

Grant County
NORTH DAKOTA

ZONING
ORDINANCE

TABLE OF CONTENTS

ARTICLE I: INTRODUCTION.....	1
1.1 Title.....	1
1.2 Purpose and Intent.....	1
1.3 Authorization	1
1.4 Definitions.....	1
ARTICLE II: GENERAL PROVISIONS	14
2.1 Jurisdiction	14
2.2 Compliance with Ordinances, Statutes, Regulations and Plans	14
2.3 Exceptions	14
2.4 Severability	14
2.5 Repeal	14
2.6 Nonconforming Use	15
2.7 Conditional Uses	15
2.8 Prohibited Uses	15
2.9 Land Suitability.....	15
2.10 Highway Access	15
2.11 Road Setbacks.....	15
2.12 Residential Development.....	16
2.13 Dedication of Land for Streets	16
2.14 On-Site Sewer System.....	16
ARTICLE III: DISTRICTS	17
3.1 District Designation.....	17
3.2 County Zoning Map.....	17
3.3 Zoning Map District Boundaries.....	17
3.4 Agricultural District.....	18
3.5 Recreational District.....	24
3.6 Residential District	26
3.7 Commercial District.....	31
3.8 Industrial Districts	33
3.9 Planned Unit Development Overlay District.....	36
3.10 Floodplain Ordinance.....	37

ARTICLE IV: SPECIAL PROVISIONS	44
4.1 Sewage Disposal	44
4.2 Off-Street Parking.....	44
4.3 Area Requirements.....	44
4.4 Signs and Advertising.....	45
4.5 Commercial Feedlots - Purpose	46
4.6 Sanitary Landfills and Waste Management Facilities	49
4.7 Fences.....	53
4.8 Home Occupations, Standards for Approval	53
4.9 Adult Entertainment Centers	54
4.10 Wind Energy Facility	55
4.11 Temporary Crew Housing (Workforce Temporary Housing).....	60
4.12 Recycling Facilities	64
4.13 Public Nuisances.....	64
4.14 Noise	64
ARTICLE V: SUBDIVISION REGULATIONS	65
5.1 Intent	65
5.2 Compliance with Chapter	65
5.3 Minor Subdivision	66
5.4 Sketch Plan	66
5.5 Preliminary Plat	67
5.6 Data Omitted on Minor Subdivision Plats.....	71
5.7 Final Plat (Major Subdivision).....	71
5.8 Amendment of Any Project Development Plan	75
5.9 Filing of Subdivision Plat.....	75
5.10 Design Standards – Conformance.....	75
5.11 Street Design	75
5.12 Block Design.....	78
5.13 Lot Design.....	78
5.14 Street Names	79
5.15 Utility Easements.....	79
5.16 Grading and Drainage.....	79
5.17 Drainage Way Easement.....	80

5.18	Tree Planting.....	80
5.19	Street Lights	80
5.20	Required Improvements	80
5.21	Sanitary Sewer.....	81
5.22	Storm Sewer	81
5.23	Grading and Surfacing.....	81
5.24	Curbs, Gutters and Sidewalks.....	81
5.25	Installation of Improvements.....	81
 ARTICLE VI: ADMINISTRATION.....		82
6.1	Grant County Commission	82
6.2	Grant County Planning Commission	82
6.3	Board of Adjustment	83
6.4	County Planning Director	84
6.5	Permits, Procedures and Fees	85
6.6	Conditional Use Permit	85
6.7	Time Limited Conditional Use Permit	86
6.8	Amendments.....	87
6.9	Violations and Penalties	88
6.10	Building Code	89
 ARTICLE VII: MEDICAL MARIJUANA		99
7.1	Purpose and Intent	99
7.2	Definitions	100
7.3	Special Use Permit Requirements	100
7.4	Design Standards	101
7.5	Dimensional Standards.....	102
7.6	Serviceability, Exclusions, and Exceptions	104

ARTICLE I: INTRODUCTION

1.1 Title

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

1.2 Purpose and Intent

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

1.3 Authorization

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

1.4 Definitions

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

1.4.1 General Terms

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

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

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

1.4.2 Specific Terms

Accessory Use or Structure: A subordinate building or portion of the main building the use of which is clearly incidental to and serves exclusively to the principal building or principal use and shall be located on the same zoning lot.

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

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

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

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

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

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

Agri-tourism: Any agriculturally-based operation or activity at a working farm or ranch that brings visitors to the farm or ranch for enjoyment or education and that generates supplemental income for the owner.

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

Allowed Uses: Those uses, buildings or structures which this ordinance explicitly allows in a particular zoning district without requiring a conditional use permit or other permit as specified herein.

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

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

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

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

Appeal: A request for a review of the Grant County Planning and Zoning Board's interpretation of any provision of this ordinance or a request for a variance.

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

Automobile Repair Shop: An area of land, including structures thereon, that is used for the repair and servicing of automobiles and/or trucks under 14,000 pounds GVWR.

Base flood or 100-year flood: A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): means the height of the base flood or 100-year flood usually in feet, measured in the same datum (either NAVD88 or NGVD29) as the FIRM

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

Best Available Data (BAD): Water elevation information from any source used to estimate or determine a base flood elevation (i.e., high water mark).

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

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

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

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

Building Height: The vertical dimension measured from the average elevation of

the finished lot grade at the front of the building to the highest point of a flat roof and to the average height between the plat and ridge of a gable, hip or gambrel roof.

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

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

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

Commercial Feedlot: Any building, structure, enclosure, or premises used, designed or intended for the commercial feeding of 1,000 or more animal units which is operated as a separate pursuit and not as incidental to agriculture on a given piece of land regardless of its size.

Comprehensive Plan: The Grant County Comprehensive Plan. A guide for the management of the physical resources and development of the county.

Commercial Truck: A truck or vehicle of 26,000 pounds or more GVWR.

Community: Any political subdivision that has the authority to zone, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

Conditional Use: Use of a special nature not automatically permitted in a zoning district and which requires review and approval by the County Planning Commission after a public hearing. It is a use which would not be appropriate in a particular zoning district, but which if controlled as to the number, location, or relation to the surrounding uses and the area, would be consistent with the purpose and the intent of these zoning regulations.

Conforming Building, Use or Structure: A building, use or structure which complies with all requirements of this ordinance and other regulations adopted by the county.

Conveyance or hydraulic conveyance: A geometric characteristic of a river or water course at a given point that determines the flow-carrying capacity at that point.

County: The County Commission, Grant County, North Dakota.

Development: Any man-made change to improved or unimproved real estate,

including but not limited to the construction of buildings, structures, or accessory structures, the construction of additions or alterations to buildings or structures, ditching, dredging, paving, excavation or drilling operations.

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

District Zoning: The areas within Grant County for which these regulations provide uniform rules and restrictions governing the use of land.

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

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

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

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

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

Easement: A burden upon land as defined by N.D.C.C. 47-05-01.

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

Energy Conversion Facility: A plant, addition, or combination of plant and addition as provided in N.D.C.C. 49-22-03.

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

Extraterritorial Jurisdiction: The extension by ordinance of a city's zoning regulations to any quarter quarter section of unincorporated area within one mile of the corporate limits of the cities of Grant County.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

Farm: A lot within Grant 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 or supplies provides grain, harvesting, or other farm services. Feedlots which are operated as a separate pursuit shall be deemed commercial feedlots and shall not be construed as farming or incidental to a farming operation.

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

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

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

Floodproofing: Protection provided a structure, together with attendant utilities and sanitary facilities, which is watertight two feet above the base flood elevation with walls that are substantially impermeable to the passage of water.

Floodway or regulatory floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

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

Frontage or Service Road: Minor streets which are parallel to and adjacent to

arterial streets and highways which provide access to abutting properties and protection from through traffic.

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

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

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

Hazardous Waste: Any waste or combinations of wastes of a solid, liquid, contained gaseous or semi-solid form as further defined in N.D.C.C., Section 23-20.3-02 and N.D.C.C. 33-24-02.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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

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

Hotel or Motel: A building with lodging accommodations provided for compensation whether or not meals are provided.

Hunting Lodge: A building containing basic amenities providing sleeping accommodations and reserved for hunters during the hunting season.

Improvements: Street grading, surfacing, installation of sidewalks, curb, gutter, water, sanitary and storm sewer systems, culverts, bridges, and trees.

Industrial Waste: All waste resulting from an industrial, manufacturing service or commercial activity as defined by N.D.C.C. 23-29-03.

Inert Waste: Non-putrescent solid waste which will not generally contaminate water or form a contaminated leachate and further defined in N.D.A.C., Chapter 33-20.01.1-03.26. Inert waste does not serve as food for vectors. Inert waste includes, but is not limited to construction and demolition material, such as metal, wood, brick, masonry, and concrete, asphalt, concrete, tires and tree branches.

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

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

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

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

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

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

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

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

Lot Line: The property line bounding a lot.

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

Lowest floor: The lowest floor of a structure including the basement.

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

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

Mobile Home: A factory-built structure, transportable in one or more sections and has at least seven hundred twenty (720) or more square feet and is designed as a year-round dwelling unit to be placed on a secure or a permanent foundation or basement. The mobile home must comply with the latest Manufactured Home Safety Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development. A recreational travel trailer is not a mobile home.

Mobile Home Park: A lot or parcel designed and developed to accommodate only mobile homes, each occupying a portion of the site on a purchased, leased or rental basis and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for long-term residential occupancy.

Mobile Home Subdivision: Any parcel of land, subdivided and planned according to county ordinances exclusively for mobile homes.

Modular Home: (formerly 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 axel and bears a label certifying that it was built in compliance with the latest standards adopted by the U.S. Department of Housing and Urban Development.

Modular Home (formerly manufactured home) Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NDAC: North Dakota Administrative Code.

N.D.C.C.: North Dakota Century Code.

New construction: Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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

Oil and gas Gathering System: All gas or liquid pipelines and associated facilities, including but not limited to surface facilities, which are not subject to Public Service Commission siting regulation as Transmission Facilities pursuant to Chapter 49-22, N.D.C.C.

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

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

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.

Permitted Use (Allowed Use): Any use which complies with the requirements of a zoning district.

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

Person: Any person, firm, partnership, association, corporation, limited liability company, agency, or any other private or governmental organization, which includes any agency of the United States, a state agency, or any political subdivision of the state.

Planned Unit Development (PUD): An area of land, controlled by a landowner, to be developed as a single project for a number of uses consistent with this ordinance and the underlying zoning district.

Prohibited Use: Any use or structure which is not an allowed use, conditional use or nonconforming use.

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

Radioactive Waste: A solid waste material containing radioactive materials and subject to NDAC 33-10.

Recreational Vehicle: A vehicle which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck;
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use; including, but not limited to;
- (e) travel trailers, trailers on wheels, park-model trailers, and other similar vehicles

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

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

Reasonably safe from flooding: Base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

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

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

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

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

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

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

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

Site Plan: A detailed plan for making improvements to one or more lots for the purpose of building and development as provided in this ordinance.

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 and further defined in N.D.C.C. Section 23-29-03.14 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.

Special Flood Hazard Area (SFHA): An area of land that would be inundated by a flood having a one-percent chance of occurring in any given year.

Special Waste: Solid waste that is not a hazardous waste and includes waste generated from energy conversion facilities; waste from crude oil and natural gas exploration and production; waste from mineral and ore mining, beneficiation, and extraction; and waste generated by surface coal mining operations. The term does not include municipal or industrial waste (N.D.C.C. Section 23-29-03.16).

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

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

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

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

Start of construction: Substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the

property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

Structure: A walled and roofed building, including manufactured homes and gas or liquid above-ground storage tanks.

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

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the building to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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 purposes 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.

The term does not, however, include either:

- 1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- 2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

Temporary: Means one year or less.

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

Transmission Facility: means any of the following:

- a) An electrical transmission line and associated facilities with a design of forty-one and six-tenths (41.6) kilovolts or more.
- b) A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas or liquid hydrocarbon products for public commerce.
- c) A liquid transmission line and associated facilities designed for or capable of transporting water from or to an energy conversion facility, said energy conversion facility being the same as defined in N.D.C.C. Section 49-22-03.

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

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

Violation: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by the community's floodplain management ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse: Only the channel and banks of an identifiable watercourse, and not the adjoining floodplain areas. The flood carrying capacity of a watercourse refers to the flood carrying capacity of the channel, except in the case of alluvial fans, where a channel is not typically defined. The definition of watercourse in N.D.C.C. § 61-01-06 is not applicable in this ordinance.

Waste Management Facility: Any plant or facility engaged in the treatment, storage, or disposal of solid wastes.

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

Wind Energy Facility: A facility directly generating electricity or indirectly

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

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

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

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 N.D.C.C. Chapter 6.11, if it has a nameplate capacity of 50 kilowatts or greater. Wind turbines of less than 50 kilowatts will be regulated as a utility.

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

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

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

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

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ARTICLE II: GENERAL PROVISIONS

2.1 Jurisdiction

These regulations shall apply to all unincorporated areas of Grant County, except those townships which have not by resolution relinquished the power to enact zoning regulations to the county, and those incorporated cities which have not elected to exercise extraterritorial zoning as authorized by N.D.C.C. Section 40-47-01.1 and 40-48-18.

2.2 Compliance with Ordinances, Statutes, Regulations and Plans

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

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

2.3 Exceptions

Other than as they relate to setbacks from roads and floodplain regulations, these regulations shall not apply to land and buildings used exclusively for agriculture.

2.4 Severability

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

The County Commission of Grant County, North Dakota, hereby declares that it would have enacted the remainder of this ordinance even without the affected part, provision, section or application.

2.5 Repeal

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

2.6 Nonconforming Use

The lawful use of a building or premises at the date of the adoption of this ordinance may be continued. Where a non-conforming use is discontinued for a period of more than twelve (12) consecutive calendar months any subsequent use or occupancy of such premises shall conform to this ordinance. Whenever a building is destroyed or damaged by fire or other casualty to the extent of more than fifty (50) percent of its market value, it shall not be restored unless such building shall conform to the provisions of the district in which it is located. Non-conforming uses shall not be expanded to occupy a larger area of land than existed at the date of the adoption of this ordinance.

2.7 Conditional Uses

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

2.8 Prohibited Uses

Prohibited uses as defined in this ordinance shall not be allowed and any person who maintains a prohibited use is in violation of this ordinance.

2.9 Land Suitability

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

2.10 Highway Access

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

2.11 Road Setbacks

- 1) The minimum setback for structures from the center line of county and township roads shall be one hundred fifty (150) feet.
- 2) The minimum setback for structures on ND Hwy 21 shall be two hundred y (200) feet from the center of the road. All other state highways shall have

a minimum setback of one hundred fifty (150) feet from the center of the road.

- 3) No visual obstructions higher than three (3) feet shall be allowed within one hundred (100) feet from each side of the intersection of roads under the county jurisdiction and within thirty (30) feet of each side of the intersection of driveways, approach roads and county roads.
- 4) The minimum setback for utility poles shall be seventy-five (75) feet from the centerline of all county roads and township roads. The minimum setback for trees shall be one hundred fifty (150) feet from the center of the road.

2.12 Residential Development

No lot shall contain more than one principal single family residential building, and no dwelling unit shall be built on a lot which does not abut a dedicated public road or have a recorded easement for access to a dedicated public road. Accessory buildings shall be smaller than the principal building and shall be limited to thirty-five (35) feet in height and be located at least twenty-five (25) feet from all lot lines.

2.13 Dedication of Land for Streets

Whenever a parcel of land to be subdivided as a subdivision contains a street or public way, such street or alley shall be dedicated to the public at the location and details shown on the final plat. All non-section line roadways shall be the responsibility of the subdivision developer. Nothing in this section shall require the county to build or maintain roads built on section lines.

2.14 On-Site Sewer System

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

ARTICLE III: DISTRICTS

3.1 District Designation

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

- Agricultural District
- Recreational District
- Residential District
- Commercial District
- Industrial District
- Planned Unit Development Overlay District
- Floodplain Overlay District

3.2 County Zoning Map

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

3.3 Zoning Map District Boundaries

3.3.1 Boundary Definition

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

3.3.2 Boundary Interpretation

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

3.4 Agricultural District

3.4.1 Intent

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

3.4.2 Allowed Uses

- 1) All types of farming and ranching operations including dairying, livestock, poultry raising, apiaries and fur farming.
- 2) Truck gardening, nurseries, greenhouse and roadside stands offering for sale only those farm products which have been grown on the premises.
- 3) Accessory buildings and structures necessary to the operation of farms or ranches to include the farm residence, septic systems, feedlots and storage facilities.
- 4) Animal hospitals and clinics not nearer than five hundred (500) feet from any residence, except the residence of the owner-operator.
- 5) Cemeteries.
- 6) Churches and related facilities.
- 7) Farm related businesses.
 - a) One limited agricultural-related commercial activity ancillary to the farm operation shall be allowed without necessity of obtaining a Conditional Use Permit.
 - b) The following agricultural related activities shall be allowed without permit (subject to a above) :
 - i) Feed, grain, and agricultural supplies sales.
 - ii) Trailer sales.
 - iii) Welding services.

- iv) Fence construction.
 - v) Riding stables.
 - vi) Water well drilling service.
 - vii) Septic cleaning service.
- 8) Public parks and recreational facilities, wildlife and game management areas and refuges.
 - 9) Public, private and parochial schools.
 - 10) Oil and Gas Exploration

No person, partnership, association, corporation shall engage in the exploration for oil or gas within the County without compliance with the provisions of N.D.C.C. Chapters 38-08 and 38-08.1.

- 11) Oil and Gas Drilling and Production

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

- a) Obtain a County Road Approach Permit from the County.
 - i) The County Road Department shall charge each applicant for a County Road Approach Permit a fee, the amount of which is to be determined by the Commission, to cover processing and administrative expenses. Said fee for expenses must be paid prior to the approval and issuance of the County Road Permit.
 - ii) The County Road Department in reviewing any application for a County Road Approach Permit, shall consider all relevant criteria, including the proposed use and the condition of the county roads and bridges at the time of the application, public safety concerns, maintenance costs to the county, weather conditions, etc.
- 12) Storage of oil drilling rigs and related equipment for a period not to exceed one (1) year. An extension beyond one year requires a Conditional Use Permit.

- 13) Competitive equine events.
- 14) Agri-tourism.
- 15) Single-family dwelling units, including modular and manufactured homes, in residential subdivisions located on lots of no less than one (1) acre.
- 16) Oil and gas gathering systems.
- 17) Fresh water pipelines for public utilities providing potable water to county residents.
- 18) Agricultural use fresh water pipelines.

3.4.3 Conditionally Allowed Uses

- 1) Single-family, nonfarm residential units and accessory buildings or structures on lots of not less than five (5) acres unless said lots are part of an existing recorded plat.
- 2) Commercial grain elevators and accessory structures.
- 3) Commercial feedlots subject to the provisions of Section 4.5.
- 4) Livestock auction yards.
- 5) Waste management facilities, sanitary landfills and hazardous waste sites that comply with State Health standards and subject to the provisions of Section 4.6.
- 6) Facilities for the manufacturing and/or processing of agricultural products indigenous to Grant County.
- 7) Railroad tracks and spurs.
- 8) Airport with adequate flight path buffers.
- 9) Radio, television and telephone transmission, receiving towers, relay towers and/or facilities.
- 10) Governmental administrative, maintenance, and research facilities.
- 11) Electric transmission facilities and water, gas, oil, and coal slurry transmission pipelines.

12) Coal Mining

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

- a) A copy of all information submitted to the North Dakota Public Service Commission concerning site reclamation.
- b) Evidence of approval by the Public Service Commission for operation of the mine or excavation, if required by state law.
- c) 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.
- d) To post performance bond for reclamation of the site, with the County Auditor, if not already posted with the state.

13) Other Subsurface Mineral Mining

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

- a) Provide the County Planning Director with evidence of the approval of the North Dakota Industrial Commission of all permits required by N.D.C.C. Chapter 43-02-02 for subsurface mineral production.
- b) Provide the County Planning Director with copies of all non-confidential information that was submitted to the State Geologist concerning site operations, location, and ownership patterns.
- c) Provide the County Planning Director a copy of all information submitted to the North Dakota State Geologist concerning site reclamation.
- d) Written evidence of approval by the State Geologist for operations of the mine or excavation if required by state law.
- e) Conformance of all state and federal laws relating to the preservation, removal, or relocation of historical or archaeological artifacts and to reclamation of strip-mined lands.

- f) Posting a performance bond of 150% of the cost estimate for reclamation of the site with the County Auditor, if not already posted with the state.

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

The applicant for a permit shall submit the following:

Permit Requirements:

Any person who operates a sand, gravel, rock, stone, scoria, or clay operation which uses a commercial crushing and screening plant shall make application to the Planning Commission for a permit to operate such facility. The Planning Commission shall make recommendations to the County Commission to approve, disapprove, or approve with conditions such a permit request. Action by the County Commission is required before commencing any mining or excavation of the sand, gravel, rock, stone, scoria or clay sites.

The applicant for a permit shall submit the following:

- a) Written evidence of reclamation agreement with the surface owner.
- b) Evidence of written agreement between the applicant and adjacent property owner that excavation or processing shall not take place within five hundred (500) feet of an existing residence unless otherwise agreed.
- c) Evidence of meeting all site approval requirements. All excavation sites require approval by the County Commission.
- d) Data Submission Requirements:
 - i) A site plan for operation and reclamation of the mined land including maps showing the location of the land to be mined, location of roads and points of access to the site, adjacent residences within one mile of site, maps showing the existing and proposed contours after the land is mined and a time table for operation of the site. There will be a minimum 1-to-3 slope. All top soil shall be replaced and planted to natural protected vegetation.

- ii) Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned or closure of the operation of the site.
- iii) Proof of compatibility with the existing landform including the vegetation, surface, and ground water resources.
- iv) Bonding required as follows:

A bond must be posted for 150% of the total cost of improvements and anticipated reclamation costs.

e) 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 unless the operator obtains written consent from the affected residential owner for a lesser distance than herein required.

- 15) Temporary work force housing subject to the provisions of Section 4.11.
- 16) Hunting lodges.
- 17) Fresh water depots and pipelines.
- 18) Transmission towers.
- 19) Public facilities.
- 20) Commercial truck parking and truck garages and all associated structures to service the same.
- 21) Gas stations and convenience stores.
- 22) Public utilities.
- 23) Concrete and asphalt plants.
- 24) Energy conversion facilities.
- 25) Exterior non-agricultural storage.
- 26) Storage of oil drilling rigs and related equipment for a period exceeding one (1) year.

3.5 Recreational District

3.5.1 Intent

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

3.5.2 Allowed Uses

- 1) Agriculture.
- 2) Hunting, fishing and trapping.
- 3) Raising of game animals, fowl, and fish.
- 4) Harvesting of any natural crops.
- 5) Cropping and grazing activities which do not require the construction of any permanent buildings.
- 6) Public parks, including golf courses and outdoor recreational facilities.
- 7) Historical monuments and structures.
- 8) Accessory buildings or structures to any permitted uses.
- 9) Restaurants, including all types of eating and drinking establishments.
- 10) Buildings associated with a farm operation and located on the premises.
- 12) Fresh water pipelines for public utilities providing potable water to county residents.
- 13) Agricultural fresh water pipelines.

3.5.3 Conditionally Allowed Uses

- 1) Single-family dwellings, cabins, and summer residences.
- 2) Public buildings, facilities or structures.
- 3) Communication and power transmission lines and other public utility lines.
- 4) Food vendors.
- 5) Roping and riding arenas.
- 6) Recreational parks, tourist and trailer camps.

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

- a) The maximum area for the campground shall be five (5) acres and the maximum number of recreational trailers shall be fifteen (15) units per gross acre.
- b) Provide a site plan showing the boundary of the property; topographic information with contour intervals of no more than five (5) feet; arrangements of streets, drives, and access roads; location of service buildings; location and dimensions of camp sites; location of sanitary facilities; and location of the water supply.
- c) Provide proof of compliance with the requirements of the North Dakota State Health Department and the North Dakota State Laboratories.
- d) Obtain approval of the County Commission for the proposed sites for ingress and egress to the property.

3.6 Residential District

3.6.1 Intent

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

3.6.2 Residential, Low-Density District (R-1)

It is the purpose of this district to provide for low density residential use.

3.6.2.1 Allowed Uses

- 1) Single family dwellings including modular and multi-section manufactured homes.
- 2) Churches and related facilities.
- 3) Public parks and playgrounds.
- 4) Public libraries, museums, and community centers.
- 5) Fire and police stations.
- 6) Home occupations.
- 7) Agriculture.
- 8) Fresh Water pipelines for public utilities providing potable water to county residents.

3.6.2.2 Conditionally Allowed Uses

- 1) Duplexes provided that public water and sewer systems are available or the dwelling units are within an existing platted area where public water and sewer systems are likely to be installed.
- 2) Public facilities including public water and sewage treatment lagoons.
- 3) Bed and Breakfast inns.
- 4) Long-term care and group home facilities.
- 5) Hospitals and clinics.

- 6) Childcare facilities.
- 7) Public utilities.
- 8) Public, private, and parochial schools.
- 9) Accessory living quarters (apartments).

3.6.2.3 Lot Area

- 1) The minimum lot area for a single-family dwelling, in areas where public water and sewer are not available, shall be forty-three thousand five hundred sixty (43,560) square feet provided that the site meets the minimum standards for on-site sewage disposal by North Dakota State Health Department. The minimum lot width shall be one hundred (100) feet and lot depth two hundred (200) feet.
- 2) The minimum lot area for single family dwelling units in areas where public water and/or sewer are available shall be twelve thousand seven hundred fifty (12,750) square feet provided the lot has a minimum lot width of eighty-five (85) feet.
- 3) The minimum lot area for duplex units shall be two thousand five hundred (2,500) square feet greater than would be required for a single-family dwelling.

3.6.2.4 Yards

- 1) Each front yard must have a setback from the property line of minimum depth of:
 - a) In subdivisions – twenty-five (25) feet from the property line.
 - b) Otherwise –fifty (50) feet from the property line.
- 2) Each side yard must have a minimum width of ten (10) feet.

3.6.3 Residential, Medium Density, District (R-2)

The purpose is to provide for general mixed residential uses within the district.

3.6.3.1 Allowed Uses

- 1) Multiple-family dwellings, townhouses, condominiums, apartment buildings.
- 2) Hospitals, clinics, nursing homes.
- 3) Parks, playgrounds, recreational areas.
- 4) Single-family dwellings.
- 5) Modular homes.
- 6) Fresh water pipelines for public utilities providing potable water to county residents.

3.6.3.2 Conditional Allowed Uses

- 1) Fire stations.
- 2) Light commercial and professional offices.
- 3) Living quarters for persons employed on the lot, limited to four (4) such persons in the case of a home-based occupation.
- 4) Schools, colleges and associated buildings.
- 5) Public utilities.
- 6) Manufactured homes.

3.6.3.3 Area and Density Requirements

Any structure built in this district shall be placed on a lot which meets the following area and density maximums:

- 1) Single-family and duplexes: seven thousand (7,000) square feet.
- 2) Multiple-family, condominiums and townhouses.

- a) Three (3) units at ten thousand (10,000) square feet.
- b) Two thousand (2,000) additional square feet for each unit over three (3).
- c) The structures shall not cover more than forty (40) per cent of the net buildable area of interior lots or forty-five (45) per cent on corner lots.

3.6.4 Residential, High Density, District (R-3)

The purpose of this district is to provide for the development of high density, mixed residential uses.

3.6.4.1 Allowed Uses

- 1) All uses allowed under Section 3.6.3.1.
- 2) Apartment buildings and condominiums with two (2) or more floors.
- 3) Fresh water pipelines for public utilities providing potable water to county residents.

3.6.4.2 Conditionally Allowed Uses

- 1) All conditional uses provided in Section 3.6.3.2.
- 2) Water reservoirs.
- 3) Mobile home parks. The applicant shall meet the following requirements for obtaining a permit for construction and operation of a mobile home park:
 - a) A site plan showing location of streets, utilities, off-street parking, driveways, walkways, blocks, lots, playground and park area, accessory buildings to be used for all park residents.
 - b) The park shall contain a minimum of five (5) acres of land in unincorporated areas.
 - c) The maximum number of mobile homes in a park shall be seven (7) units per gross acre.

- d) Approval of the County Commission for access to county roads.
- e) Each mobile home shall be placed on a lot at least fifty (50) feet wide with a minimum area of six thousand (6,000) square feet with ten (10) foot lot line setbacks.
- f) A minimum of twelve (12) percent of the park area shall be allocated for open space and recreational facilities to be maintained by the owner or homeowners' association. If an applicant can demonstrate a compelling reason why he/she should not comply with the requirements of this section, cash may be offered in lieu of the land required for public dedication. The cash shall be used for land for public parks or other public uses and must be used for land in the vicinity of the proposed mobile home park. The amount required shall be determined by the County Commission and shall be consistent with the value of the land which would otherwise be offered for public dedication.
- g) Each unit shall be placed on a stand which provides a firm foundation for anchoring purposes to avoid accidental movement and overturning.
- h) Underground utility hookups shall be provided for each lot.
- i) The owner is responsible for road construction, maintenance, and snow removal.

- 4) Public utilities.

3.6.4.3 Area and Density Requirements

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

- 1) Seven thousand (7,000) square feet for the first four units.
- 2) One thousand (1,000) square feet for each additional unit.

- 3) The structures shall not cover more than fifty (50) percent of the buildable area of interior lots and fifty-five (55) percent on corner lots.

3.7 Commercial District

3.7.1 Intent

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

3.7.2 Allowed Uses

- 1) Agriculture.
- 2) Laundromats and dry-cleaning shops.
- 3) Electrical and plumbing shops.
- 4) Professional offices including banks, insurance, real estate, medical clinics, newspaper and lawyers.
- 5) Retail and service uses, including but not limited to, grocery, drugs, hardware, clothing, furniture stores, bakeries, restaurants, taverns, automobile service stations, used and new car lots, print shops, barber and beauty shops, and sale and service of appliances.
- 6) Wholesale activities not requiring yard storage.
- 7) Hotels and motels.
- 8) Theaters.
- 9) Bowling alleys and billiards parlors.
- 10) Governmental facilities.
- 11) Clubs and lodges.
- 12) Bus stations and taxi shelters.
- 13) Fresh water pipelines for public utilities providing potable water to county residents.
- 14) Agricultural use fresh water pipelines.

3.7.3 Conditionally Allowed Uses

- 1) Light manufacturing activities which do not require yard storage.
- 2) Construction equipment sales.
- 3) Commercial garages and storage.
- 4) Parking lots and/or facilities.
- 5) Lumber yard.
- 6) Farm implement sales and service.
- 7) Residential quarters for managerial, custodial, or security personnel who must be on-site on a 24-hour basis.
- 8) Warehouses and wholesale dealerships.
- 9) Commercial grain bins, elevators or related activities.
- 10) Commercial recreational parks, tourist and trailer camps.
The applicant shall meet the following requirements to obtain a permit:
 - a) The minimum area for campground shall be five (5) acres and maximum number of recreational trailers shall be fifteen (15) units per gross acre.
 - b) A site plan showing the boundary of property, topographic information with contour intervals of no more than five (5) feet; arrangement of streets, drives and access roads; location of service buildings; location and dimension of campsites; location of sanitary facilities; and location of water supply.
 - c) Proof of compliance with the requirements of North Dakota State Health Department and North Dakota Laboratories Department.
 - d) Approval of the County Commission for ingress and egress to the property.
- 11) Transmission towers.
- 12) Public utilities.
- 13) Outdoor/indoor retail sales.

- 14) Fresh water depots and pipelines.

3.7.4 Setback, Minimum depth of seventy-five (75) feet from the center of a roadway.

3.7.5 Off-street parking

- 1) A ratio of one-to-one for all rolling equipment.
- 2) One parking space per employee.
- 3) For restaurants and similar establishments: one parking space for each three-person seating capacity.

3.8 Industrial Districts

3.8.1 Intent

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

3.8.2 Allowed Uses

- 1) Agriculture.
- 2) Dry bulk storage.
- 3) Manufacturing requiring yard storage.
- 4) Heavy equipment storage and repair.
- 5) Truck and freight terminals.
- 6) Wholesale/warehousing activities requiring yard storage.
- 7) Railroad freight and/or bulk terminals, tracks and spurs.
- 8) Concrete, concrete products and clay product plants.
- 9) All uses permitted in the Commercial District.
- 10) Any industrial or manufacturing operation providing that: (a) dust, fumes, odors, smoke, vapor, noise, lights, and vibrations shall be confined within the industrial district, and (b) outdoor storage,

equipment and refuse areas shall be concealed from view of abutting rights-of-way.

- 11) Oil and gas exploration, oil and gas drilling and production subject to the provisions of Sections 3.4.2 and 3.4.3.
- 12) Food vendors.
- 13) Oil and gas gathering systems.
- 14) Energy conversion facility.
- 15) Fresh water pipelines for public utilities providing potable water to county residents.
- 16) Agricultural use fresh water pipelines.

3.8.3 Conditionally Allowed Uses

- 1) Liquid, gas bulk, explosives and other hazardous material storage.
- 2) Sewage lagoons and sediment ponds in compliance with State Health standards.
- 3) Waste management facilities, sanitary landfills and hazardous waste sites in compliance with State Health standards and the provisions of Section 4.6.
- 4) Salvage yards.
- 5) Stockyards and commercial livestock feedlots and slaughterhouses.
- 6) Electric transmission facilities, water, gas, oil and coal slurry transmission pipelines under the conditions stipulated in Section 3.4.3 (11)
- 7) Exploration, drilling, excavation, mining for, crushing and handling coal, sand, gravel, clay and other subsurface minerals as provided by Sections 3.4.3 (14) of these regulations.
- 8) Electric power plants, coal gasification plants, coal liquification plants, oil refineries and petrochemical plants. The applicant shall provide upon request the following:
 - a) The applicant shall provide the summary portion of the application for an Energy Conversion Facility permit submitted to the North Dakota Public Service Commission

for said Energy Conversion Facility as required under Chapter 49-22 of the N.D.C.C.

- b) The applicant shall submit all materials which constitute a ruling by the North Dakota Public Service Commission on said Energy Conversion Facility including appropriate scale maps of the site.
- 9) Wind energy facilities.
- 10) Other subsurface mineral mining and surface extraction subject to the provisions found in Section 3.4.3 (13).
- 11) Radio, television and telephone transmitting and/or receiving towers and facilities.
- 12) Adult entertainment centers.
- 13) Temporary workforce housing subject to the provisions of Section 4.11.
- 14) Fresh water depot sites and pipelines.
- 15) Public Utilities.
- 16) Transmission towers.
- 17) Commercial truck parking and garages and associated structures to service the same.

3.8.4 Performance Standard

- 1) A buffer strip, acceptable to the County Commission, shall be provided.
- 2) The open storage of material, including waste products or salvage shall not be permitted closer than five hundred (500) feet from any residence. All combustible material shall be stored in such a way to permit free access to firefighting equipment.

3.8.5 Lot Area, Width, and Yard Requirements

- 1) The minimum lot area for the industrial district shall be two (2) acres.
- 2) The minimum lot width shall be two hundred (200) feet.

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

3.9 Planned Unit Development Overlay District

3.9.1 Intent

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

3.9.2 Allowed Uses

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

3.10 FLOODPLAIN ORDINANCE

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

3.10.1 STATUTORY AUTHORIZATION

The Legislature of the State of North Dakota has in North Dakota Century Code, Chapters 40-47, 11-33 and 58-03, delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the County Commission of Grant County, North Dakota does ordain as follows:

3.10.2 FINDINGS OF FACT

(1) The flood hazard areas of Grant County are subject to periodic inundation which can endanger life, result in loss of property, create health and safety hazards, disrupt commerce and governmental services, cause extraordinary public expenditures for flood protection and relief, and impair the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) Flood losses caused by the cumulative effect of obstructions in the special flood hazard areas cause increases in flood heights and velocities. Inadequately floodproofed, elevated or otherwise unprotected structures also contribute to the flood loss.

3.10.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard areas;

- (6) To help maintain a stable tax base by providing for the second use and development of special flood hazard areas so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in a special flood hazard area;
- (8) To ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

3.10.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 3.11 DEFINITIONS

Unless specifically defined, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. For definitions see 1.4.2 Specific Terms.

SECTION 3.12 GENERAL PROVISIONS

3.12.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all special flood hazard areas within the jurisdiction of Grant County

3.12.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Grant County, ND," dated November 16, 2023 with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Grant County Courthouse located at 106 2nd Ave NE, Carson, ND 58529 with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance.

3.12.3 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

3.12.4 GREATER RESTRICTIONS

This ordinance is not intended to repeal, remedy, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.12.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

3.12.6 WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Grant County, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

3.12.7 SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

SECTION 3.13 ADMINISTRATION

3.13.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any special flood hazard area established in Section 3.12.2. Application for a development permit shall be made on forms furnished by the Grant County Planning and Zoning Board and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in the same datum (either NAVD88 or NGVD29) as the FIRM, of the lowest floor of all structures;
- (2) Elevation in the same datum (either NAVD88 or NGVD29) as the FIRM to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 3.14.2-2; and,
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

3.13.2 DESIGNATION OF THE GRANT COUNTY PLANNING AND ZONING BOARD

The Grant County Planning and Zoning Board is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

3.13.3 DUTIES AND RESPONSIBILITIES OF THE GRANT COUNTY PLANNING AND ZONING BOARD

Duties of the Grant County Planning and Zoning Board shall include, but not be limited to:

3.13.3-1 Permit Review

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Approve or deny all applications for development permits required by adoption of this ordinance.
- (3) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

3.13.3-2 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.12.2, BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS, the Grant County Planning and Zoning Board shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available (known as best available data) from a federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development in the floodplain are administered in accordance with Section 3.14.2, SPECIFIC STANDARDS.

3.13.3-3 Information to be Obtained and Maintained

- (1) Obtain and record the actual elevation (in the same datum (either NAVD88 or NGVD29) as the FIRM), of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved floodproofed structures:
 - (i) obtain and record the actual elevation (in the same datum (either NAVD88 or NGVD29) as the FIRM), to which the structure has been floodproofed;
 - (ii) maintain the floodproofing certifications required in Section 3.13.1(3).
- (3) Maintain for public inspection all records pertaining to the provisions of this ordinance.
- (4) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 3.14.4 are met.

3.13.3-4 Alteration of Watercourses

The responsible person shall:

- (1) Notify nearby communities, water resource districts, and the North Dakota Department of Water Resources, and receive regulatory authorization, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished; and,
- (3) Notify the appropriate water resource district prior to removal or placement of fill within two hundred feet of the bank of a body of water during normal flow or stage.

3.13.3-5 Interpretation of Flood Insurance Rate Map (FIRM) Boundaries

Make interpretation where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 3.13.4.

3.13.3-6 Encroachment Analysis

When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM,

unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for and receives a Conditional Letter of Map Revision (CLOMR) through FEMA.

3.13.4 VARIANCE PROCEDURE

3.13.4-1 Appeal Board

- (1) The Grant County Planning and Zoning Board as established By Grant County Zoning Ordinance shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The Grant County Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Grant County Planning and Zoning Board in the enforcement or administration of this ordinance.

(3) Those aggrieved by the decision of the Grant County Commission, or any taxpayer, may appeal such decision to the South-Central District Court, as provided in N.D.C.C. §§ 40-47-11, 11-33-12, or 58-03-14.

(4) In passing upon such applications, the Grant County Planning and Zoning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance; and:

- (i) the danger that materials may be swept onto other lands to the injury of others;
- (ii) the danger to life and property due to flooding or erosion damage;
- (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) the importance of the services provided by the proposed facility to the community;
- (v) the necessity to the facility of a waterfront location, where applicable;
- (vi) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre to less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 3.13.4-1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the

variance increases.

(6) Upon consideration of the factors of Section 3.13.4-1(4) and the purposes of this ordinance, the Grant County Planning and Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(7) The Grant County Planning and Zoning Board shall maintain the records of all appeal actions the report any variances to the Federal Emergency Management Agency upon request.

3.13.4-2 Conditions for Variances

(1) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(2) Variances shall not be issued within the identified floodplain if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon:

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public as identified in Section 3.13.4-1(4), or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 3.14 PROVISIONS FOR FLOOD HAZARD REDUCTION

3.14.1 GENERAL STANDARDS

In all special flood hazard areas, the following standards are required: 3.14.1-1

Anchoring

- (1) All new construction and substantial improvements, including additions, shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

3.14.1-2 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3.14.1-3 Utilities

- (1) All 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 to them or contamination from them during flooding.

3.14.1-4 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 50 lots or 5 acres (whichever is less).

3.14.2 SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation data have been provided as set forth in Section 3.12.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS or Section 3.13.3-2, Use of Other Base Flood Data, the following provisions are required:

3.14.2-1 Residential Construction

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

3.14.2-2 Nonresidential Construction

Construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities shall:

(1) Be floodproofed to at least two feet above the base flood elevation, so that below this elevation 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.

(3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 3.13.3-3(2).

3.14.2-3 Manufactured Homes

(1) Require all manufactured homes placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(2) Require all manufactured homes placed or substantially improved within Zones A 1-30, AH, or AE on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision which has incurred substantial damage, be elevated on a permanent

foundation so the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(3) Require that manufacture homes placed or substantially improved on sites in an existing manufacture home park or subdivision within Zones A 1-30, AH, or AE not subject to other requirements of this section be elevated so that either:

(i) the lowest floor of the manufacture home is one foot above the base flood elevation, or

(ii) the manufacture home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36" in height above grade and be securely anchored to an adequately

anchored foundation system to resist floatation, collapse, and lateral movement.

3.14.2-4 Recreational Vehicles

In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must

(i) be elevated and anchored to meet the requirements in 3.14.2-3; OR

(ii) be on the site for less than 180 consecutive days; AND

(iii) be fully licensed and highway ready

3.14.3 Shallow Flooding AO and AH Zones

Located within the areas of special flood hazard established in Section 3.12.2, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated one foot above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of non-residential structures;

(i) have the lowest floor (including basement) elevated one foot above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

(ii) together with attendant utility and sanitary facilities be completely floodproofed to

that level to meet the floodproofing standard as specified in Section 3.14.2-2.

(3) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

3.14.4 FLOODWAYS

Located within the special flood hazard areas established in Section 3.12.2 are areas designated as floodways. Since the floodway is an extremely hazardous area

due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Any increase, as is used in this section, means any modeled impact greater than 0.00 feet.

(2) If Section 3.14.4 (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction requirements of this ordinance.

(3) Under the provisions of 44 CFR Section 65.12 of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for and receives a Conditional Letter of Map Revision (CLOMR) through FEMA.

3.14.5 ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall 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 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.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they allow the automatic entry and exit of floodwaters.

SECTION 3.15 VIOLATIONS

3.15.1 PENALTIES FOR VIOLATIONS

(1) Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations on conditions and safeguards established in connection with grants or variances or conditional uses, shall constitute a

misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be punished by a fine not exceeding \$500 or by imprisonment not to exceed 30 days or by both such fine and imprisonment for each such offense, and in addition shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent Grant County from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE IV: SPECIAL PROVISIONS

4.1 Sewage Disposal:

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

4.1.1 All soil absorption systems shall adhere to the rules and regulations of the Upper Missouri Health and North Dakota Department of Health guidelines.

4.2 Off-Street Parking

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

- 1) In Residential and Mobile Home Districts, at least two (2) off-street parking space will be provided for each single-family dwelling unit.
- 2) In Commercial Districts one (1) off-street parking space will be provided for each commercial vehicle; one (1) off-street parking space for each employee; and one (1) off- street parking space for each management employee.
- 3) In Industrial Districts one (1) off-street parking space will be provided for each commercial vehicle and one (1) off-street parking space for every employee. Parking will be allowed on setbacks and yards.
- 4) Off-street parking for special use will be determined by the Planning Commission.
- 5) All open off-street parking areas with four (4) or more spaces and all loading berths shall be gravel, concrete, or asphalt surfaces and graded to dispose of all surface water run-off but not be diverted to adjoining properties.

4.3 Area Requirements

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

- 1) Recreation District lots shall be a minimum of one (1) acre and shall have front and rear lot setbacks of not less than twenty-five (25) feet and side yard setbacks of not less than ten (10) feet.
- 2) Agricultural District lots shall be a minimum of five (5) acres for non-farm homes and one (1) acre for single family dwelling units, including modular and manufactured homes, in residential subdivisions. This section does not apply to previously platted subdivisions.
- 3) Residential Districts shall have a minimum lot size of six thousand five hundred (6,500) square feet and shall have residential building front lot setbacks of not less than twenty-five (25) feet, side lot setbacks of not less than ten (10) feet, and rear lot setbacks of not less than twenty-five (25) feet from the lot line where soil absorption sewage systems (septic tanks) are not needed. Sheds, garages and non-residential structures shall be placed in compliance with front lot setbacks, may be placed fifteen (15) feet from side and/or rear lot lines.
- 4) Mobile Home Parks shall have minimum lot sizes of six thousand (6,000) square feet in mobile home parks, with lot setbacks of not less than twenty-five (25) feet and no more than seven (7) mobile homes per acre. For permitted mobile homes on purchased lots, lots shall be a minimum of six thousand (6,000) square feet, and the mobile home shall have front, side, and rear lot setbacks of twenty-five (25), ten (10), and twenty-five (25) feet respectively.
- 5) Industrial Districts shall have a minimum lot size of two (2) acres with front and rear setbacks of fifty (50) feet and side lot setbacks of not less than twenty-five (25) feet.
- 6) Hazardous materials storage shall not be within six hundred (600) feet of any existing Residential, Mobile Home or Commercial District.
- 7) Residential, mobile home, industrial and commercial structures or uses shall be prohibited within the area represented by four thousand (4,000) foot extensions of airport clear zones. Any structure may be limited in height to Federal Aviation Administration (FAA) controlled flight areas.

4.4 Signs and Advertising

The purpose of regulating signs in the County is to provide for a visually pleasant environment and minimize potentially unsafe conditions, while also offering opportunities for public and private information and advertising. (The County and municipalities within the county are exempted from these regulations.)

4.4.1 General Requirements

- 1) Signs providing directions for allowed uses shall not be larger than forty (40) square feet in area.
- 2) Signs providing directions for conditional uses shall not be larger than forty (40) square feet.
- 3) On-site advertising signs shall not be larger than ninety-six (96) square feet.
- 4) Off-premises signs are only allowable in Industrial and Commercial Districts and shall be limited to 378 square feet in size.

4.4.2 Special Requirements

- 1) Signs in the Commercial and Industrial Districts shall be limited to:
(a) one general identification sign per business not exceeding fifty (50) square feet in area which may be wall, pedestal, ground, or projecting type; (b) temporary signs including "For Sale", political campaign signs, greeting signs, and rally signs not exceeding fifty (50) square feet in area; (c) directory and advertising signs in the Agricultural, Commercial, and Industrial districts shall not be larger than ninety-six (96) square feet in area and placed nearer than six hundred (600) feet apart.
- 2) The placement of all signs shall be subject to the setback requirements of the district in which they are located and in no event upon a county roadway or right of way.
- 3) No flashing, neon, LED, or bare bulb signs are allowed.
- 4) Signs if allowed in Residential Districts are limited to ten (10) feet in height.
- 5) Signs in Commercial, and Industrial Districts shall be limited to forty-five (45) feet in height.

4.5 Commercial Feedlots - Purpose

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

4.5.1 General Requirements

- 1) All feedlots as defined by this ordinance are only permitted as conditional uses subject to the provisions of this ordinance and the requirements of the North Dakota State Health Department.
- 2) All feedlots shall be designed and constructed with all reasonable preventative measures to avoid surface run-off including construction of sealed collection and retention ponds.
- 3) Where appropriate, there shall be sufficient drainage to avoid pollution of the ground and surface water from the standing effluents.
- 4) Feedlots shall not be placed in the floodplains.
- 5) The applicant, as part of the site approval application, shall submit a plan for removal and disposal of the liquid and solid waste generated by the feed lot.
- 6) An “animal unit equivalent” is a unitless number developed from the nutrition and volume characteristics of manure for a specific livestock type. 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 one thousand (1,000) animal units (a.u.), and so forth, are listed in the following table.

Equivalent Numbers of Livestock (hd)

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

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

1 sheep	0.1	3,000	10,000	20,000	50,000
1 turkey	0.2	1,500	5,000	10,000	25,000
1 chicken	0.1	3,000	10,000	20,000	50,000

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

Setback Distances for Animal Feeding Operations

(from a residence, residential development in an unincorporated area, park, cemetery, church, or school)

Number of Animal Units (EQ.)	Hog Operations	Other Operations
100-299	1 mile	0.50 mile
300-9999	1.5 miles	1 mile
10,000 or more	2.5 miles	2 miles

4.5.2 Water Resource Setbacks

The owner of a commercial feedlot operation that has more than one thousand (1,000) animal units shall not locate or establish that operation:

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

4.5.3 Application Procedure and Requirements

The application for a conditional use permit to operate a facility for a commercial feeding operation shall include a scaled site plan. If the facility will handle more than one thousand (1,000) 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 one thousand (1,000) animal units.
- 5) A copy of the permit application submitted by the applicant to the North Dakota State Department of Health.

4.6 Sanitary Landfills and Waste Management Facilities

4.6.1 Solid Waste Disposal Facility (Solid Waste Management Facilities)

Solid waste disposal facilities as regulated by this section shall include all facilities for the incineration or 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 Agricultural or Industrial Zoned District as a Conditional Use provided:

- 1) It is located at least one (1) mile from any residence or residentially zoned area unless written approval is obtained from the owner of any residence within this area.
- 2) It is continuously licensed and approved by the State Health Department as to location and operation.
- 3) There is no substantive evidence that the facility will endanger the public health or the environment.
- 4) The Conditional Use Permit will be valid for a period of time set by the County Commissioners. For the permit to be approved, all property owners within one mile of the proposed location must be notified of the time and place of the public hearing on a permit request.

4.6.2 County Ordinance and Procedures

This ordinance adopts by reference the solid waste provisions of N.D.C.C. 11-33-20 and North Dakota Administrative Code (NDAC) Chapter 33-20, to assure meeting the purposes of this ordinance and the County Comprehensive Plan. All waste management facilities must comply with all applicable state and federal regulations governing waste management facilities.

4.6.3 Site Approval Requirements

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

4.6.4 Collection of Solid Waste

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 to minimize the impact from odor and concentration of insects and rodents.

4.6.5 Waste Storage

- 1) All waste material shall be stored in a manner that complies with state and federal regulations and shall meet the requirements of the County.
- 2) Solid waste materials shall not be stored on public or private property for more than forty-five (45) days without approval of the County.
- 3) Storage of solid waste 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 to minimize the impact from odor and concentration of insects or rodents.

4.6.6 Asbestos Waste

- 1) Asbestos waste shall be disposed of in accordance with the applicable rules and regulations of the State Health Department and the hazardous waste requirements of this ordinance.

4.6.7 Hazardous Waste

- 1) Containers having hazardous waste shall be dated and marked to designate the content as toxic, explosive, or otherwise hazardous.
- 2) No person engaged in the operation of solid waste landfills, resource recovery or solid waste processing facilities may knowingly store, treat, handle, or dispose of hazardous waste in amounts in excess of

quantities normally found in household waste unless approved by the State Health Department.

- 3) No person shall place hazardous waste or dispose of hazardous waste within the County without approval of the County.

4.6.8 Incineration and Energy Recovery

- 1) All incinerators shall meet the requirements of the State Health Department, other applicable agencies and conditions set forth by Grant County.
- 2) Applicant shall meet the requirements of these regulations and all applicable rules of the state.
- 3) **During operation, the operator shall comply with the following requirements:**
 - a) Any discharges to the air, or to surface or ground water shall meet all applicable state and federal regulations.
 - b) Maintain permanent records for inspection on the quantity and type of material incinerated, the quantity of ash residue and schedule of plant operation.
- 4) No person shall install, operate, or incinerate waste materials as a commercial operation without first obtaining a permit from the County.

4.6.9 Major Appliances (White Goods)

- 1) Disposal of major appliances will be in accordance with State Health Regulations.

4.6.10 Pesticide Waste

- 1) Any person who handles surplus agricultural pesticides and pesticide containers shall comply with applicable federal rules and regulations of the State Health Department.
- 2) Surplus pesticides may not be discarded in any manner, including land filling, which endangers humans, animals, and the environment.

4.6.11 Problem Materials

- 1) Any person selling lead-acid batteries at retail or wholesale is required to accept and dispose of, at his own expense, lead acid batteries from customers who purchase new lead acid batteries.
- 2) Disposal of lead, batteries or used oil will be in accordance with State law.
- 3) No person shall dispose of regulated infectious waste in a solid waste landfill.

4.6.12 Waste Tires

- 1) Waste tire collectors and processors, excluding the following persons, shall obtain a permit from the County:
 - a) Retail tire sellers
 - b) Tire retreading operations
- 2) Waste tire collectors and processors shall meet all requirements of these regulations and the State Health Department.
- 3) Waste tires shall be stored in a manner that will not create a nuisance, blight, health hazard or fire hazard.
- 4) Waste tires shall not be stored or disposed of in any stream, wetland, gully, floodplain or shore-land.

4.6.13 Industrial Waste

- 1) Any person who handles industrial waste shall comply with all applicable state and federal regulations governing industrial waste.
- 2) Industrial waste may not be discarded in any manner including landfilling that endangers humans, animals and the environment.

4.6.14 General Standards

- 1) A minimum horizontal separation of fifty (50) feet must be maintained between new or lateral expansion of solid waste management units and any above ground or underground pipeline or transmission lines.
- 2) No person shall dispose of waste of any type in the following areas:

- a) Aquifers, channels, ravines, or other waterways.
 - b) Critical habitats for endangered or threatened species of plant, fish, or wildlife.
 - c) In an area that could adversely impact an aquifer, aquifer recharge area horizontally from the ordinary high-water elevation of any surface water or wetland, any local, state or national park.
 - d) Public water supply designated wellhead protection area.
 - e) Where geological or man-made features may result in failure of the structural integrity of the facility.
 - f) Within one-hundred-year floodplain.
- 3) No solid waste facility or lateral expansion shall be located within ten thousand feet of any commercial airport runway or five thousand feet of any general aviation airport runway.
 - 4) No solid waste facility shall be located in areas that result in impacts on human health or environmental resources or in areas unsuitable because of reasons of topography, geology, hydrology, or soils.
 - 5) Sites for a new solid waste facility, or for lateral expansion of, or for municipal waste landfills, or for industrial waste landfills shall have favorable physical conditions. Sites shall have low permeability to prevent movement of contaminants.

4.7 Fences

- 1) No site-obscuring fence over forty-eight (48) inches in height shall be erected within the front yard of any lot used for residential purposes.
- 2) No permanent fence shall be constructed on a road right-of-way or within the confines of the ditch backslope.

4.8 Home Occupations, Standards for Approval

4.8.1 A home occupation in an unincorporated

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

- b) Structural changes shall not be made in the dwelling, unless a building permit is obtained.
- c) Employees are limited to two (2) full-time or four (4) part-time personnel besides owners without a conditional use permit.
- d) No sign may be permitted larger than four (4) square feet.
- e) The occupation shall not adversely affect the character of the uses permitted in the district in which it is located.

4.8.2 Farm Home Occupations:

Farm home occupations shall conform to the requirements for homes subject to the provisions of Section 4.8.1 except:

- a) Rural home occupations may be located in a separate non-residential or farm building provided any building principally used for the home occupation shall not exceed one thousand two hundred eighty (1,280) square feet. The minimum lot size for a separate non-residential building shall be one (1) acre.
- b) Employees are limited to two full-time personnel.
- c) Structural additions may be made to a dwelling provided the alterations shall not exceed twenty-five (25) percent of the main floor area of the dwelling, but not including basement or garage floor area. A permit is required.

4.9 Adult Entertainment Centers

- 1) An adult entertainment center shall not be located within two thousand five hundred sixty (2,560) feet of any religious institution, cemetery, school, park, recreation area or an established residence. They shall be located in an Industrial District.
- 2) An adult entertainment center shall not be located within one thousand two hundred eighty (1,280) feet of any establishment that dispenses alcohol on-premises.
- 3) An adult entertainment center shall not be located within one thousand two hundred eighty (1,280) of any other adult entertainment center.
- 4) An adult entertainment center must prohibit entrance by persons less than eighteen (18) years of age.

- 5) An adult entertainment center may not display any signs visible from the exterior of the adult entertainment center, except for signs identifying it as an adult entertainment center, as an adult book store, adult entertainment facility, adult cinema, or combination thereof.
- 6) No material depicting specified sexual activities or specifying anatomical areas shall be visible from the exterior of an adult entertainment center.
- 7) The business premises of an adult entertainment center that are generally open to its patrons are open equally at the same time to members of any law enforcement agency (without charge) who may wish to enter thereon provided the entry is in the course of the discharge of the law enforcement officer's duties.

4.10 Wind Energy Facility

4.10.1 Purpose

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

4.10.2 Regulatory Framework

1) Zoning

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

2) Principal or Accessory Use

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

3) Applicability

The requirements of this ordinance shall apply to all wind energy facilities with one or more wind turbines rated at fifty (50) kilowatts nameplate capacity or larger constructed after the effective date of this ordinance. No operation of an existing wind energy facility shall be allowed without full compliance with this ordinance and its

Wind Energy Facility Siting Permit, and no modification or alteration of an existing wind energy facility shall be allowed without issuance of a new Wind Energy Facility Siting Permit pursuant to Section 4.10.3.

4.10.3 Wind Energy Facility Siting Permit

1) Application for Permit

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

- a) The complete name, legal address and phone number of the prospective permittee and responsible contact person.
- b) A USGS topographical map of the wind energy facility and five hundred (500) feet of all adjoining properties along the wind energy facility perimeter, which map shall show all existing features, including property boundaries, structures, improvements, roads, utility lines, public facilities and natural features. The map shall also show location of all proposed improvements for the wind energy facility, including wind turbines, MET towers, electrical lines and roads. Each proposed wind turbine shall be numbered and fully described in technical details, including rotor diameter, model, and manufacturer, and distances, measured in feet, from property lines and from existing improvements for each proposed wind turbine.
- c) Details as to how the prospective permittee will comply with each item in Section 4.10.6.
- d) A schedule for the proposed start and completion of construction of the wind energy facility.
- e) Copies or signed summaries of all leases and easements for wind turbines and associated equipment and infrastructure to be sited within the county and any written agreements between the prospective permittee and affected parties

holding associated wind rights on adjoining properties established for the purpose of seeking a setback variance(s).

4.10.4 Public Hearings

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

1) Deliberation and Decision

The Planning Commission, following the public hearing, shall make recommendation to the Commission for the approval or denial, modification, and/or imposition of conditions of each application.

4.10.5 Demonstration of Compliance

The permit issued pursuant to Section 4.10.3 shall be contingent upon the permittee's final demonstration of compliance with the requirements of the permit following completion of construction of the wind energy facility. Within 90 (ninety) days of wind energy facility construction, the permittee shall submit to the Planning Commission an updated and final USGS topographical map, or survey if available, providing all information pursuant to Section 4.10.3 and demonstrating actual compliance with the requirements and conditions of the permit.

4.10.6 General Requirements for Wind Energy Facilities

1) Appearance, Lighting, Facility Footprint, Agricultural Operations, Roads and Power Lines

a) Wind turbines shall be painted a non-reflective, non-obtrusive earth tone color.

b) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

c) Each wind turbine shall be marked with a visible identification number to assist with provision of emergency services, and the permittee shall file with local fire

departments, law enforcement and the county emergency management coordinator a wind energy facility map identifying wind turbine locations and numbers.

- d) Wind turbines shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
- e) At wind energy facility sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, and location that will blend the wind energy facility 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. Prior to construction, the applicant shall make satisfactory arrangements (including obtaining permits) for road use, access road intersections, maintenance and repair of damages with governmental jurisdiction with authority over each road. The applicant shall notify the county road superintendent on request.
- g) The permittee shall promptly replace or repair all fences or gates removed or damaged during all phases of the wind energy facility's life, unless otherwise negotiated with the affected landowner. When the permittee installs a gate where electric fences are present, the permittee shall provide for continuity in the electric fence circuit.
- h) The permittee shall ensure that, following completion of construction of a wind energy facility, county roads will be repaired or restored to a condition at least equal to the condition prior to construction of such facility.
- i) The permittee shall place electrical lines, known as collectors, and communication cables underground when located on private property. Collectors and cables shall also be placed within or adjacent to the land necessary for wind turbine access roads, unless otherwise negotiated with the affected landowner. [This paragraph does not apply to feeder lines.]
- j) The permittee shall place overhead feeder lines on public rights-of-way, if a public right-of-way exists, or the permittee may place feeder lines on private property. A change of

routes may be made as long as the feeders remain on public rights of way and approval has been obtained from the governmental unit responsible for the affected right-of-way. When placing feeders on private property, the permittee shall place the feeder in accordance with the easement negotiated with the affected landowner.

2) Setbacks

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

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

4.10.7 Minimum Ground Clearance

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

4.10.8 Restoration of Property

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

Decommissioning and site restoration includes dismantling and removal of all towers, turbine generators, transformers, and overhead cables;

removal of underground cables to a depth of twenty-four inches; removal of foundations, buildings and ancillary equipment to a depth of four feet and removal of surface road material and restoration of the roads and turbine sites to substantially the same physical condition that existed immediately before construction of the commercial wind energy conversion facility or wind turbine. The site must be restored and reclaimed to the same general topography that existed prior to the beginning of the construction of the wind energy conversion facility. Areas disturbed by the construction of the facility and decommissioning activities must be graded, top-soiled, and reseeded according to Natural Resource Conservation Service technical guide recommendations and other agency recommendations, unless the landowner requests in writing that the access roads or other land surface areas be retained.

To ensure compliance with these regulations the permittee shall post with the County Auditor a Reclamation Bond in the amount of 150 percent of the anticipated reclamation costs with such costs to be estimated by the County Engineer.

4.10.9 Transfer of Wind Energy Facility Siting Permit

In the event of a change in ownership or controlling interest in a wind energy facility and the transfer of the permit, any successors and assigns of the original permittee shall comply with the requirements and conditions of such permit for the duration of operation of a wind energy facility permitted in the county. Within thirty (30) days of such change in ownership or controlling interest of any entity owning a wind energy facility, the parties to the transaction shall notify the Commission by letter and provide information pursuant to Section 4.10.3. The letter shall be signed by the authorized representatives or agents of both the original permittee and the entity to which the permit is being transferred.

4.11 Temporary Crew Housing (Workforce Temporary Housing)

4.11.1 Definitions

Temporary Crew Housing (work camp housing):

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

Crew Housing Permit:

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

Skid Units:

A structure or group of structures, either single or multi-sectional, which is not built on a permanent chassis and is ordinarily designed for human living quarters, or a place of business, on a temporary basis.

4.11.2 Conditional Use Permit

A Temporary Closed Crew Camp Housing Permit authorizes a conditional use, the issuance of which is subject to the procedures contained within Section 5.6 of this ordinance. It is allowable as a conditional use in Industrial Districts and Agricultural Districts.

4.11.3 Application Procedure:

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

- 1) A description of the units together with an emergency 911-approved numbering system.
- 2) A description of how the proposed units are set/and or anchored.
- 3) A statement that roads to be constructed within the facility will meet county specifications as identified in the Conditional Use Permit.
- 4) The name and address and contact information of the applicant.
- 5) The name and address and contact information of the on-site manager.
- 6) A copy of lease (if applicable).
- 7) An occupancy list to be maintained and provided to the county 911 emergency coordinator on a current basis.
- 8) Plot plans drawn to scale showing housing units, additional structures, setbacks, utilities, drainage, ingress and egress, screens, buffers, and fencing.

- 9) Unit spacing adequate to accommodate emergency services.
- 10) List of house rules and regulations.
- 11) On-site security plan.
- 12) Fire and emergency evacuation plan.
- 13) Copy of permit issued by the North Dakota State Health Department and Southwest Health Department including fresh water, refuse disposal plan, and septic or sewer discharge plan.
- 14) Pay an annual Planning Fee in an amount to be determined by the County Commission.
- 15) A copy of the closure plan.
- 16) Submit a surety bond for clean-up purposes in an amount to be determined by the County Commission.
- 17) Off-street parking shall be provided on a one-to-one ratio, one parking space per bed.
- 18) Any additional information deemed necessary by the County Planning Director, the Planning Commission, or the County Commission.

4.11.4 Prohibited Housing Types

Skid units, modular structures and mobile homes are allowed as housing types. However, there shall be no mixed housing uses in a crew housing facility. The housing units chosen for a crew housing facility shall be of a homogeneous nature.

4.11.5 Prohibited Activities

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

4.11.6 Renewal of Conditional Use Permit

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

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

4.11.7 Revocation of Permit

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

1) Suspension or Revocation for Cause.

Any permit issued pursuant to this ordinance may be revoked or suspended for cause by the County Commission, which cause may include, among other ground, the following:

- a) The applicant being adjudged bankrupt.
- b) Applicant's falsifying of any statement or statements in the application process described herein.
- c) Applicant's conviction, or the conviction of an applicant's officers, directors or agents, of any felony crime under the laws of the United States of America or any state or municipality.
- d) The applicant's violation of any health or sanitary regulations of the County or the State of North Dakota.
- e) The applicant's conduct of business in a disorderly manner or in a manner deemed to be dangerous or detrimental to the public welfare, safety or morals.
- f) The applicants, or any agent or employee of the applicant, violation of any term or condition of the permit or any provision of this ordinance.

2) Notice - Public Hearing

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

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

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

3) No refunds on Revocation or Suspension

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

4.12 Recycling Facilities

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

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

4.13 Public Nuisances

The maintenance of public nuisances including, but not limited to noxious weeds, smoke, gases, odors, 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.

4.14 Noise

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

ARTICLE V

SUBDIVISION REGULATIONS

5.1 Intent

- 1) To insure the orderly development of the county and its unincorporated planning area.
- 2) To provide for proper arrangement of streets in relation to other existing and planned streets.
- 3) To provide for adequate and convenient open spaces for traffic, utilities, firefighting, recreation, light and air.
- 4) To facilitate adequate provisions for access, placement of public non-profit and for profit utilities, schools, and public open spaces.
- 5) To avoid development of unsuitable areas because of soil, drainage and other physical limitations.
- 6) To facilitate subdivision of larger parcels into smaller parcels and lots.
- 7) To implement the Comprehensive Plan of the county.

5.2 Compliance with Chapter

All subdivisions made within the county and not located in any municipality or its extra-territorial jurisdiction shall be subject to and shall conform to the three-step requirements of this chapter.

5.2.1 Subdivisions in Advance of County Needs

The County shall discourage the subdividing of lands that are far in advance of the needs of the county; that by their location cannot be efficiently served by public utilities, fire protection or other county services; that are located in areas subject to flooding or that are topographically unsuitable for development; or that for any other reason are unwisely or prematurely divided.

5.2.2 Replatting and Coordination of Adjacent Areas

The County shall encourage the replatting of lands deemed to be unsatisfactorily subdivided or undeveloped. Coordinated platting of adjacent small parcels of land shall be encouraged.

5.3 Minor Subdivision

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

5.4 Sketch Plan

5.4.1 Submission

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

5.4.2 Data Required for Sketch Plan

- 1) Tract boundaries;
- 2) North point;
- 3) Description of nature and purpose of street(s) on and adjacent to the tract;
- 4) Proposed general street layout;
- 5) Significant topographical and physical features;
- 6) Proposed general lot layout;
- 7) Proof of zoning and/or conditional use approval, including conditions of approval and site plan, if appropriate;

- 8) Existing and proposed land use: and
- 9) Land uses of adjacent tracts.

5.5 Preliminary Plat

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

5.5.1 Preliminary Plat Content (Major Subdivision)

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

- 1) The preliminary plat drawn at a scale of not smaller than one inch equals one hundred feet (1" = 100'). This requirement may be waived by the Planning and Zoning Commission for large tract subdivisions.
- 2) Name of the subdivision and location by section, township and range, to the quarter section, or other legal description.
- 3) Date, graphic scale and North point.
- 4) Boundary line of the proposed subdivision indicated by a solid heavy line, accurately drawn to scale and showing distances and bearings.
- 5) Total acreage within the subdivision.
- 6) Location, right-of-way width and names of any existing or previously platted streets including type and width of surfacing or public ways, easements, railroads, utility rights-of-way, parks and other public open spaces, permanent buildings or structures, corporate boundaries and section lines within or adjacent to the subdivision.
- 7) Location of existing property lines, buildings, drives, streams, watercourses, wooded areas and drainage ways.

- 8) Existing water mains, storm sewers, sanitary sewers, culverts, bridges and other utility structures within the tracts, indicating pipe size, grades and exact locations as obtained from public records, oil wells, septic tanks drainfields/cesspools and outlets, farm drain inlets and outfalls.
- 9) Existing zoning of the proposed subdivision and the zoning of the adjacent tracts of land.
- 10) Boundary line of adjacent tracts of land or lots showing owner's name.
- 11) Contour at vertical intervals of not more than two (2) feet.
- 12) Location and dimension of any site to be reserved or dedicated for public uses including drainage ways, parks and open spaces.
- 13) Layout of the proposed streets, alleys, crosswalks and easements, showing widths and proposed street names.
- 14) Layout, number and dimensions of all lots and blocks.
- 15) Parcels of land intended to be dedicated or reserved for public use or set aside for the use of property owners within the subdivision.
- 16) Building setback lines, showing dimensions.
- 17) Name and address of the property owners(s) and registered land surveyors who prepared the plat.
- 18) A location map inset showing the boundary of the proposed subdivision and covering the area within a one-mile radius of the subdivision.
- 19) Topographic contours with a minimum contour interval of two (2) feet, with indication of datum used (NGVD29 or NAVD88 with NAVD88 required for areas with current floodplain information in that datum).
- 20) 100-year floodplain and floodway elevations if any portion of the subdivision is within the floodplain, with indication of datum used (NAVD88 required for areas with current floodplain information in that datum).
- 21) Location and identification of any section lines within or adjacent to the subdivision.

- 22) Boundary lines of tracts of subdivided and un-subdivided land within or adjacent to the proposed subdivision.
- 23) Location and dimensions of proposed utility easements, including easements for storm water management facilities and proposed locations of culverts and retention/detention areas, if available.
- 24) Traffic Impact Study analyzing the improvements required within and nearby the proposed subdivision, if deemed necessary by County staff
- 25) Detailed grading plan of part or all of the area, if required by County staff.
- 26) Statement of the general type of improvements required within and nearby the proposed subdivision.
- 27) Soil survey/report, if required by the County staff.
- 28) Proposed deed restrictions, if any.
- 29) Existing and proposed access points along public right-of-way within or adjacent to the subdivision.
- 30) Wetlands study.
- 31) Location and dimension of non-access lines.
- 32) Other information as requested by County staff.

5.5.2 Preliminary Plat Submission Requirements

- 1) The subdivider shall meet with the Zoning Administrator and other County staff, including, but not limited to, the County Engineer, County Road Superintendent, and the County Emergency Services Director, to discuss whether the proposed plat is consistent with the County's Comprehensive plan, its zoning Code, and with other County policies and regulations.
- 2) After meeting with the Zoning Administrator, the subdivider shall apply to the Planning and Zoning Commission on appropriate forms provided by the Zoning Administrator at least two (2) weeks days prior to its regularly scheduled meeting.
- 3) The subdivider shall submit two (2) 24" x 36" and eleven (11) 11" x 17" prints of the preliminary plat, and a digital Code of the plat to

the Zoning Administrator at the time the application is made. The plat shall comply with the provisions of this Code.

- 4) The subdivider may submit any instrument whereby he/she proposes to regulate land use in the subdivision for protecting the proposed development.
- 5) The subdivider shall provide other data related to drainage, soil suitability, financing of improvement and other related information which the Planning and Zoning Commission requests.

5.5.3 Development Plan

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

- 1) Location of existing property lines, buildings, drives, streams, wooded areas and other significant natural features.
- 2) General layout of proposed streets and location of blocks for designated uses.
- 3) Location of open spaces and facilities for public uses.
- 4) Existing drainage pattern based on the available topographic information from the U.S. Geological Survey maps and other similar information.
- 5) The development plan shall be drawn at a scale of one inch representing four hundred (400) feet.
- 6) The Planning and Zoning Commission may require other information as a part of the development plan.

5.5.4 Review Process for Preliminary Plats

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

- 3) The Planning and Zoning Commission may require the subdivider to submit a revised preliminary plat before the subdivider proceeds with the preparation of the final plat.
- 4) Approval of the preliminary plat shall be effective for a period of two (2) years within which a final plat shall be prepared. If the final plat is not submitted within this time period, the County Commission may require the subdivider to resubmit the preliminary plat for review and approval, unless the developer had provided a detailed timetable for the preparation of the final plat(s).

5.6 Data Omitted on Minor Subdivision Plats

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

- 1) Topographic contours at a two-foot interval or a maximum interval of five feet if the latter is acceptable to the reviewing authority.
- 2) Location and extent of problem soil types and results of all percolation tests, if required.
- 3) Location of easements and other areas to be dedicated for public purposes.
- 4) Layout of public and private utility service lines and easements to include sewer and water, gas, electric, telephone, and communication lines.
- 5) Stream and drainage structures, sedimentation basins, altered drainage profiles and culvert or bridge specifications.

5.7 Final Plat (Major Subdivision)

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

5.7.1 Final Plat Content

The final plat shall conform to all provisions of this Code and conditions set forth by the County Commission and include the following:

- 1) Name of subdivision which should not duplicate or resemble any existing subdivision within the vicinity, and the date of tentative approval of preliminary plat by the County Commission.
- 2) Location by section, township and range, to the quarter section, or other legal description.

- 3) Names and addresses of owners and surveyor or other professional person preparing the plat.
- 4) Plat map with scale of one inch representing one hundred (100) feet or less. This requirement may be waived by the Planning and Zoning Commission for large tract subdivisions.
- 5) Date, graphic scale and North point.
- 6) Boundary line of subdivision based on an accurate traverse, showing distances and bearings.
- 7) Exact location, width and name of all streets within and adjoining the subdivision, and the exact location of all alleys and crosswalks.
- 8) True bearing and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat.
- 9) City, township, county or section lines accurately tied to the boundary lines of the subdivision by bearing and distance.
- 10) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.
- 11) All easements for rights-of-way provided for public services and public utilities.
- 12) All lot and block numbers and lot lines, with accurate dimensions in feet and hundredths.
- 13) Accurate location of all monuments, which shall be of material size in accordance with the standards of the city, the county, and the state.
- 14) 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.
- 15) Where required, detailed engineering drawings, cross-sections or profiles of streets, utility lines, catch basins or other installations of improvements as installed.
- 16) Building or property covenants.

- 17) 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.
- 18) 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.
- 19) Legal description of property being platted, including any section line right-of-way not previously deeded for plats within the extraterritorial jurisdiction.
- 20) Ties to a minimum of two (2) accepted State Plane Coordinates based on NAD 83 horizontal datum (adjusted 86), units of measurement international feet, ND south zone 3302.
- 21) Elevations referenced to a durable benchmark described on the plat with its location and elevation to the nearest hundredth of a foot, with indication of datum uses (NAVD88 required for areas with current floodplain information in that datum).
- 22) Square footage or acreage of land within the subdivision, each individual lot, each subplot created by ghost platting, and the total area in streets. If the subdivision crosses a quarter-section line, the acreage within each quarter section must also be noted.
- 23) Location and dimension of all non-access lines and any access points within a continuous non-access line.
- 24) 100-year floodplain and floodway elevations and topographic contours with a minimum contour interval of two (2) feet for the portion of the plat lying within a designated floodplain, with an indication of datum used (NAVD88 required for areas with current floodplain information in that datum).
- 25) For any waterways or bodies of water within or adjacent to the plat, the present shoreline locations (relative to the meander line).
- 26) Water elevations must be shown and dated (meander line).
- 27) All restrictive airport noise, clear zone and approach zone elevations as established by the latest available data, where applicable.
- 28) Certification from Grant County that all taxes have been paid in full.

- 29) Proper form for the approval of the Planning and Zoning Commission.
- 30) Proper form for the approval of the County Commission.

5.7.2 Final Plat Submission Requirements

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

- 1) The subdivider shall meet with the Zoning Administrator and other County staff, including, but not limited to, the County Engineer, County Road Superintendent, and the County Emergency Services Director, to discuss whether the final plat is consistent with the County's Comprehensive plan, its zoning Code, the approved preliminary plat and with other County policies and regulations.
- 2) After meeting with the Zoning Administrator, the subdivider shall apply to the Planning and Zoning Commission on appropriate forms provided by the Zoning Administrator at least two (2) weeks prior to its regularly scheduled meeting.
- 3) The subdivider shall submit two (2) 24" x 36", eleven (11) 11" x 17" prints of the preliminary plat, and a digital Code of the plat to the Zoning Administrator at the time the application is made. The plat shall comply with the provisions of this Code.
- 4) The final plat shall comply with all provisions of this Code and conditions and requirements set forth as a part of review and approval of the preliminary plat. All filing fees shall be paid to the County at the time of filing the final plat for approval.
- 5) The Planning and Zoning Commission may require the subdivider to submit detailed drawings for grading of the lots, blocks, streets; detailed drawings for pavement, curb, gutter and sidewalk; and drawings for installation of water, sanitary and storm sewer facilities.

5.7.3 Review Process

- 1) If the Planning and Zoning Commission, after a public hearing, finds the final plat in conformance with the stipulations as **presented** in the preliminary plat, it shall make a recommendation for action to the County Commission.

- 2) The subdivider shall prepare an estimate of the cost of providing the required improvements based on the county design standards for street, curb, gutter, sidewalk, sanitary sewer, storm sewer and water lines.
- 3) After receiving recommendations from the Planning and Zoning Commission, the County Commission shall review the recommendations and the final plat and approve or disapprove the proposed subdivision.
- 4) Within thirty (30) days after the final plat approval is granted or after all of the required signatures have been obtained, whichever ever event occurs sooner, the final plat of record shall be filed with the County Recorder for Grant County.

5.8 Amendment of Any Project Development Plan

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

5.9 Filing of Subdivision Plat

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

5.10 Design Standards – Conformance

The subdivider shall prepare the preliminary and final plat in conformance with the standard set forth herein and in compliance with any County Road Policy Standards.

5.11 Street Design

- 1) The arrangement, character, classification, extent, width, grade, and location of all streets shall be designed in relation to existing and planned streets, topographic conditions, existing natural features, public convenience and safety and the proposed uses of land served by such streets and to the most advantageous development of adjoining uses.
- 2) Where it is not shown on the Development Plan, the arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing streets in surrounding areas or conform

to a plan approved by the Planning and Zoning Commission to meet a particular situation.

- 3) Where a subdivision abuts or contains an existing or proposed major street or highway, the Planning and Zoning Commission may require service streets, reverse frontage lots with screen planting in a reservation strip along the rear property line, deep lots with rear service alleys abutting the primary street or highway, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.
- 4) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.
- 5) Reserve strips in private ownership controlling access to streets are prohibited.
- 6) Street with centerline offsets of less than one hundred fifty (150) feet shall be prohibited.
- 7) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on major streets.
- 8) When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than four hundred (400) feet for local and collector streets, and of such greater radii as the Planning and Zoning Commission shall determine for special cases.
- 9) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than eighty (80) degrees.
- 10) Curb radii on all block corners shall be twenty (20) feet.

- 11) Street rights-of-way shall conform to the County Road Policies and shall not be less than the following table:

Street Type	Minimum Right-of-Way Width (lot line to lot line)	Rural Section Minimum Roadway Top Width	Maximum Gradient	Minimum Gradient
Arterial Streets	150 feet	36 feet	4%	0.7%
Collector and Industrial Use Streets	80 feet	32 feet	6%	0.7%
Local Streets	66 feet	28 feet	10%	0.5%

- a) Cul-de-sac, if approved, one hundred forty (140) feet in diameter for a turnaround.
 - b) Alleys, residential district, twenty (20) feet.
 - c) Sidewalks, five (5) feet.
 - d) Bike paths (per DOT standards).
- 12) Half-streets are prohibited except where essential to the reasonable development of the subdivision and in conformity with the other requirements of this Code and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever an existing half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- 13) Cul-de-sacs, if approved, shall not be longer than five hundred (500) feet.
- 14) General considerations for intersection design are that:
- a) Intersections of more than two (2) streets at a point shall not be permitted.
 - b) Alleys shall be discouraged in residential districts but may be provided in commercial and industrial districts.
- 15) Dead-end streets without a suitable turnaround are prohibited.

5.12 Block Design

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

- 1) Residential block length shall not exceed nine hundred (900) feet. The length of blocks is considered to be the distance from one street centerline to opposite street centerline and is measured through adjacent back lot lines or through the center of the block.
- 2) Pedestrian crosswalks not less than ten (10) feet wide may be required in blocks longer than six hundred (600) feet where the crosswalks are deemed by the Planning and Zoning Commission to be essential to provide circulation, or access to schools, playgrounds or other community facilities, handicap access (curb cuts) required.
- 3) The width of blocks shall generally be sufficient to allow two (2) tiers of lots and shall be at least two hundred and fifty (250) feet wide.
- 4) Blocks intended for commercial and industrial use shall be specifically designated for such purposes with adequate space set aside for off-street parking and delivery facilities. The Planning and Zoning Commission may require service drives or frontage roads along major streets for commerce and industry.

5.13 Lot Design

- 1) The shape, size and orientation of the lots shall be appropriate for the location (zoning district) of the subdivision. Residential lot dimension within the county shall be subject to Section 3.6.
- 3) Residential lots abutting major streets shall have extra depth of at least twenty (20) feet to allow for proper setbacks.
- 4) All lots shall front a public street.
- 5) Side lot lines shall be substantially at right angles.
- 6) Residential corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from the side streets.
- 7) Double frontage lots shall be avoided except where essential to provide separation of development from arterial streets.
- 8) Depth and width of lots reserved or laid out for commercial or industrial uses shall be adequate to provide for off-street parking and service

facilities required by the type of use a development and the provisions of the appropriate zoning district.

5.14 Street Names

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

5.15 Utility Easements

- 1) Easements across lots or along rear or side lot lines shall be provided for utilities where necessary and shall be a minimum of five (5) feet wide on each side of the lot line and shall be designated as "utility easement".
- 2) All lots shall be arranged so that they can be served by underground electric, cable television, natural gas and telephone lines unless waived by the Planning and Zoning Commission due to topographic conditions or excessive costs.
- 3) All utility lines for electric power, cable television and telephone services shall be placed underground in utility easements.
- 4) Utility lines installed in the utility easement shall not be closer than one foot to the property line or three (3) feet to any survey monument.
- 5) All electric power, cable television, telephone services, gas and water lines shall be to Engineering Standard (if applicable) or a minimum of 4' deep from the lowest point in ditch, and placed in conduit with proper signage.

5.16 Grading and Drainage

- 1) When required, the subdivider shall provide a detailed grading and drainage plan showing the grades of streets and drainage improvements.
- 2) The drainage shall not discharge into any sanitary sewer facility.
- 3) The drainage facilities shall be located in street right-of-way or in drainage easements.
- 4) All developers should submit a management plan for storm water.

- 5) The grading and drainage system shall be approved by the Planning and Zoning Commission.

- 6) Grading established in any subdivision shall not be changed without approval of the Planning and Zoning Commission.

5.17 Drainage Way Easement

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

5.18 Tree Planting

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

5.19 Street Lights

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

5.20 Required Improvements

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

- 1) Completion Assurance

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

- 2) Survey Monuments

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

- 3) Public Water

- a) Where appropriate, water mains shall be installed so as to provide individual service to each lot within the subdivision.

- b) Watermains shall extend to the boundary of the subdivision, except where in the opinion of the Planning and Zoning Commission it is deemed impractical.
- c) A rural water supply shall comply with the requirements of the State of North Dakota.

5.21 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) 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.
- 3) All sanitary systems shall be reviewed and approved by county sanitarian or Health District.

5.22 Storm Sewer

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

5.23 Grading and Surfacing

The full width of all rights-of-way shall be graded in accordance with the Grant County Street standards.

5.24 Curbs, Gutters and Sidewalks

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

5.25 Installation of Improvements

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

ARTICLE VI: ADMINISTRATION

6.1 Grant County Commission

6.1.1 Authority

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

6.1.2 Duties

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

6.2 Grant County Planning Commission

6.2.1 Authority

The Grant County Planning Commission is created by the Grant County Commission in accordance with the N.D.C.C., Chapter 11-33.

6.2.2 Duties

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

6.3 Board of Adjustment

6.3.1 Authority

The County Commission shall act as a board of adjustment.

6.3.2 Duties

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

Application for a variance shall include:

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

6.4 County Planning Director

6.4.1 Authority

The County Commission shall appoint a planning director to carry out the directives and duties as assigned by the Planning Commission. Said director shall be responsible directly to the Planning Commission.

6.4.2 Duties of the Planning Director

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

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

6.5 Permits, Procedures and Fees

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

6.6 Conditional Use Permit

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

- 1) In order to promote and protect public health, safety and the general welfare, the Planning Commission may stipulate conditions and restrictions upon the establishment, location, construction and operation of the proposed use. In all cases in which conditional uses are granted, the Planning Commission shall prior to issuance of a certificate of compliance, require evidence of compliance with these provisions and with the conditions set forth.
- 2) No conditional use permit shall be recommended by the Planning Commission or approved by the County Commission unless the applicant shall have met all the following criteria:
 - a) The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.
 - b) The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.
 - c) The proposed conditional use shall not impede the normal orderly development of the surrounding property.

- d) Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.
 - e) Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.
 - f) The proposed conditional use shall conform to all applicable regulations of the district within which it is located.
- 3) The Planning Commission shall hold a public hearing on any request for a conditional uses permit, a notice of which shall be published at least two weeks prior to the hearing in the official newspaper of the county. The notice of hearing shall include: 1) the time and place of hearing; 2) description of the property to be affected; 3) the proposed use; and 4) time and place for public inspection of documents prior to the hearing.
 - 4) The Planning Commission, following a public hearing, shall make recommendation to the County Commission for the approval or denial, modification, and/or imposition of conditions of each application for a conditional use permit. Upon approval by the County Commission, the Planning Commission shall issue such conditional use permit.
 - 5) If the Planning Commission finds that the conditions or restrictions set forth in a conditional use are not being compiled with, it may revoke the conditional use permit after a public hearing. Unless otherwise designated, all conditional use permits shall be reviewable on an annual basis.
 - 6) In any case where a conditional use has not been commenced, or in appropriate cases substantially completed, within one hundred eighty (180) days of the date of approval of the conditional use, the permit shall be null and void without further action of the Planning Commission or the County Commission.
 - 7) Upon the cessation or abandonment for a period of six (6) months of any use, for which a conditional-use permit has been issued, such conditional use permit is deemed to have been terminated and any future use of the land, building(s), or premises shall be in conformity with this ordinance.

6.7 Time Limited Conditional Use Permit

A time limited conditional use permit may be granted by the County Planning Director following a ruling by the Planning Commission on the application submitted. This temporary use permit shall apply to the structures and uses identified as appropriate under each district, and any other activities or uses

considered by the Planning Commission to warrant limitations on the length of time the land can be occupied by said use or activity.

- 1) The application for a Time Limited Conditional Use permit shall contain the information required for a conditional use permit and under the district's ordinances plus a justification for the permit period requested by the applicant.
- 2) A public hearing on the Time Limited Conditional Use Permit request shall be held following proper notice pursuant to Section 11-33-08 N.D.C.C. The notice shall include a description of the action and location in sufficient detail so that concerned parties may determine the action's impacts.
- 3) A temporary use permit fee shall be paid in an amount to be determined by the County Commission.

6.8 Amendments

Any person, firm or corporation which owns land, the Planning Director, Planning Commissioners or County Commissioners may instigate action for the amendment of zoning ordinance or zoning map. Said action shall be directed to the Grant County Planning Commission, and shall be in the form of a petition if submitted by any person or a written request if submitted by a County Commissioner, County Planning Commission member or the Planning Director. A petition for amendment shall include:

- 1) Proof of notification of all of the landowners within three hundred (300) feet of the location of the proposed land use change to be affected by the ordinance or district change.
- 2) Description of the change including a legal description and a map of appropriate scale showing the area in question.
- 3) The nature of the change requested and reason for the change.
- 4) A detailed description of any uses, building or structures that are proposed for the area covered by the petition.
- 5) Any additional information requested by the County Commissioners or Planning Commission.

6.8.1 Receipt of Application

Upon receipt of a petition for a zoning change or written request from a zoning official, the Planning Director shall forward the request to the Planning Commission for review.

6.8.2 Review of Petitions

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

6.8.3 Recommendation

Following the public hearing on the petition for a zoning change, the Planning Commission shall formulate and submit a recommendation to the County Commission on the zoning change. Said recommendation shall include specific map or ordinance alterations and indicate whether the requested change is consistent with the county comprehensive plan.

6.8.4 Adoption/Rejection/Appeal

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

6.9. Violations and Penalties

6.9.1 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Planning Director. Such complaint must state with specificity the causes and basis thereof. The director shall notify the Planning Commission and make an inspection of the affected site.

6.9.2 Remedies Regarding Violations

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

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

6.9.3 Penalties for Violations

Each violation of any regulation or restriction of this ordinance by any person shall constitute the maintenance of a public nuisance and shall, pursuant to the provisions of N.D.C.C. 11-33-21, be a Class B misdemeanor. Each day that a violation occurs shall be considered a separate punishable offense.

6.10 Building Code

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

ARTICLE VII
MEDICAL MARIJUANA MANUFACTURING OR
DISTRIBUTION CENTER.

7.1 Purpose and Intent

The 2017 North Dakota Legislature enacted Senate Bill 2344, relating to the implementation of the North Dakota Compassionate Care Act, N.D.C.C 19-24.1 for the regulation of medical marijuana dispensaries and the cultivations and propagation of medical marijuana in North Dakota.

All persons, entities or organizations wishing to establish a Medical Marijuana Manufacturing Center(s) or Distribution Center(s) within Grant County must apply for and be granted a special use permit for said use.

- a. The use, cultivation, manufacturing, production, distribution, possession and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by both North Dakota and Federal law;
- b. The Grant County Commission does not have the authority to, and nothing in this chapter is intended to, authorize, promote, condone or aid the production, distribution or possession of medical marijuana in violation of any applicable law;
- c. The Grant County Commission intends to regulate the use, acquisition, cultivation, manufacturing, and distribution of usable medical marijuana in a manner that is consistent with the North Dakota Century Code. The regulations are intended to apply to all medical marijuana operations in Grant County by any medical marijuana business permitted under state law. Medical marijuana cultivation and production can have an impact on health, safety, and community resources, and this chapter is intended to permit state-licensed Medical Marijuana Manufacturing Center(s) or Distribution Center(s) where they will have a minimal negative impact;
- d. To the extent that Medical Marijuana Manufacturing Center(s) or Distribution Center(s) are registered and authorized by the State of North Dakota to operate in Grant County, this Commission desires to provide for their regulation to protect the public health, safety and general welfare of the citizens of Grant County.
- e. This chapter is to be construed to protect the public over medical marijuana business interests. Operation of a medical marijuana business is a revocable privilege and not a right in Grant County. There is no property right for an individual or business to have medical marijuana in Grant County.

- f. The purpose of this chapter is to protect the public health, safety, and welfare of the residents and patients of Grant County by prescribing the manner in which medical marijuana businesses can be conducted in Grant County. Further, the purpose of this chapter is to:
 - i. Provide for a means of cultivating, manufacturing and distribution of usable Medical Marijuana to patients who qualify to obtain, possess, and use marijuana for medical purposes as prescribed by state law.
 - ii. Create regulations that address the particular needs of the facilities, patients and residents of Grant County and comply with laws that may be enacted by the state regarding medical marijuana.

7.2 Definitions

Unless specified in this ordinance, all terms defined in N.D.C.C. § 19-24.1-01 or successors to that statute shall have the definitions provided therein.

7.3 Special Use Permit Requirements

In addition to the requirements applicable to all Special Use Permit applications, an application for a Special Use Permit for a Medical Marijuana Manufacturing Center(s) is only permitted in A-Agricultural or I-Industrial Zoned Districts, and a Medical Marijuana Distribution Center(s) is only permitted in I-Industrial or C-Commercial Zoned District and must include the following:

- a. A complete description of the products and services to be produced or sold by the Medical Marijuana Manufacturing Center(s) or Distribution Center(s).
- b. A notarized statement acknowledging that the applicant understands applicable federal laws, any guidance or directives issued by the U.S. Department of Justice, the laws of the State of North Dakota and the laws and regulations of Grant County applicable thereto concerning the operation of a Medical Marijuana Manufacturing Center(s) or Distribution Center(s). The written statement shall also acknowledge that any violation of any laws or regulations of the State of North Dakota or of Grant County, or any activity in violation of any guidance or directives issued by the U.S. Department of Justice, in such place of business, or in connection therewith, or the commencement of any legal proceeding relating to such Medical Marijuana Manufacturing Center(s) or Distribution Center(s) by federal authorities, may render the Special Use Permit subject to immediate suspension or revocation.
- c. A notarized statement that the applicant will hold harmless, indemnify, and defend Grant County against all claims and litigation arising from the

issuance of a Special Use Permit including any claims and litigation arising from the Manufacturing Center(s) or Distribution Center(s), operation or ownership of the Medical Marijuana Manufacturing Center(s) or Distribution Center(s).

- d. A notarized acknowledgement that the applicant is seeking a Medical Marijuana Manufacturing Center(s) or Distribution Center(s) Special Use Permit and that the applicant understands and acknowledges that the burden of proving qualifications to receive such a Special Use Permit is at all times on the applicant; that the granting of a Special Use Permit for a Medical Marijuana Manufacturing Center(s) or Distribution Center(s) is at the discretion of the Grant County Commission; and that the applicant agrees to abide by the decision of the Grant County Commission.
- e. The Grant County Commission may require additional plans, documents or other information prior to deeming the application complete.
- f. If the State of North Dakota or its electorate repeals the Compassionate Care Act or the act is otherwise declared void, all Medical Marijuana Manufacturing Center(s) or Distribution Center(s) Special Use Permits issued by the Grant County Commission will be deemed to have immediately expired.
- g. Once a Special Use Permit is obtained for a Medical Marijuana Manufacturing Center(s) or Distribution Center(s), any change in operation of the facility or in ownership shall require prior approval of the Grant County Commission.
- h. Any building modifications or alterations must be approved by the Grant County Commission.
- i. The fee for the Special Use Permit for a Medical Marijuana Manufacturing Center(s) or Distribution Center(s) shall be \$1,000.00, which is a non-refundable fee.
- j. The Special Use Permit for a Medical Marijuana Manufacturing Center(s) or Distribution Center(s) may be revoked for any noncompliance with any Grant County ordinance(s) or statute(s) of the State of North Dakota.

7.4 Design Standards:

All applicable State and Grant County standards and requirements shall apply in the design and operations of any Manufacturing Center(s) or Distribution Center(s).

- a. Each Medical Marijuana Manufacturing Center(s) or Distribution Center(s) must be located in a separate, permanent, stand-alone

structure and have a minimum eight (8) foot high perimeter fence encompassing the parcel boundary.

- b. Each Medical Marijuana Manufacturing Center(s) or Distribution Center(s) must be located a minimum of 2,640 feet from a public or private preschool, kindergarten, elementary, secondary or high school, public park or playground, public community center, dependent care facility, homeless shelter, youth center, church, temple, or place of religious worship. The distance shall be measured from the exterior fence of the Medical Marijuana Manufacturing Center(s) or Distribution Center(s) to the property line of the protected use.
- c. Each Medical Marijuana Manufacturing Center(s) or Distribution Center(s) must be located a minimum of 500 feet from any residential district, or any residential dwelling, trailer, recreational vehicle or recreational district. The distance shall be measured from the exterior fence of the Medical Marijuana Manufacturing Center(s) or Distribution Center(s) to the property line or dwelling of the protected use.
- d. The entire perimeter of a Medical Marijuana Manufacturing Center(s) or Distribution Center(s) structure must be well lit (minimum 1 candle foot) to prevent concealment in shadows around the structure for a minimum of 15 feet around each structure that is part of the Medical Marijuana Manufacturing Center(s) or Distribution Center(s). Further, everything within the fenced area shall have 24-hour surveillance cameras depicting the entire exterior of the Manufacturing Center(s) or Distribution Center(s) as well as cameras at the property entrance depicting vehicles and license plates of each vehicle entering the parking lot.
- e. Each Medical Marijuana Distribution Center(s) shall have at least 1 parking space per 250 sq. ft. of structure.
- f. Each Medical Marijuana Cultivation and/or Manufacturing Facility shall have at least 1 parking space for every 1000 sq. ft. of plant cultivation area and 1 parking space for each 250 sq. ft. of all other areas of the structure.
- g. With the exception of the specific Medical Marijuana Manufacturing Center(s) or Distribution Center(s) approved as part of a Special Use Permit, no other activity may occur within the facility or land parcel.
- h. No outdoor storage on-site shall be permitted.
- i. No drive-through window, drive-up window, or walk-up facilities shall be permitted.
- j. Regarding signage, there shall be no flashing, neon, or chase lights. No

lighting effects beyond standard illumination.

- k. Waste generated from the growing, processing or dispensing of marijuana that contains marijuana or contains any element derived from the marijuana plant must be stored in a secured waste receptacle that is only accessible by agents of the compassion center and agents of the contracted waste collection company.

7.5 Dimensional Standards:

The Medical Marijuana Manufacturing Center(s) shall abide by the following standards, in addition to all standards set forth in the Grant County ordinance(s) or statute(s) of the State of North Dakota:

- a. The minimum lot size is three (3) acres.
- b. One (1) principal structure is allowed per site, with a maximum building floor area of 10,000 square feet for the principal structure.
- c. Accessory structures, directly related to the principal use, are allowed. Accessory structures may not be larger than twenty (20) percent of the total floor area of the principal structure, and the sum of the floor area for all accessory structures may not be greater than fifty (50) percent of the total floor area of the principal structure.
- d. Principal and accessory structures must be set back a minimum of 100 feet from all lot lines. For the purposes of this section, a fence and a parking lot shall not be required to meet the 100-foot setback, but instead shall meet any applicable setback requirements established for the underlying zoning district.
- e. Growing and processing of marijuana is not allowed in the following:
 - i. Greenhouses and other transparent structures.
 - ii. Hoop houses and similar non-rigid or non-permanent structures.
- f. Noise generated from the use may not exceed 40 dB(A), measured at any property line, between the hours of 10:00 PM and 6:00 AM.
- g. Facility must be equipped with an air filtration system such that any odor, resulting from the growing or processing of marijuana, does not unreasonably interfere with the surrounding land owners' use and enjoyment of their property.
- h. Fencing (including, but not limited to, razor wire) shall be finished in a muted tone that blends with the surrounding natural landscape and shall

not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc.

The Medical Marijuana Distribution Center(s) shall abide by the following standards, in addition to all standards set forth in the Grant County ordinance(s) or statute(s) of the State of North Dakota:

- a. No Medical Marijuana Distribution Center(s) shall have operating hours earlier than 8:00 AM or later than 7:00 PM.
- b. A dispensary shall not be allowed to locate on a non-conforming lot nor in an existing structure on a non-conforming lot.
- c. No physician or psychiatrist shall issue a written certification for medical marijuana on the lot or tract on which the dispensary is located.
- d. The public area of the facility must be accessible to persons with disabilities.

7.6 Serviceability, Exclusions, and Exceptions:

- a. The provisions of this chapter do not waive or modify any other provision of this ordinance with which Medical Marijuana Manufacturing Center(s) or Distribution Center(s) is required to comply. Nothing in this section is intended to authorize, legalize or permit the Manufacturing Center(s) or Distribution Center(s), operation or maintenance of any facility, building or use which violates any Grant County ordinance or statute of the State of North Dakota regarding public nuisances, Medical Marijuana, or any federal regulations or statutes relating to the use of controlled substances.
- b. This chapter shall be null and void if any determination is made, after the adoption of the ordinance enacting this chapter, by any court of competent jurisdiction, that Ch. 19-24 N.D.C.C., is invalid, or shall be null and void to the extent any portion of such section is held invalid.
- c. Should any section, subsection, clause or provision of this chapter for any reason be held to be invalid or factually unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter, it being hereby expressly declared that this chapter, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this chapter be declared invalid or unconstitutional.