they are removed or change to come into compliance. After such removal or change to compliance occurs, no further non-compliance shall be allowed. Whenever, a building is destroyed or damaged by fire or other casualty to the extent of more than fifty percent (50%) of its market value it shall not be restored unless said building shall conform to the provisions of the district in which it is located. No case of non-compliance shall be allowed to expand beyond the degree of non-compliance occurring at the effective date of this Ordinance. In the case where amendments to this Ordinance cause additional lots or parcels, structures, and uses of land or structures to be out of compliance, these same rules governing non-conformance shall apply.
6. **Effective Date** - This Ordinance shall be in full force and effect from and after the date of its final passage and publication.

B. Interpretation

1. **Applicability and Jurisdiction** – The regulations of this Land Development Code apply to all land in Dunn County which is outside the jurisdiction of the Bureau of Indian Affairs and is outside the municipal boundaries of Dodge, Dunn Center, Halliday, and Killdeer, and any extraterritorial areas established by these four municipalities.
2. **Provisions of Ordinance Declared to be Minimum Requirements** - In its interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

3. **General Rules of Construction** – The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

    a. Tense and Form – Words used or defined in one tense or form shall include other tenses or derivative forms.
    b. Number – Words in the singular shall include the plural number, and words in the plural number shall include the singular number.
    c. Gender - The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.
    d. Person – The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.
    e. Shall and May – The words "shall," "must," and "will" are mandatory in nature and establish an obligation or duty to comply with the particular provision. The word "may" is permissive.
    f. Undefined Terms – Any words not defined in this Section shall be construed as defined in standard dictionary usage, unless defined by the County Board of Commissioners of Dunn County.

4. **Definitions** – For the purposes of this Ordinance, the following terms shall have the following meanings:

    i. Structure – Anything constructed or erected which requires permanent location on the ground excluding fences.
    ii. Building – a structure with a permanent foundation on the ground, fully enclosed, with a pitched roof of at least 4:12 slope and with permanent hookup to water and sewer facilities which does not have wheels or other means to facilitate transport to another site
    iii. Family – a group of related people and not more than 4 unrelated people living as a single housekeeping unit
    iv. Dwelling Unit – A group of rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.
    v. Single Family Dwelling – a building designed and constructed as a single dwelling unit for occupancy by a family
    vi. Multi-Family Dwelling – a building designed and constructed with more than one dwelling unit for occupancy by more than one family
    vii. Bed & Breakfast – a single family dwelling which contains additional sleeping rooms and bathroom facilities not used by the family and available for rent, and which meets applicable laws and standards of the State of North Dakota
    viii. Accessory Dwelling Unit – a dwelling unit located on a residential lot which is not the primary dwelling unit, or a dwelling unit in a building whose primary use is not residential

ix. Hotel – A building or portion thereof or a group of buildings which provides sleeping accommodations for hire in separate units or rooms for transients on a daily, weekly or similar short-term basis

x. Group Living Quarters - buildings constructed for human habitation where there are private or semi-private sleeping rooms and shared living and eating spaces including nursing homes and elderly housing, but not including bed and breakfasts or temporary quarters

xi. Nursing and Assisted Living Homes – Group living quarters where nursing and medical care are provided

xii. Retirement and Group Homes - Group living quarters where nursing and medical care are not provided

xiii. Manufactured 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 axle 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.

xiv. Temporary Housing Unit – a structure designed to be transported to a site for temporary location at that site which contains living and/or sleeping accommodations, whether for rent or not, including, but not limited to mobile homes and recreational vehicles

xv. Temporary Housing Camp – an area designed specifically to accommodate the siting of temporary housing units and meeting the requirements for temporary housing camps of this Ordinance

xvi. Mobile Home – a structure intended for residential use and meeting the requirements of HUD but which does not meet the definition of this Ordinance for a building

xvii. Mobile Home Park – an area designed specifically to accommodate the siting of mobile homes which meets the requirements for mobile home parks of this Ordinance

xviii. Recreational Vehicle - A vacation trailer or other vehicular or portable unit which is either self-propelled or towed and which is intended for human occupancy and is designed for vacation or recreational purposes but not permanent residential use.

xix. Recreational Vehicle Park – an area designed specifically to accommodate the siting of recreational vehicles which meets the requirements for recreational vehicle parks of this Ordinance

xx. Campground – an area designed specifically to accommodate temporary camping including the erection of tents for temporary use on the site not to exceed 10 days of occupancy in any six month period

xxi. Farm - A zoned area of Dunn County containing at least forty (40) acres, which is used for the production of agricultural crops or livestock, or 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 o r 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.

xxii. Professional Services –
xxiii. Medical Services -
xxiv. Personal Services -
xxv. Business and Financial Services –
xxvi. Mechanical Repair Services –
xxvii. Indoor Recreational Facilities –
xxviii. Bars –
xxix. Restaurants –
xxx. Portable Food Services -
xxxi. Retail Establishments -
xxxii. Wholesale Establishments –
xxxiii. Warehousing –
xxxiv. Commercial Storage –
xxxv. HVAC Services –
xxxvi. Construction Services –
xxxvii. Automotive and Machine Equipment Sales –
xxxviii. Agricultural Machine Equipment Sales –
xxxix. Industrial Activities and Truck Parking –
xl. Truck Parking –
xli.
xlii. Adult Entertainment – any business where a customer is provided the opportunity to view materials, live or recorded performances of activities of a sexual nature which are characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks.
xliii. Kennels – any building or lot where dogs, cats, or other household pets are boarded, bred, and maintained for compensation.
xliv. Veterinary Facilities – buildings and lots used for medical treatment of animals
xlv. 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.
xlvi. Area of Special Flood Hazard – The land in the floodplain subject to a one percent or greater chance of flooding in any given year.
xlvii. Home Occupation - Any occupation which: (a) is carried on in a dwelling unit by members of the family; (b) is clearly secondary to the use of the residential

dwelling units; and (c) does not create a nuisance, excessive noise, traffic, or conflict with adjoining uses.

xlviii. Basement – A story of a building where all sides are below grade.

xlix. Alteration – As applied to a building or structure, a change or rearrangement in the structural parts of an existing facility, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

l. Base Flood – the flood having a one percent chance of being equaled or exceeded in any given year

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

lii. Club – a private lodge which is a non-profit association of persons for the purpose of gatherings and entertaining members including consumption of food and beverages

liii. Commercial building – any structure which is not used for residential, medical religious, or instructional purposes and which is constructed in compliance with the adopted building code

liv. Commercial Feedlot – Any building, structure, enclosure, or premises used, designed or intended for the commercial feeding of 2,000 animal units or more which is operated as a separate pursuit and not as incidental to farming on a given piece of land regardless of its size.

lv. Master Development Plan – A document including maps and data for physical development of an area as provided by this Code

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

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation or runoff or waters from any source.

lvii. Grade – The land elevation at the horizontal intersection of the ground and the building.

lviii. 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.

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

lx. 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.

lxi. Livestock – Domestic animals customarily raised or kept on farms for profit or other purposes including furbearing and/or specialty animals.

lxii. Lot – A parcel of land occupied or Intended for occupancy by one main building together with its accessory buildings, and having its principal frontage upon a street or road.

lxiii. Lot, Corner – A lot abutting on two or more streets other than an alley at their intersection.

lxiv. Lot, Double Frontage – A lot having frontage on two non-intersecting streets as distinguished from a corner lot.

lxv. Lot Line – the property line bounding a lot

lxvi. Lot Width – any average horizontal distance between the side lot lines ordinarily measured parallel to the front lot line

lxvii. MET Tower - Temporary and permanent meteorological towers used for the measurement of wind speed.

lxviii. Parking Space – An off-street area designated for parking of automobiles accessible from a public street or alley.

lxix. Permanent Foundation – A wood or masonry foundation which extends below ground level and is set on footings. The footings may be concrete or gravel depending on soil conditions.

lxx. Permittee – 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 a wind energy facility, and subsequently operates such facility.

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

lxxii. Right-of-Way – A strip of land designated or dedicated for transportation including alleys, bikeways, sidewalks, streets, roads or highways, or for utilities such as electric transmission lines, telephone and telecommunications lines, oil or gas pipelines, sanitary sewer, storm sewer, or water.

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

lxxiv. Salvage Yard – See Junk or Salvage Yard definition

lxxv. Setback – The line within a property defining the required minimum distance between the front lot line and the building line.

lxxvi. 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.

lxxvii. 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.

lxxviii. 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.

lxxix. Street – A public right-of-way for vehicular and pedestrian traffic.

lxxx. Street, Local – A public right-of-way intended for low volume traffic which provides access to major streets.

lxxxi. Street, Major – A public way, arterial or collector streets, used primarily for carrying a large volume of traffic.

lxxxii. Street, Arterial – A public right-of-way used primarily to carrying large volumes of traffic over longer distances.

lxxxiii. 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.

lxxxiv. Substantial Improvements – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 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.

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

lxxxvi. Variance – A relaxation of the terms of these regulations 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, the literal enforcement of these regulations would result In unnecessary and undue hardship.

lxxxvii. Yard – The required open space on the zoning lot which is unoccupied or unobstructed by any portion of a structure from the ground upward.

lxxxviii. Yard, Rear – A yard that extends across the full width of the lot, as the least distance between the rear lot line and the rear building line.

lxxxix. Yard, Side – A yard between the front and rear yards, as the least distance between the side of the principal building and the side lot line.

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

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

xcii. 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).

xciii. 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).

xciv. 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.

xcv. Wind Energy Facility Siting Permit – A construction and operating permit granted in accordance with the provisions of this Code.

xcvi. 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 6.11.2 (c), if it has a nameplate capacity of 100 kilowatts or greater. wind turbines of less than 100 kilowatts will be regulated as a utility.

C. Establishment of Zoning Districts and Official Zoning Map

1. **Zoning Districts Established** - This Ordinance shall be known and may be cited and referred to as the "Dunn County Land Development Code."
2. **Official Zoning Map Established** – There shall be a map named the Official Zoning Map of Dunn County which is maintained by the County Planner and is on file at the Dunn County Courthouse which map provides the official boundaries for all Zoning Districts within the County.

D. Zoning District Regulations – The provision of the zoning districts which are established in this ordinance is intended to promote the objective of compact settlements separated by a rural landscape in such a way that the more intensive residential, commercial and industrial

developments are clustered and that the rural character of the County is preserved. The following zoning districts are hereby established to carry out the purposes of this ordinance:

1. **Rural Preservation District (RP)**
    a. Purpose – to preserve the majority of the County for farming and ranching and rural tourism, and to minimize the scale and impact of any other development in the zone
    b. Permitted Uses – those uses which are identified in Table 1 as permitted uses in the Rural Preservation District and which meet applicable General Development Standards are permitted in this District
    c. Conditional Uses - those uses which are identified in Table 1 as conditional uses in the Rural Preservation District
    d. Accessory Uses – uses which are incidental to the primary use of a lot and which do not impact adjacent lots in any way
    e. Prohibited Uses – all uses not specifically listed as permitted uses or conditional uses are prohibited
    f. Lot and Yard Requirements
        i. Any lot with a habitable building, except a lot used primarily for farming and ranching, shall have frontage on a dedicated right-of-way
        ii. Minimum lot size for any dwelling in this district is 5 acres
        iii. Minimum lot size for any other use in this district is that size which allows all applicable yard requirements to be met
        iv. Front yard setback is ~~100~~ 25 feet
        v. Side yard setback is 10 feet
        vi. Rear yard setback is 10 feet
        vii. Minimum lot width for single family dwellings is ~~100~~ 75 feet
        viii. The setback from the centerline of county roads shall be 100 feet to the building line or trees, whether for front, side or rear yard.
    g. Special Provisions
        i. No CAFO shall be located closer than one mile from an existing Rural Development District or Municipal Development District
        ii. Mobile homes belonging to less than full time or non-farm employees provided the mobile home is located within the proximity of an occupied farmstead and is attached to (with its own sewer and water system) the farmstead's sewer and water systems are allowed as a conditional use
        iii. No adult entertainment shall be located closer than 4 miles from any Rural Development District or Municipal Development District, nor shall it be located closer than 1 mile from any residence, nor shall it be located within 4 miles of any state or federal park or recreational area.
2. **Rural Development District (RD)**
    a. Purpose – to focus a limited amount of uses which cannot be accommodated in Municipal Development Zones into clusters of higher density at appropriate locations within the County where appropriate public services and infrastructure can be provided.

b. Permitted Uses - those uses which are identified in Table 1 as permitted uses in the Rural Development District and which meet applicable General Development Standards are permitted in this District
c. Conditional Uses - those uses which are identified in Table 1 as conditional uses in the Rural Development District and which meet applicable General Development Standards, Conditional Use Requirements, and Supplemental Design Standards may be permitted in this District
d. Accessory Uses – uses which are incidental to the primary use of a lot and which do not impact adjacent lots in any way
e. Prohibited Uses – all uses not specifically listed as permitted uses or conditional uses are prohibited
f. Lot and Yard Requirements
    i. Any lot with a habitable building, except a lot used primarily for farming and ranching, shall have frontage on a dedicated right-of-way
    ii. Minimum lot size for any single family dwelling with an on-site septic system in this district is 40,000 square feet unless approved by the North Dakota Department of Health for a lesser area
    iii. Minimum lot size for any other single family dwelling is 5,000 square feet so long as it meets applicable yard requirements
    iv. Minimum lot size for multi-family dwellings shall be 5000 square feet for the first dwelling unit and 2500 square feet for each additional unit so long as it meets all other applicable yard requirements
    v. Minimum lot size for any industrial use shall be 2 acres
    vi. Minimum lot size for any other use in this district is that size which allows all applicable yard requirements to be met
    vii. Front yard setback is 25 feet-Side yard setback is 10 feet
    viii. Rear yard setback is 10 feet
    ix. The setback from the centerline of county roads shall be 100 feet to the building line or trees, whether for front, side or rear yard.
    x. The setback for living snowfences (treelines) with the potential to be over 30 feet in height is 160 from the centerline.
g. Special Provisions
    i. No Rural Development District shall be located closer than one mile from an existing CAFO
    ii. Open storage of material, including waste products or salvage shall not be permitted closer than 100 feet from any residence.
    iii. No building or structure shall be used for industrial purposes within 1250 feet from any residential lot

3. Municipal Development District

a. Purpose – to support and encourage growth in the incorporated municipalities of Dunn County in a manner which is complimentary and consistent with their land development strategies.

b. Permitted Uses - those uses which are identified in Table 1 as permitted uses in the MD District and which meet applicable General Development Standards are permitted in this District
c. Conditional Uses - those uses which are identified in Table 1 as conditional uses in the MD District
d. Accessory Uses – uses which are incidental to the primary use of a lot and which do not impact adjacent lots in any way
e. Prohibited Uses – all uses not specifically listed as permitted uses or conditional uses are prohibited
f. Lot and Yard Requirements – Shall be in accordance with the guidelines established for various uses as defined in this ordinance or as determined by an approved master development plan.
    i. Any lot with a habitable building, except a lot used primarily for farming and ranching, shall have frontage on a dedicated right-of-way
    ii. Minimum lot size for any single family dwelling with an on-site septic system in this district is 40,000 square feet unless approved by the North Dakota Department of Health for a lesser area
    iii. Minimum lot size for any other single family dwelling is 5,000 square feet so long as it meets applicable yard requirements
    iv. Minimum lot size for multi-family dwellings shall be 5000 square feet for the first dwelling unit and 2500 square feet for each additional unit so long as it meets all other applicable yard requirements
    v. Minimum lot size for any industrial use shall be 2 acres
    vi. Minimum lot size for any other use in this district is that size which allows all applicable yard requirements to be met
    vii. Front yard setback is 25 feet.
    viii. Side yard setback is 10 feet.
    ix. Rear yard setback is 10 feet.
    x. The setback from the centerline of county roads shall be 100 feet to the building line or trees, whether for front, side or rear yard.
g. Special Provisions
    i. Extent – the area of a Municipal Development District shall that area lying outside the extraterritorial area (or the municipal boundary of any city which does not establish extraterritorial authority) but shall not exceed 2 miles from the municipal boundary of a city

4. Table 1. Permitted and Conditional Uses

USE		RP District	RD District	Plan B		
Farming and Ranching		x	x	x		
Veterinary Facilities		x	c			
Cemeteries		x	x			
Religious Facilities		c	c			
Commercial Grain Elevators		c	c			
Home Occupations		x	x	x		
Parks		x	x	x		
Natural Habitat Protection Areas		x	x	x		
K-12 Educational Facilities		c	c			
Concentrated Animal Feeding Operations		c				
Commercial Airport		c		c		
Light Manufacturing		c (1)	c			
Heavy Manufacturing			c			
Sanitary Landfills		c				
Transmission Lines		x	x	x		
Distribution Lines		x	x	x		
Pipelines		c	c	c		
Single Family Dwellings		x	x	x		
Multi-Family Dwellings			c			
Temporary Dwellings		C (2)				
Accessory Dwelling Units			c			
Mobile Home Parks			c			
Temporary Housing Camps			c			
Recreational Vehicle Parks			c			
Campgrounds		c	c			
Hotels						
Bed & Breakfasts		c	c			
Nursing and Assisted Living Homes						
Retirement and Group Homes (no med serv.)						
Bars			c			
Restaurants			c			
Licensed Daycare Facilities		C (1)	c	c		
Professional Services			x			
Personal Services			x			
Business or Financial Services						
Mechanical Repair Services		C (1)	c			
Retail Establishments						
Wholesale Establishments						
Warehousing						
Commercial Storage						
HVAC services			c			

Construction Services, excluding gas & oil bus.			c			
Indoor Recreational Facilities						
Automotive and Machine Equipment Sales						
Agricultural Machine Equipment Sales		c				
Industrial Activities and Truck Parking			c			
Communications Towers		c	c			
Petroleum Storage Facilities		c	c			
Wind Energy Generation		c				
Electric Power Generation		c	c			
Refineries			c			
Oil and Gas Exploration		x	x	x		
Oil & Gas Development and Production(3)		x	x	x		
Coal Exploration		c				
Coal Mining		c				
Other Mineral Exploration		c				
Other Mineral Extraction		c				
Gravel, Sand, Clay, Scoria, etc Mining						
Drycleaning Services						
Sewage Treatment Facilities			c	c		
Water Storage & Treatment Facilities		c	c	c		
Public Facilities and Utilities		x	x	x		
Accessory Uses		x	x	x		
Kennels		c	c			
Salvage Yards		c	c			
Adult Entertainment		c				

b. limited to 6 family members and 4 additional employees (FTE)

c. mobile homes on farmsteads may be conditionally approved under certain circumstances (see special provisions under the Ag Preservation District

d. Only those activities which Counties do not have the ability to regulate

5. Floodplain Overlay District

a. Purpose – The purpose of this district is to minimize private and public losses due to flood conditions.
b. 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 Dunn 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.
c. Warning and Disclaimer of Liability - The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. This Code does not imply that land outside the areas of special flood hazards or uses permitted within such areas wiII be free from flooding or flood damages. This Code shall not create liability on the part of Dunn County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Code or any administrative decision lawfully made.
d. Permitted Uses
    i. General building uses including general farming, pasture, and grazing and related uses provided that the buildings and structures for residential uses are floodproofed above the 100-year floodplain as established by FEMA.
    ii. Non-structural uses including ponding of run-off water and treated waste water.
    iii. Public utilities including railroads, roads and highways, channels, and pipelines.
    iv. Outdoor recreational uses including golf courses, bicycle trails, picnic areas, and boat launching ramps.
e. Conditional Uses
    i. Temporary buildings and structures not related to flood control and farming such as stands, fences, shelters, signs, and temporary parking.
f. Additional Permit Requirements - Before construction or development begins within any area of specia l flood hazard, a permit shaII be obtained from the Code Administrator. The permit shall include all the information required in this ordinance. In addition, the permit shall specifically include:
    ii. Elevation in relation to mean sea level of the lowest floor (including basement) of all proposed structures;
    iii. Elevation in relation to mean seal level to which any structure wiII be fIoodproofed;
    iv. Certification by registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 5.6.7; and
    v. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
g. General Standards - In all areas of special flood hazards the following standards are required:

i. Anchoring

1. AII new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. AII mobile homes shaII 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:
    a) over-the-top ties be provided at each of the corners of the mobile home, with two additional ties per at intermediate locations, with mobile homes less than fifty (50) feet long requiring one additional tie per side;
    b) 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;
    c) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and
    d) any additions to the mobile homes be similarly anchored.

ii. Construction Materials and Methods

1. AII new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. AII new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

iii. Utilities

1. AII new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment or contamination during flooding.

iv. Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least five (5) acres.
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 foot at any point.

h. Specific Standards - In all areas where base flood elevation data is available, the following provisions are required:
   i. 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.
   ii. 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:
      1. be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
      2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
      3. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.
   iii. Mobile Homes
      1. Mobile homes shall be anchored in accordance with Section 5.6.6.
      2. For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivision, require that:
         a) 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;
         b) adequate surface drainage and access for a hauler are provided; and,
         c) in the instance of elevation on pilings, that:
            i. lots are large enough to permit steps,
            ii. piling foundations are placed in stable soil no more than ten (10) feet apart, and

iii. reinforcement is provided for pilings more than six (6) feet above the ground Ievel.

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

1. Have the interior grade elevation that is below base flood elevation no lower than two (2) feet below the lowest adjacent grade ;
2. 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;
3. Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;
4. Be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads;
5. Be constructed with materials and utility equipment resistant to flood damage;
6. Be constructed using methods and practices that minimize flood damage;
7. 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;
8. 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:
    1) A minimum of two 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;
    2) The bottom of all openings shall be no higher than one foot above grade; and
    3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

i. Floodproofing Measures - Permitted and conditional uses proposed for the Floodplain District that incorporate floodproofing 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 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:

i. Anchorage to resist flotation and lateral movement.
ii. Installation of watertight doors, bulkheads, or similar methods of construction.
iii. Reinforcement of walls to resist water pressure.
iv. The usage of paints, membranes, or mortar to reduce the seepage of water through walls.
v. The construction of water supply and waste treatment systems which will prevent the entrance of flood waters.
vi. The addition of mass or weight to structures to reduce flotation.
vii. The installation of pumps to lower water levels in structures.
viii. 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.
ix. 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 floodproofing to prevent flotation of storage containers which could result in the escape of toxic materials into flood waters.

E. Supplemental Regulations and Standards

1. General Development Standards

a. Fences – the following standards and requirements apply to fences in all Districts:

i. No permanent fence shall be constructed on a road right-of-way or on the backslope even if it is not in the right-of-way
ii. 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
iii. No sight obscuring fence over forty-eight inches in height shall be erected within the front yard of any lot used for residential purposes
iv. Any parcel at the corner of two intersecting roads shall not have a fence or any other sight obscuring object or structure for a sight triangle distance of 25 feet from the intersection of the two road surfaces.
v. All swimming pools which are over 1 foot deep shall be enclosed behind a fence which is difficult to climb and at least five feet tall

b. Mobile Home Parks – the following standards and requirements apply to mobile home parks:
   i. 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 must be submitted for approval
   ii. The mobile home park shall contain a minimum of five acres of land
   iii. The maximum density of mobile homes in a mobile home park shall be five units per gross acre
   iv. Access onto county roads must be approved by the County Commission
   v. Each mobile home shall be placed on a lot which is at least sixty feet wide and with a minimum area of 6000 square feet
   vi. A minimum of ten percent of the mobile home park gross area shall be allocated for open space and recreational facilities, which facilities shall be constructed and maintained by the mobile home park owner
   vii. Each unit shall be placed on a stand which provides a firm foundation for anchoring purposes to avoid accidental movement and overturning
   viii. All lots in the mobile home park shall be accessible at all times to emergency vehicles [IS THIS APPROPRIATE TO PUT IN THE ORDINANCE?]
   ix. Each unit shall have a minimum setback of ten feet of street curbs within the park and 100 feet from public roads outside of the mobile home park
   x. Each unit shall have a minimum side yard of ten feet
   xi. Where the mobile home park is served by private streets [WE NEED TO DECIDE IF WE WANT TO ALLOW STREETS THAT ARE NOT DEDICATED TO PUBLIC USE] those streets shall conform to the design standards recommended by the County Commission
   xii. Evidence of compliance with the rules and regulations of North Dakota State Health Department and North Dakota Laboratories Department
   xiii. All units in the mobile home park shall be served by underground utilities unless waived by the County Commission
   xiv. There shall be two off-street parking spaces per unit

c. Parking
   i. Off street parking space dimensions are at least 9 feet wide and 20 feet long, exclusive of the access drives
   ii. All off-street parking areas with 4 or more spaces and all loading berths shall be:
      a. Gravel, concrete, or asphalt surfaces; and
      b. Graded to dispose of all surface water runoff but not be diverted to adjoining properties
   iii. Table 2. Parking Requirements

Use	Parking Spaces		

	Required		
Business, professional or public office building, bank, medical or dental clinic	3 parking spaces plus one additional space for each four hundred square feet of floor space over 1000 sq ft		
Private club or lodge	2 parking spaces for each 200 sq ft of service area		
Restaurant, eating and drinking establishment	1 parking space for each 100 sq ft of floor area		
Industrial uses	1 parking space for 1.5 employees		
Residential Uses	2 parking spaces for each dwelling unit		
All other uses	To be determined by the County Board on a case by case basis		

a.

i. Home occupation signs must be flat-mounted to a vertical surface of the building in which the occupation is practiced, and not be an electronic or a lighted sign.

ii. Home occupation signs must not exceed 4 square feet in surface area. No billboards or electronic messaging signs are allowed in any zoning district.

iii. Commercial signs require a conditional use permit and must be based on design standards which are adopted by the County Commission to minimize light pollution, prevent visual clutter, and allow modest and fair communication of business locations.

b. <u>Commercial Feedlots</u>

i. 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.

ii. 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.

iii. Where appropriate, there shall be sufficient drainage to avoid pollution of the ground and surface water from the standing effluents.

iv. Feed lots shall not be placed in the floodplains.

v. The applicant, as part of the site approval application, shall submit a plan for removal and disposal of the liquid and/or solid waste generated by the feed lot.

vi. No feed lot shall be located nearer than one half mile from a residence other than the owner/operator's. Residential development in unincorporated area or city limits in the county, parks, churches, or schools shall be in accordance with the setbacks listed in Table 4.

vii. 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.

viii. Table 3 – Animal Unit Equivalency Table

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	1,000	2,000	5,000
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

ix. Water Resource Requirements for Feedlots. The owner of a new animal feedlot operation that has more than 2,000 animal units shall not locate or establish that operation:

1. Within a delineated source water protection area for a public water system.
2. Within 1,200 feet of a private ground water well which is not owned by the operator or within 1,500 feet of a public ground water well which does not have a delineated source water protection area.
3. Within 1,000 feet of surface water which is not included in a source water protection area.

x. Table 4 - Setback Distances for Animal Feeding Operations

Number of Animal Units	Hog Operations	Other Operations
100-299	1 mile	0.50 mile
300-999	2 miles	1 mile
1,000 or more	2 miles	2 miles

xi. Application Procedure and Requirements for Feedlots - 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 2,000 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:

1. The proposed number of animal units.
2. Total acreage of the site of the facility.
3. Existing and proposed roads and access ways within and adjacent to the site of the facility.
4. Surrounding land uses and ownership, if the operation will have the capacity to handle more than 1,000 animal units.
5. A copy of the permit application submitted by the applicant to the North Dakota State Department of Health.

c. Sanitary Landfills and Solid Waste Sites - 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. A solid waste disposal facility may be allowed in any Agriculturally Zoned District as a conditionally permitted use provided:

i. 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.
ii. It is continuously licensed and approved by the State Health Department as to location and operation.
iii. There is no substantive evidence that the facility will endanger the public health or the environment.
iv. The conditional use permit will be valid for a period of time set by the County Commissioners. For the permit to be approved, sixty percent (60%) of all property owners within one-half (1/2) mile of the proposed location must approve of the proposed facility.
v. The county hereby adopts solid waste provisions of NDCC 11-33-20, to assure meeting the purposes of this Code and the Dunn County Comprehensive Plan.

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

vii. No person may collect or transport waste materials for a fee without obtaining a permit from Dunn 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.

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

d. Junk or Salvage Yards – All sites for salvage and junkyards require approval by the County Commission. The following standards apply to the location of all salvage or junk yards:

i. No salvage or junk yard shall be located within one thousand (1,000) feet of a residential district and two hundred (200) feet of commercial buildings and structures.

ii. No salvage or junk yard shall be located in areas, which due to high water table, flooding, and soil conditions, may affect the quality of surface and ground water.

iii. No salvage or junk yard shall be located nearer than five hundred (500) feet off all road and highway rights-of-way.

iv. All junk and salvage yards and operations shall be screened from public view. Such screening shall be by natural vegetation and fences of at least ten (10) feet in height, building and or land form.

v. Storage items shall not be higher than ten (10) feet.

e. Public Nuisances - The maintenance of public nuisances including, but not limited to noxious weeds, smoke, gases, radio interference, blighted structures or buildings, accumulation of junk, trash, rubbish, automobiles, dead or diseased trees shall be subject to the provisions of the county ordinances.

f. Noise - Sustained noise of over 80 dB during the day and 70 dB at night is not allowed.

g. Home Occupations

i. A home occupation in an unincorporated community:

1. The occupation shall be limited to the dwelling unit 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.
2. Structural changes shall not be made in the dwelling unit, unless a building permit is obtained.
3. Employees are limited to two full-time or four part-time besides owners ~~without a special use permit~~.
4. No sign may be permitted larger than four (4) square feet.
5. Other than a sign, evidence of the occupation shall not be visible from the road.
6. The occupation shall not adversely affect the character of the uses permitted in the district in which it is located.

ii. Rural home occupations shall conform to the requirements of Home Occupations, i. above except:

1. 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 .
2. Employees are limited to two full-time or four part-time personnel.
3. Structural additions may be made to a dwelling unit provided the alterations shall not exceed twenty-five (25) percent of the main floor area of the dwelling unit, but not including basement or garage floor area. A permit is required.

h. Wind Energy Facilities - The purpose of the Code 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.

i. Zoning - Wind energy facilities may be constructed within the county, subject to the restrictions and conditions of this Code.

ii. 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.

iii. Applicability - The requirements of this Code shall apply to all wind energy facilities with one or more wind turbines rated at one hundred (100) 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 6.11.2.

iv. 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 and include a fee to be determined by the County Commission for each proposed wind turbine, and the following information:

1. The complete name, legal address and phone number of the prospective permittee and responsible contact person.
2. A USGS (United States Geological Survey) 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.
3. Details as to how the prospective permittee will comply with each item in 6.11.5.
4. A schedule for the proposed start and completion of construction of the wind energy facility.
5. 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) pursuant to Section 8.4.

6. Upon receipt of the application, the Planning and Zoning Commission and any experts it may retain, shall review the application and, in its discretion, may hold a public hearing on the application within no more than forty-five (45) days from receipt of the application, providing at least fifteen (15) days notice prior to the hearing in the official newspaper of Dunn County and mailing written notice to property owners within five hundred (500) feet of the proposed wind energy facility.
7. Deliberation and Decision - If the Planning and Zoning Commission finds that the prospective permittee will comply with all requirements, it may, within no more than 30 (thirty) days after the hearing, issue a permit.
8. Demonstration of Compliance - The permit issued pursuant to 6.11.2 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 90 (ninety) 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 6.11.2 and demonstrating actual compliance with the requirements and conditions of the permit.
9. General Requirements for Wind Energy Facilities - 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. 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 to 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.
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 in an electric fence, 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.

10. General Requirements for Wind Energy Facilities – 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 unit, commercial building or publicly-used structure or facility at a distance not less than 1.25 times its total height or seven hundred and fifty (750) feet, whichever is greater.
    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.
11. 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.
12. 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 cause, at its expense, removal of all structures to a depth of four feet below pre-construction grade.
13. 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 County

Commission by letter and provide information pursuant to 6.11.2. 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.

i. Oil and Gas Exploration, Drilling, and Production.
    i. No person, partnership, association, corporation shall engage in the exploration for oil or gas within Dunn County without first providing to the Code Administrator evidence of compliance with the provisions of NDCC Chapters 38-08 and 38-08.1.
    ii. No person, partnership, association, corporation shall engage in the exploration for oil or gas within Dunn County without first providing to the Code Administrator evidence of compliance with the provisions of NDCC Chapters 38-08 and 38-08.1.
    iii. No person, corporation, partnership or association engaged in the discovery, exploration, testing, discovery, production, transportation, storage, disposal or sale of oil, gas coal, uranium or other minerals or by-products thereof or substances produced therefrom in Dunn County, shall engage in such activities, specifically including, but not limited to, the drilling of oil wells, gas wells, fluid injection wells, and salt water disposal wells, without first obtaining a county road approach permit from the Dunn County Commission.
    iv. The Dunn County Commission may charge each applicant for such 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 Code Administrator at the rate allowed county officials by state law, should it be deemed necessary to conduct on-site inspections. Said fee or expenses, if any, must be paid prior to the approval and issuance of the county road approach permit.
    v. The Code Administrator, in reviewing any application for such county road approach permit, shall consider, in addition to any other criteria deemed appropriate, the following:
        1. Proposed use and the condition of the Dunn County roads and/bridges at the time of the application, considering public safety concerns, Dunn County maintenance costs, weather conditions, etc.

j. Coal Exploration and Mining
    i. The provisions of this section shall not apply to any digging, drilling, or excavation for agricultural purposes, the operation of coal mines and the digging, drilling or excavation by Dunn County and its incorporated cities. The applicant for a coal exploration permit shall meet the following requirements:

1. Provide a copy of the approved North Dakota State Public Service Commission Permit Application form for Coal Exploration.
2. Provide a copy of the complete North Dakota State Public Service Commission Coal Exploration Compliance Bond form.
3. Upon completion, the operator shall file with the County Recorder, the actual location of the testing.
4. The duration of permit for coal exploration shall not exceed 90 days.

ii. These provisions shall not apply to excavation of coal for private non-commercial uses. The applicant shall meet the following requirements:
1. Copies of all non-confidential information that was submitted to the Public Service Commission concerning site operations, locations, and ownership patterns.
2. A copy of all information submitted to the North Dakota Public Service Commission concerning site reclamation.
3. Evidence of approval by the Public Service Commission for operation of the mine or excavation, if required by state law.
4. 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.
5. To post performance bond for reclamation of the site, with the County Auditor, if not already posted with the state.

k. Other Subsurface Mineral Exploration and Mining
i. 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 Dunn County. The applicant for a mineral exploration permit shall meet the foIlowing requirements:
1. Evidence of approval of the North Dakota State Industrial Commission for Subsurface Mineral Exploration.
2. A copy of the approved application of the North Dakota State Industrial Commission Mineral Exploration Compliance Bond.
3. The duration of the permit shall be no more than 90 days.
4. Upon completion of the operations, the operator shall file with the County Recorder the actual location of testing

ii. These provisions shall not apply to private, non-commercial mining of subsurface minerals. The applicant shall meet the following requirements:
1. Copies of all non-confidential information that was submitted to the State Geologist concerning site operations, location, and ownership patterns.

2. A copy of all information submitted to the North Dakota State Geologist concerning site reclamation.
3. Written evidence of approval by the State Geologist for operations of the mine or excavation, if required by state law.
4. 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.
5. Posting a performance bond for reclamation of the site with the County Auditor, if not already posted with the state.

l. Excavation and Mining of Sand, Gravel, Rock, Stone, Scoria, and Clay

i. The provisions of this section shall not apply to any excavation for agricultural purposes or excavation by Dunn County and its incorporated municipalities or for uses requiring less than 5,000 cubic yards of excavation. The applicant for a permit shall submit the following:

1. Written evidence of reclamation agreement with the surface owner.
2. 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.
3. The applicant shall conform to all requirements regarding preservation, removal or relocation of historical or archaeological artifacts.
4. Evidence of meeting all site approval requirements. All excavation sites require approval by the County Commission.
5. Data Submission Requirements:
    a. 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.
    b. Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned or closure of the operation of the site.
    c. Proof of compatibility with the existing landform including the vegetation, surface, and ground water resources.

d. Bonding required as follows:
    i. 0 – 19 acres - no bond
    ii. 20-39 acres - $ 50,000
    iii. 40+ acres - $100,000

6. 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.
7. Permit Requirements. Any person who operates a sand, gravel, rock, stone, scoria, or clay operation shall obtain a permit from the Planning and Zoning Commission before starting any mining or excavation of the sand, gravel, rock, stone, scoria, or clay sites, and only after review by the Planning and Zoning Commission and approval by the County Commission.

2. **Conditional Use Requirements** – Applicants for Conditional Use permits have the burden of proof to show that the conditions of this subsection and the Supplemental Design Standards are met.
    a. Proposal is consistent with all applicable requirement of this Ordinance
    b. Proposal is consistent with the intent of the district in which the use is located
    c. Proposal is consistent with the Dunn County Comprehensive Plan
    d. Uses proposed will be compatible with the existing surrounding land uses
    e. Uses proposed will be compatible with future development of the surrounding area as permitted by existing zoning and with proposed development as projected by any applicable master development plan
    f. There is adequate provision for the protection of the health, safety and welfare of the inhabitants and workers of the surrounding area and the County
    g. In the case of a proposed temporary housing camp designed to house at least 100 occupants, a person with CPR and First Aid Certification is on-site full-time, and an AED is present in each housing unit
    h. All buildings shall be clearly marked and identified with lighted signs for emergency response purposes
    i. The applicant has made a diligent effort to minimize impacts to surrounding area
    j. In the case of a proposed temporary housing camp, or a site for oil and gas development or production activities, or a site with uses which are ancillary to oil and gas development or production, the applicant has provided a detailed exit plan
    k. Issues raised by public comment have been appropriately addressed
    l. Any bonds or fees required by the County Board of Commissioners have been provided
    m. Any development agreement required by the County Board of Commissioners has been signed by the applicant
    n. Applicant has provided a site plan detailing the location and design of facilities required by the supplemental design standards
3. **Supplemental Design Standards** – Applicants for conditional use permits shall demonstrate compliance of their proposed use and development with the following design standards in the application and shall continue to meet these standards if approved:
    a. Adequate water service in terms of quality, quantity, and dependability is available to the site to serve the uses permitted
    b. Adequate sewer service is available
    c. Adequate fire protection measures are available
    d. Compliance with the following stormwater management standards:
        i. Onsite retention facilities designed to retain stormwater runoff from the fully developed site from a 100 year storm shall be provided except that a CAFO must meet all applicable County, State and Federal requirements
        ii. Drainage facilities must be designed to release retained water at a quantity and rate not to exceed the quantity and rate of a 5 year storm falling on the undeveloped site

e. Proposals in areas deemed by the Planning Commission to be flood-prone must provide adequate protection from flooding to a 500 year level as determined by a hydrologic and hydraulic analysis
f. All parking and loading and vehicle storage activities shall take place on the site and shall be constructed with paved or crushed aggregate surfaces, and no parking shall be permitted within any public right-of-way except in approved residential areas
g. An access and traffic management plan shall be provided which identifies anticipated traffic volumes and provides appropriate access locations and circulation patterns within the site. The County may require service roads, acceleration and deceleration, and turning lanes to facility the safe and expedient movement of traffic.
h. Any proposal which involves truck traffic must have an approved dust control plan
i. No development shall be approved which changes the skyline or ridgeline of pristine areas in the rural protection zone
j. Any rural development zone proposal must include a landscape plan which incorporates berms or trees and bushes to screen the development from surrounding areas and which helps to blend the development into the rural landscape
k. Any development for industrial uses must incorporate appropriate buffering and screening to mitigate noise, lighting, heat or other potential impacts from surrounding uses
l. Responsibility for maintenance of the land being developed and a standard for the control of weeds and grass shall be established.

4. Zone District Change Requirements

a. Master development plan required which identifies the intended uses and general lot layouts in a manner which is consistent with the preliminary plat presented to the County for development. The master development plan shall address sewer, water, drainage, streets, parks and open space, buffers between potentially conflicting uses, and any other topics required by the Zoning Administrator.
b. Proximity to County Primary Road System
c. A preliminary plat consistent with the master development plan shall be submitted for approval, and a final plat shall be approved for any development proposals at the same time any conditional or permitted uses are approved for development
d. The proposed zoning district change shall be consistent with all applicable requirements of this Ordinance
e. The proposed zoning district change shall be consistent with the Dunn County Comprehensive Plan
f. Uses proposed by a master development plan within any district will be internally compatible
g. There shall be adequate provision for the protection of the health, safety and welfare of the inhabitants and workers of the surrounding area and the County
h. The applicant shall demonstrate a diligent effort to minimize impacts to surrounding area

F. Subdivision Regulations

5. Plat Processing Procedures

a. Sketch Plan

i. Purpose – The purpose of the Sketch Plan is to provide a means for subdivisions with complex requirements and potential limitations to be discussed informally by the developer and County prior to major expenditures being incurred by the developer.

ii. Applicability – For any potential subdivision involving more than 10 acres of land, or for any subdivision which is anticipated to involve more than one zoning district, before submitting a preliminary plat application, the developer shall contact the Zoning Administrator to arrange an informal meeting to discuss the potential development.

iii. Sketch Plan Requirements – The developer shall bring the following information to the Sketch Plan meeting:

1. Documentation of current ownership of property
2. County recorded legal description of parcel containing the proposed subdivision
3. Written description of proposed land use and density
4. Written description and hand drawn sketch of proposed parcel to be developed
5. Hand drawn sketch of proposed parcel layout including approximate size of each parcel
6. Sketch Plan Fee – The developer shall bring a sketch plan fee to the meeting in an amount established by the County Board

b. Preliminary Plat

i. Purpose – The purpose of the Preliminary Plan is to require formal preliminary approval in order to vest the plat from changes in the applicable County ordinances, phase development, and provide additional time to complete conditions of approval.

ii. Plan Requirements – All Preliminary Plats shall be prepared in conformance with the provisions of this Ordinance and any other applicable requirements of law.

1. Application Submittal – Submittal of the Preliminary Plat application to the County shall consist of:
    a. Preliminary Plan – 5 copies of the preliminary plat, and 1 digital copy of the same
    b. Supplemental Data – 2 copies of all reports, notifications and certifications that are not provided on the Preliminary Plat, including Stormwater Management Plans and calculations.
    c. Application Form – 1 application form completely and correctly executed, with all information legible, and bearing all required signatures.

d. Filing Fee – a filing fee (in accordance with the County's current fee schedule) consisting of a check and money order drawn to the County Treasurer.
e. Application Completeness Review – All required plans and documents and the required filing fee shall accompany a preliminary plat application. The County shall have seven days from the date of the submission to check the Plans and documents to determine if, on their face, they are in proper form and contain all the information required by this Ordinance.

iii. Review – The County shall refer the application to the Planning Commission for the first review of the application, and shall notify the following or the Preliminary Plat Application and provide a copy of the Plat and application as requested:
   a. Applicable Fire Department
   b. County Engineer
   c. Water Supplier
   d. Other Jurisdictions having an legal basis for review of this Application
   e. Any other governmental agency with a legal basis for review of this Application

iv. Planning Commission Action – In general, the Planning Commission will schedule the Preliminary Plat application for action at the first Planning Commission meeting that is at least 30 days following the date of filing. In considering the Preliminary Plat application, the Planning Commission shall:
   a. Review and evaluate the application and all reports received from applicable reviewing agencies and County consultants
   b. Determine whether the Preliminary Plat meets the requirements and objectives of this ordinance and other applicable ordinances.
   c. Send meeting minutes or a written report recommending approval or disapproval of the Preliminary Plat, and the reasons therefore; citing the provisions of the statute or ordinance relied upon, to the following:
      i. Landowner or his agent
      ii. Applicant
      iii. Firm that prepared the plan
      iv. County Board of Commissioners
      v. Any other agency having a legal basis for review

v. Board of Commissioners Action – Following the receipt of the Planning Commission's report and with forty-five (45) days following the date of the first regular meeting of the Planning Commission after the date the application is filed, the County Board of Commissioners shall schedule the Preliminary Plat

application for action at a regularly scheduled Public Meeting. In considering the Preliminary Plat application, the County Board of Commissioners shall:

a. Review and evaluate the application and all reports received from applicable reviewing agencies for compliance to all County ordinances.
b. Review comments from the public record
c. Communicate the decision to the applicant and other reviewing agencies as required in this Ordinance

c. Final Plat

i. Purpose – The purpose of the Final Plat is to record the subdivision plat according to state law, insure formal approval by the County Board of Commissioners before the plat is recorded, and provide sufficient information so that construction of the proposed development will be according to the requirements of this Ordinance, and any conditions established by the County Engineer or the County Board of Commissioners.
ii. Final Plat Requirements – All Final Plats shall be prepared in conformance with the provisions of all applicable requirements of this Ordinance and any other applicable requirements of law.
iii. Application Submittal – Submission of the Final Plat application to the County shall consist of:

a. Final Plat – 3 full size copies of the final plat (for County Engineer, Zoning Administrator, and Permanent Record), 2 reduced size copies of the final plat, and 1 digital copy of the same
b. Supplemental Data – 2 copies of all reports, engineering drawings as required by the County Engineer, and supplemental information as required by the Zoning Administrator
c. Application Form – 1 application form completely and correctly executed, with all information legible, and bearing all required signatures.
d. Filing Fee – a filing fee (in accordance with the County's current fee schedule) consisting of a check or a money order drawn to the appropriate County official or office.

iv. Review – The County Engineer and Zoning Administrator shall review the final plat application for completeness. If the application is complete, the County Engineer shall review all required information for consistency with applicable standards, and the Zoning Administrator review the application for consistency with preliminary plat conditions of approval and this Ordinance. Upon completion of this review, the County Engineer and Zoning Administrator shall schedule the application for Planning Commission Public Hearing.
v. Planning Commission Action – In general, the Planning Commission will schedule the Final Plat application for a Public Hearing and action at the first

regularly scheduled Planning Commission meeting that can be scheduled pursuant to public hearing notice requirements. In considering the Final Plat application, the Planning Commission shall:

a. Review and evaluate the application and all reports received from the County Engineer, the Zoning Administrator, applicable reviewing agencies and municipal consultants.
b. Determine whether the Final Plat is consistent with the preliminary plat and conditions of approval, as well as the requirements and objectives of this ordinance and other applicable ordinances.
c. Send meeting minutes or a written report recommending approval or disapproval of the Final Plat, and the reasons therefore; citing the provisions of the statute or ordinance relied upon, to the following:
    i. Applicant
    ii. Governing body
    iii. Any other agency having a legal basis for review

vi. Governing Body Action – Following the receipt of the Planning Commission's report and within forty-five (45) days following the date of the Planning Commission meeting at which its recommendation was decided, the County Board of Commissioners shall hold a public hearing and consider approval of the final plat.

2. Information Required On or With Plats
    a. Preliminary plat application requirements. The preliminary plat shall cover the entire contiguous area owned or controlled by the subdivider if it is less than 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 master master development plan if he/she owns or controls more than twenty contiguous acres of land. The preliminary plat shall include the following:
        i. The preliminary plat drawn at a scale of not smaller than one inch representing one hundred feet (1" = 100').
        ii. Name and location of the subdivision.
        iii. Date, graphic scale and North point.
        iv. Boundary line of the proposed subdivision indicated by a solid heavy line, accurately drawn to scale and showing distances and bearings.
        v. Total acreage within the subdivision.
        vi. 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.

vii. Location of existing property lines, buildings, drives, streams, watercourses, wooded areas and drainage ways.
viii. Existing water mains, storm sewers, sanitary sewers, culverts, bridges and other utility structures within the tracts, indicating pipe size, grades and location as obtained from public records.
ix. Existing zoning of the proposed subdivision and the zoning of the adjacent tracts of land.
x. Boundary line of adjacent tracts of land or lots showing owner's name.
xi. Contour at vertical intervals of not more than two (2) feet.
xii. Location and dimension of any site to be reserved or dedicated for public uses including drainage ways, parks and open spaces.
xiii. Layout of the proposed streets, alleys, crosswalks and easements, showing widths and street names.
xiv. Layout, number and dimensions of all lots and blocks.
xv. Parcels of land intended to be dedicated or reserved for public use or set aside for the use of property owners within the subdivision.
xvi. Building setback lines, showing dimensions.

b. Final plat application requirements – the final plat shall cover the area which is realistically designated for transfer or sale of lots. The final plat shall conform to all provisions of this code and conditions set forth by the County Commission. The final plat shall include the following:
i. Name of subdivision and date of tentative approval by the County Commission.
ii. Location by section, township and range, or other legal description.
iii. Names of owners and surveyor or other professional person preparing the plat.
iv. Plat map with scale of one inch representing one hundred (100) feet or less.
v. Date, graphic scale and North point.
vi. Boundary line of subdivision based on an accurate traverse, showing distances and bearings.
vii. Exact location, width and name of all streets within and adjoining the subdivision, and the exact location of all alleys and crosswalks.
viii. True bearing and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat.
ix. City, township, county or section lines accurately tied to the boundary lines of the subdivision by bearing and distance.
x. Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.
xi. All easements for rights-of-way provided for public services and public utilities.
xii. All lot numbers and lot lines, with accurate dimensions in feet and hundredths.
xiii. Accurate location of all monuments, which shall be of material size in accordance with the standards of the city, the county, and the state.
xiv. 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.

xv. Building setback lines, accurately shown with dimensions.

xvi. Where required, detailed engineering drawings, cross-sections or profiles of streets, utility lines, catch basins or other installations of improvements as installed.

xvii. Building or property covenants.

xviii. 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.

xix. 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.

3. Assurance of Completion and Maintenance of Improvements
    a. Bonds shall be required to guarantee the completion of all work proposed by a subdivision development
    b. No final plat approval shall be granted until the County has received proof such bonds are established with the County.
    c. A plan shall be established for the cost and service for maintenance of improvements for each subdivision.
    d. A homeowner's association or another appropriate legal organization shall be established and empowered to provide for the cost and service for maintenance of improvements for each subdivision.
4. Supplemental Plat Requirements
    a. Street Design Standards
        i. 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.
        ii. Where it is not shown on the Master development plan, the arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing streets in surrounding areas or conform to a plan approved by the Planning and Zoning Commission to meet a particular situation.
        iii. Where a subdivision abuts or contains an existing or proposed major street or highway, the Planning and Zoning Commission may subject to the provisions of Section 3.7 require service streets, reverse frontage lots with screen planting in a reservation strip along the rear property line, deep lots with rear service alleys abutting the primary street or highway, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.

iv. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.

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

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

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

viii. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than four hundred (400) feet for local and collector streets, and of such greater radii as the Planning and Zoning Commission shall determine for special cases.

ix. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than eighty (80) degrees.

x. 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.

xi. Street rights-of-way shall be not less than the following table:

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

xii. Additional public way design requirements:

1. Cul-de-sac, one hundred (100) feet in diameter for a turnaround.
2. Alleys, residential district, twenty (20) feet.
3. Sidewalks, four (4) feet.
4. Bike paths (per ND DOT standards).

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

xiv. Cul-de-sacs shall not be longer than five hundred (500) feet.

xv. General considerations for intersection design are that:
xvi. Intersections of more than two (2) streets at a point shall not be permitted.
xvii. Alleys shall be discouraged in residential districts but may be provided in commercial and industrial districts.
xviii. Dead-end streets without a suitable turnaround are prohibited

b. 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.
    i. Residential block length shall not exceed nine hundred (900) feet. The length of blocks is considered to be the distance from one street centerline to opposite street centerline and is measured through adjacent back lot lines or through the center of the block.
    ii. Pedestrian crosswalks not less than ten (10) feet wide may be required in blocks longer than six hundred (600) feet where the crosswalks are deemed by the Planning and Zoning Commission to be essential to provide circulation, or access to schools, playgrounds or other community facilities, handicap access (curb cuts) required.
    iii. The width of blocks shall generally be sufficient to allow two (2) tiers of lots and shall be at least two hundred and fifty (250) feet wide.
    iv. 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.

c. Lot Design
    i. The shape, size and orientation of the lots shall be appropriate for the location of the subdivision. For residential low density a north-south lot orientation is encouraged. Residential lot dimension within the county shall be subject to Section 5.2.3 and 5.2.4.
    ii. For non-residential lots, the provisions of appropriate zoning district stipulated in Sections 5.4.2 and 5.5.5 of this Code shall apply.
    iii. Residential lots abutting major streets shall have extra depth of at least twenty (20) feet to allow for proper setbacks.
    iv. All lots shall front a public street.
    v. Side lot lines shall be substantially at right angles.
    vi. Residential corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from the side streets.
    vii. Double frontage lots shall be avoided except where essential to provide separation of development from arterial streets.
    viii. 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.

d. Street Names
    i. The Planning and Zoning Commission may disapprove of the name of any street shown on the plat which dose not conform to existing naming patterns, has already been used elsewhere in the area, or because of a similarity that may cause confusion.
    ii. 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.
    iii. Name assigned to a street, which is not presently a through street, shall be continued for the separate part of a through street.
e. Utility Easements
    i. 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”.
    ii. 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.
    iii. All utility lines for electric power, cable television and telephone services carried overhead shall be placed in utility easement.
    iv. 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.
f. Grading and Drainage
    i. When required, the subdivider shall provide a detailed grading and drainage plan showing the grades of streets and drainage improvements.
    ii. The drainage shall not discharge into any sanitary sewer facility.
    iii. The drainage facilities shall be located in street right-of-way or in drainage easements.
    iv. All developers should submit a management plan for storm water.
    v. The grading and drainage system shall be approved by the Planning and Zoning Commission.
    vi. Grading established in any subdivision shall not be changed without approval of the Planning and Zoning Commission.
g. Drainage Way Easement
    i. 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 form the property being subdivided and also the anticipated run-off from the adjoining properties.
h. Tree Planting
    i. The planting of trees of an appropriate species and at appropriate locations may be required by the Planning and Zoning Commission. Trees must be placed at a minimum setback of one hundred (100) feet from county road centerlines.
i. Street Lights

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

j. 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.

i. 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.

ii. 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.

iii. Public Water

1. Where appropriate, water mains shall be installed so as to provide individual service to each lot within the subdivision.
2. Water mains shall extend to the boundary of the subdivision, except where in the opinion of the Planning and Zoning Commission it is deemed impractical.
3. A rural water supply shall comply with the requirements of the State of North Dakota.

iv. 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 Health District personnel on lots of a minimum of one 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 sewer systems shall be reviewed and approved by the county sanitarian or Health District.

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

vi. Grading and Surfacing - The full width of all rights-of-way shall be graded in accordance with the Dunn County street standards.

vii. 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.

viii. 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.

G. Administration and Enforcement

1. Planning Commission
    a. The planning commission shall be appointed by the Board of County Commissioners
    b. The planning commission shall establish bylaws for its business
    c. The planning commission has the following responsibilities:
        i. Hold hearings and recommend actions pertaining to conditional use permits, land development code text amendments, zoning map amendments, preliminary subdivision plats, final subdivision plats, and any other purposes consistent with the laws of North Dakota
        ii. Consider potential changes to the Dunn County Comprehensive Plan, and from time to time hold hearings and recommend potential amendments to the same
2. Board of Adjustment
    a. The board of adjustment shall be appointed by the Board of County Commissioners
    b. The membership of the board of adjustment shall consist of two members of the Board of Commissioners and three members of the Planning Commission
    c. The board of adjustment shall establish bylaws for its business
    d. The board of adjustment has the following responsibilities:
        i. Hold hearings and consider actions pertaining to variance requests
        ii. Hold hearings and consider actions pertaining to appeals of decisions or actions by the Zoning Administrator
3. County Board of Commissioners
    a. The Board of County Commissioners has the following responsibilities pertaining to the administration of this ordinance:
        i. Upon receipt of recommendations from the planning commission, hold hearings and take actions pertaining to conditional use permits, land development code text amendments, zoning map amendments, preliminary subdivision plats, final subdivision plats, and **any other matters allowed by law.**
        ii. Upon receipt of recommendations from the planning commission, hold hearings and take actions pertaining to potential changes to the Dunn County Comprehensive Plan
        iii. Appoint members to the planning commission and the board of adjustment
        iv. Appoint a zoning administrator to provide administrative support for planning functions identified in this ordinance and such other duties as may be assigned
4. Zoning Administrator
    a. The Zoning Administrator shall be appointed by the Board of County Commissioners

b. The Zoning administrator shall establish procedures for the administration and enforcement of this ordinance and such other duties as may be assigned by the Board of County Commissioners
c. The Zoning Administrator has the following responsibilities:
    i. Serve as the point of contact for applicants for all permits and approvals required by this ordinance
    ii. Establish procedures for the administration and enforcement of this ordinance
    iii. Such other duties as assigned by the Board of County Commissioners

5. Fees
    a. The County Board of Commissioners shall establish fees for the administration of this ordinance and to defray the cost impacts of proposed development in the county.
6. Penalties for Violation
    a. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 or imprisonment for not more than six months, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
    b. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
    c. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.
7. Procedures for Hearings
    a. Notices of hearings by the board of adjustment, the planning commission and the board of county commissioners shall be published the legal notice section of the official county newspaper for two consecutive weeks prior to the day of the hearing
    b. Notices of hearings shall be mailed fourteen or more days prior to the day of the hearing to the property owner of each parcel within one half mile of the parcel(s) for which a hearing is being held. Notices of hearings for zoning text amendments shall not require mailing to property owners, but shall require publication of the hearing notice as a display ad in addition to the legal notice section of the paper.
    c. Costs for notices of hearings shall be paid by the applicant, and such costs shall include a fee for staff hours spent in preparing the notice and the list of addresses for property owner notification, as well as postage and publication fees
    d. A representative having authority to make decisions on behalf of the applicant shall be present at a hearing, or the hearing shall be postponed
    e. Hearings shall follow procedures established by each hearing body in its bylaws, and shall include presentation of the application, opportunity for public comment, and consideration of actions with regard to the application being heard

f. A record of the hearing shall be established for each application heard, and shall include:
    i. Application
    ii. Zoning Administrator staff report
    iii. Summation of public comments
    iv. Action taken, and basis for action

8. Procedures for Consideration of Conditional Use Permits, Zoning Map Amendments, and Land Development Code Text Amendments
    a. Application shall be made on forms established by the zoning administrator, and shall include all supplemental information as required by the zoning administrator or this ordinance. Such application shall include payment of a fee for said application.
    b. Upon receipt of an application, the zoning administrator shall review the application for completeness, and upon determination that application is complete shall schedule a hearing for the application at the next regularly scheduled planning commission meeting which allows notice of hearings as required by this ordinance.
    c. The zoning administrator shall prepare and publish notice of the hearing by the planning commission, and shall mail notice to property owners as required by this ordinance.
    d. The zoning administrator shall prepare a staff report summarizing the application and identifying issues which may warrant discussion by the planning commission. The staff report shall also include a checklist of topics for consideration by the planning commission.
    e. The planning commission shall follow procedures for hearings as established in its bylaws including presentation of the application, opportunity for public comment, and consideration of actions with regard to the application being heard
    f. Upon a decision by the planning commission to recommend approval or denial of the application, the zoning administrator shall prepare a record of the hearing, and forward the record to the county board of commissioners for consideration at a regularly scheduled meeting of the county board within 60 days of decision by the planning commission.
    g. The zoning administrator shall prepare and publish notice of the hearing by the county board of commissioners, and shall mail notice to property owners as required by this ordinance.
    h. The county board of commissioners shall follow procedures for hearings as established in its bylaws including presentation of the application, opportunity for public comment, and consideration of actions with regard to the application being heard.
    i. Upon a decision regarding the application, the county board of commissioners shall provide written notice of the decision to the applicant.
    j. For any decision by the county board of commissioners which includes conditions of approval, the zoning administrator shall monitor the actions of the applicant and development of the site of the application to verify compliance.
9. Procedures for Consideration of Variances

a. Application shall be made on forms established by the zoning administrator, and shall include all supplemental information as required by the zoning administrator or this ordinance. Such application shall include payment of a fee for said application.
b. Upon receipt of an application, the zoning administrator shall review the application for completeness, and upon determination that application is complete shall schedule a hearing for the application at a board of adjustment meeting no later than 45 days after the application has been determined to be complete.
c. The zoning administrator shall prepare and publish notice of the hearing by the board of adjustment, and shall mail notice to property owners as required by this ordinance.
d. The zoning administrator shall prepare a staff report summarizing the application and identifying issues which may warrant discussion by the board of adjustment. The staff report shall also include a checklist of topics for consideration by the board of adjustment.
e. The board of adjustment shall follow procedures for hearings as established in its bylaws including presentation of the application, opportunity for public comment, and consideration of actions with regard to the application being heard.

10. Procedures for Appeals
    a. An appeal regarding a zoning administrator decision shall be made to the County Auditor on forms approved by the board of adjustment, and shall include all supplemental information as required by the board of adjustment or this ordinance. Such application shall include payment of a fee for said appeal. Upon
    b. Upon receipt of an appeal, the county auditor shall review the application for completeness, and upon determination that application is complete shall forward the application to the county states attorney. The county states attorney shall schedule a hearing for the application at a board of adjustment meeting no later than 45 days after the application has been determined to be complete.
    c. The county states attorney shall prepare and publish notice of the hearing by the board of adjustment, and shall mail notice to property owners as required by this ordinance.
    d. The county states attorney shall prepare a staff report summarizing the application and identifying issues which may warrant discussion by the board of adjustment. The staff report shall also include a checklist of topics for consideration by the board of adjustment.
    e. The board of adjustment shall follow procedures for hearings as established in its bylaws including presentation of the application, opportunity for public comment, and consideration of actions with regard to the application being heard.