

ZONING

ARTICLE 1.

INTRODUCTION

19.0101 TITLE: This ordinance and the zoning district map shall be known as the Zoning Ordinance for the city of Beach, North Dakota.

19.0102 PURPOSE AND INTENT: The zoning regulations and districts, as herein set forth, are designated to promote the health, safety and welfare of the people of the city of Beach and are established for the purpose of promoting the sound and desirable use of land. More specifically to:

1. Economize on the costs of municipal facilities and services and to carefully phase residential development with the provision of public improvements.
2. Establish and maintain municipal control over the eventual character and form of development.
3. Establish and maintain a desirable balance among the various uses of the land, and;
4. Establish and maintain essential quality of community services and facilities.

19.0103 AUTHORITY: Code reference is Chapter 40-47 and Section 40-05-02 (13) of the North Dakota Century Code.

19.0104 INTERPRETATION AND APPLICATION: In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum for the promotion of the public health, safety and general welfare.

It is not intended by these provisions to interfere with abrogate or annul rules or permits previously adopted according to the law relating to the use of buildings or premises; nor is it intended to interfere with, abrogate or annul any easements, covenants or agreements between parties; provided, however, that where such provisions impose greater restrictions as to use than this ordinance, the greater shall prevail.

19.0105 SEVERABILITY: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of said ordinance. The city council of the city of Beach, North Dakota, hereby declares that it would have passed this ordinance and each section, subsection,

sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases may be declared invalid or unconstitutional.

19.0106 REPEAL: All regulations, parts of regulations, existing zoning ordinances or resolutions in conflict with this ordinance and its provisions are hereby repealed.

19.0107 JURISDICTION: This ordinance and the zoning district map shall apply to the area within the corporate limits of the city of Beach and to the area within the one (1) mile extra-territorial boundary as acquired and adjusted through the provisions of Section 40-47-01.1 of the North Dakota Century Code (NDCC).

19.0108 AMENDMENT: To be effective, the Zoning Ordinance and zoning map may have to be amended, supplemented or changed. The Beach City Council, city of Beach Zoning Commission or any person may initiate an amendment to this ordinance through the procedures described in Section 19.0602-3 of this ordinance.

19.0109 COMPLIANCE AND EFFECTIVE DATE: The regulations set by the Provisions of this ordinance shall apply uniformly within each district to each class or kind of structure or use.

From this 1st day of January 1982, each new use shall be in compliance with the provisions of this ordinance.

19.0110 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.

19.0110-1 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.

19.0110-2 Specific terms.

1. Accessory Use or Structure - a use or structure on the same or adjacent lot, with and of a nature customarily incidental and subordinate to the principal permitted or conditionally permitted use of structure. Accessory uses in residential districts include storage sheds and garages not used for commercial purpose, but do not include fences.

2. Agriculture - all land and areas used for: cultivating the soil, producing crops and/or the raising of livestock. Such areas include greenhouses and nurseries.
3. Alley - a recorded public easement which provides access to the rear or the side of two or more properties.

Rear Alley - an alley along the rear lot line.

Side Alley - an alley located along a side lot line.
4. Amendment - any change, revision or modification of either the text of this ordinance or the district zoning map.
5. Animal Hospital or Clinic - an establishment where animals are admitted principally for examination, treatment, board and care by a doctor of veterinary medicine.
6. Automobile Repair Shop - an area of land, including structures thereon, that is used for the repair and servicing of automobiles and/or trucks under one ton gross weight.
7. Basement - a story of a multi-story structure which has a greater portion of its height below the ground surface.
8. Board of Adjustment - the Beach city council or a body authorized by them, which hears appeals on the enforcement of the provisions of this ordinance and grants any necessary specific variances to a provision of this ordinance.
9. Building - any structure designed, or intended, for the enclosure, shelter or protection of persons, animals or property.
10. 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.
11. Camper - a vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation having a body width not exceeding eight (8) feet and a body length not exceeding thirty- two (32) feet.
12. Camper Park - includes every plot of land kept, used, maintained, advertised or held out to the public as a place for use by guests for parking

recreational vehicles.

13. Clear Sight Triangle - an area of unobstructed vision at a street intersection defined by lines of sight between points at a given distance from the intersecting street center lines.
14. Coal Exploration - the drilling of exploratory holes by an agent of a registered coal company for the purpose of defining coal seams and/or identifying coal characteristics.
15. Commercial Parking - a lot, building or area developed and marked as an area for the parking of automobiles, trucks, semi-trailers or farm equipment.
16. Commercial Sand, Gravel and Scoria Operations - the lease, sale or rental of land for the purpose of opening a sand, gravel and/or scoria pit and the processing of the material of said pit for sale or resale. The provisions of this ordinance regarding commercial sand, gravel and/or scoria operations do not apply to a farmer's incidental use of his private operations or to an operation by a political subdivision.
17. Commercial Storage - the storage of materials, chemicals or equipment which is not generally considered hazardous and should not represent any danger or risk to adjacent property owners or to the general public. Storage yards in which heavy equipment is in constant use may be considered hazardous.
18. Conditional Use - such uses as are allowed by special permit only. Said permit shall be granted according to provisions of this ordinance.
19. Condominium - a single residential unit within a multiple-family structure which is acquired through purchase.
20. Contained Sports Facility - a sports or recreational complex which is confined to a building or set of lots. The use is properly fenced when it could represent a hazard to neighborhood residents.
21. Convenience Store - a grocery or general merchandise store which is designed primarily to serve walk-in neighborhood customers.
22. Construction Workforce Housing - a temporary unit development which includes housing facilities and associated nominal services for a portion of the labor force involved in the construction of a major industrial project. Proposed facilities shall be subject to the approval of the zoning commission.

23. County Highways and/or Roads - any and all roads over which the board of county commissioners has authority and for which said commissioners provide maintenance.
24. District - the areas the Beach zoning jurisdiction for which these regulations governing the use of land and the use, density, bulk and location of structures and buildings are uniform.
25. Double-wide Mobile Home (Manufactured Home) - A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:
- (a) The home shall have at least 960 square feet of floor area;
 - (b) The home shall have an exterior width of at least 24 feet and length of 40 feet;
 - (c) The roof shall be pitched with a minimum pitch of 3:1.
 - (d) The exterior material shall be or have the appearance of being wood siding or masonry, but shall not be sheet siding with a vertical orientation;
 - (e) The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
 - (f) Permanent utility connections shall be installed in accordance with local regulations;
 - (g) The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and
 - (h) The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.
 - (i) The home shall be manufactured within five (5) years of the current year.
 - (j) The home shall blend with existing structures in the neighborhood to maintain the integrity of the area.
26. Duplex - a structure made up of two (2) dwelling units which is designed for occupancy by two separate household units.
27. Dwelling - any building or portion thereof which is designed and used exclusively for residential purposes.

28. Easement - a vested or acquired right to use land, other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.
29. Family - one or more persons occupying the premises as a single house-keeping unit.
30. Farm - a tract of land which is devoted to commercial agricultural activities.
31. Feedlot - any livestock feeding, handling or holding facility which is not used for pasture or crop raising and where either more than 100 animals units are held or less than six hundred (600) square feet of space is available per animal unit.
32. 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.
33. Gathering Line - pipelines which carry oil and gas between the well lease site and the first processing station. Said pipelines are not involved in public commerce and are not under the jurisdiction of the Public Service Commission (PSC).
34. Garage - a building for the storage, repair or maintenance of motor vehicles. Maximum side wall height of a garage in Residential Zoning is 14'. Zoning Board approval is required for garages with side walls over 14' in height.
35. Historical Monuments and/or Structures - any structure or building associated with an outstanding person, event or period of history.
36. In-Home Apartment - a self-contained dwelling unit built within an existing residential structure which was not originally designed as a multiple-family unit.
37. In-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 and does not change the character thereof, nor does it alter the character of the neighborhood.
38. Junk and/or Salvage Yard - a tract of land, structure or part thereof, used primarily for the collecting, storage, and sale of scrap or discarded material of for the collecting, dismantling or storing and salvaging of machinery or vehicles not in running order or for the sale of parts thereof.

39. Livestock Auction Yard - an enclosure or structure designed or used holding livestock for purpose of sale or transfer by auction, consignment or other means.
40. Lot - a tract of land at least sufficient size to meet minimum zoning requirements for use, coverage and area and 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 plot, lot or tract.

Lot, Front Line - the lot line opposite the rear lot line. The front lot line is generally fifteen (15)feet from the edge or curb of a dedicated street.

Lot, Rear Line - the lot line which extends across the narrow dimension of the lot. The rear lot line represents the edge of the alley easement and is nine (9) feet from the center of the alley easement.

Lot, Side Line - the lot lines adjacent to the front lot lines on interior and corner lots.

41. Manufacture - any method of processing, developing, fabricating assembling, either raw materials, semi-finished materials or parts thereof into a semi-finished or finished products.
42. Mineral Exploration Operations - any operation involved in the search, exploration or prospecting of any substance or mineral which may involve the penetration of the land surface by digging, drilling or excavating.
43. Mobile Home - A mobile structure manufactured upon a chassis or an undercarriage which is an integral part of the structure and which is transported to the site on wheels: comes fully equipped with flush toilet, tub or shower and kitchen facilities; is ready for immediate occupancy upon its arrival to the site and its connection with utilities; and is designed for long-term use as a single-family residence without permanent foundation.
44. Mobile Home Park - any parcel of land whereupon a minimum of three (3) mobile homes are placed on rented lots of determined size which provide hookups for required utilities, forming a long-term residential area. Mobile home parks shall be considered a single land use unit.
45. Mobile Home Skirting - Skirting is required and shall be

constructed of brick, stone, finished metal, or other acceptable materials approved by the zoning administrator. White pole barn metal is not acceptable for skirting. The skirting shall be in place within thirty days of placement of the mobile home on the lot. The tongue and axle of the mobile home shall be removed if not covered by the skirting. Mobile homes having perimeter foundations shall not be required to have the above types of skirting. These requirements shall be fulfilled before a certificate of occupancy is issued.

46. Modular Home - A structure, transportable in one or more sections, having an exterior width of at least 24 feet and length of 40 feet and which is not constructed on a metal chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning and electrical systems contained therein, and complies with standards established under Title 42 USCS, Section 5401 et seq.

47. Motel - a building or group of buildings used for the temporary residence of motorists or travelers.

48. Multiple Dwelling - a residential building designed for occupancy of two (2) or more families with the number of families in residence not exceeding the number of dwelling units.

49. 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.

50. Non-farmer - any person:

(a) Who does not normally devote a major portion of their time to the activities of producing products of the soil, poultry, livestock or dairy farming in such products unmanufactured state; or

(b) Who did not receive in their most recent tax year at least fifty percent(50%) of their annual net incomes from any of the foregoing activities.

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

52. Parking Space - an area for the purpose of storing one (1) parked automobile. For the purpose of this ordinance, one (1) parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. In computing off-street parking, additional space shall be required off-street for access drives to each parking space.
53. Permit - a written document issued by a designated representative of the city of Beach which grants permission to perform an act or service.
54. Permitted Use - any use which complies with the requirements of a zoning district and is unconditionally allowed.
55. Planned Unit Development (PUD) - an area of land controlled by a landowner to be developed as a single entity for a number of dwelling units and commercial and industrial uses, if any, the plan for which may not correspond in lot size, bulk or type of dwelling or commercial or industrial use, density, lot coverage and required open space to the regulations established in any one or more districts created, from time to time, under the provisions of this ordinance.
56. Public Utility - any business which furnishes the general public either telephone, telegraph, electricity, natural gas or water service and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.
57. Recreational Vehicle - a vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy and is designated for vacation, recreational or residential use.
58. 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.
59. 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.
60. Rooming Housing - a dwelling in which more than two rooms are let for hire or more than four persons are given lodging for compensation.
61. 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.

62. Sewage Disposal System - a sanitary privy, flush toilet, absorption field or similar device used in the collection and/or disposal of sewage or human excretes. This includes all similar contrivances used in the collection and/or disposal of sewage whether enumerated herein or not.
63. Sign - any outdoor advertising having a permanent location on the ground or attached to or painted on a building, including bulletin boards, billboards, name plates and poster boards.
64. Storage - As used in the Zoning Ordinance, regarding fuel storage tanks, the term storage shall mean the keeping or accumulating of liquid, gas bulk, explosives or other hazardous material at a bulk plant. A bulk plant shall be deemed tanks or structures wherein the liquid, gas bulk, explosives or other hazardous material is normally transferred to a new location before it is consumed. This definition of storage shall apply only when used in the Zoning Ordinance.
65. 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 other designated.

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

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

Minor Streets - those which are used primarily for access to the abutting property.

66. Structure - anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.
67. Subdivision - the division of land into two (2) or more lots for the purpose, immediate or future, of sale or lease for building development. If a new street is involved, any division of a parcel of land constitutes a subdivision. The division of agricultural land into lots five (5) acres or more in size where no new street is created does not constitute a subdivision.
68. 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 being the same as that defined by subsection 5 of NDCC Section 49-22-03.
69. Variance - a realization of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for area and size of structure or size of yards and open space. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
70. Yard - the space on a lot remaining once the area is occupied by all buildings or structures is subtracted from the total lot area.
- Yard, Front - the yard extending from side lot line to side lot line and from the face of the primary structure to the front lot line.
- Yard, Rear - the yard extending from side lot line to side lot line and from rear lot line to the face of the primary structure.
- Yard, Side - the yards extending from the front of the primary structure to the rear of the primary structure and from the face of the structure to the side lot lines.

19.0111 STATEMENT OF INTENT: It is the intent of this ordinance that persons shall be able to store fuel and draw upon it as needed, for the purpose of supplying fuel for heating systems located on their property. It is also the intent of this ordinance that any person or business licensed to sell fuel, shall be able to store and sell the fuel to a retail customer, that takes delivery of the fuel on the property the fuel is stored, under this ordinance.

It is the further intent of this ordinance that a permit must be obtained from the

Chief of the Fire Department of the City of Beach, North Dakota, for each installation of a fuel tank over 299 gallons of water capacity, or when more than one tank is installed, when the combined contained quantity exceeds 499 gallons, irrespective of individual container sizes. The above tank sizes may change as the building and fire codes adopted by the City of Beach, North Dakota (UFC) is periodically revised.

It is also the intent of this ordinance that the (UFC) Uniform Fire Code must be complied with regarding the minimum distances which must be allowed between the fuel tanks and buildings, lot lines and other fuel tanks which have been installed.

ARTICLE 2.

GENERAL PROVISIONS

19.0201 NONCONFORMING USE: Any parcel of land, structure, use of land or use of structure which are lawful before this ordinance was passed, but would be prohibited, regulated or restricted under the terms of this ordinance or future amendments shall be known as nonconforming uses.

If a nonconforming use of land or structure ceases for a period of two (2) years, any subsequent use of such land or structure shall conform to the regulations of the district in which it is located.

Notwithstanding any provision hereof to the contrary, a nonconforming use may be enlarged, extended, expanded, rebuilt or repaired if a conditional use permit is obtained.

Single-family residential units existing at the time of ordinance adoption are exempt from the nonconforming use clause.

19.0202 CONDITIONAL USES: Use of lands or structures which are not considered a desired use of lands or structures within a described zoning district, but deemed allowable by the Beach City Council shall be known as conditional uses and shall require a permit acquired through the procedure described in Section 19.0602-7 of this ordinance.

19.0203 TEMPORARY USES: Uses of lands or structures which are deemed allowable by the Beach City Council for a prescribed length of time shall be known as temporary uses and shall require a permit acquired through the procedure described in Section 19.0602-7 of this ordinance.

19.0204 PROHIBITED USES: All uses identified as prohibited uses in this ordinance shall be prohibited. All uses not identified in this ordinance shall be considered prohibited, but may be listed as permitted or conditionally permitted following a public hearing.

19.0205 MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS: No lot areas, yard or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance. Further, any lot area, yard or other open space required for one use shall not be used for another use.

19.0206 ANNEXATIONS: Any lands or areas annexed to the city of Beach may retain the Agricultural District designation or may be rezoned to any other district through the provisions of Section 19.0602 of this ordinance.

ARTICLE 3.

DISTRICTS

19.0301 DISTRICT ZONING MAP: The city of Beach is hereby divided into zones or districts as shown on the district zoning map, which, together with all explanatory matter thereon is hereby adopted by reference and declared to be part of this ordinance. A copy of said map is on file in the office of the city auditor.

The zoning districts of the city of Beach shall be known as:

R-1 Single-Family Residential
R-2 Multi-Family Residential
MH Mobile Home
TR Temporary Residential
C-1 Commercial - High Density
C-2 Highway Commercial
I Industrial
A Agricultural
PUD Planned Unit Development

19.0302 DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of the various districts hereby established and as shown on the district zoning map, the following rules shall apply:

1. The district boundaries are the center lines of streets or alleys, unless otherwise shown.
2. Where the district boundaries are the center lines of streets or alleys and where the land has been or may hereafter be divided into lots or blocks and lots, the district boundaries shall be construed to be lot lines.
3. Where land has not been subdivided into lots or blocks and lots, the district boundary lines on the district zoning map shall be determined by the use of the scale of measurement shown on said map.
4. Where uncertainty may exist as to the exact boundary line of a district, the same shall be determined by the board of adjustment and a record kept thereof.

19.0303 RESIDENTIAL DISTRICT (R-1):

19.0303-1 Intent. It is the intent of this district to provide for the orderly development of low density residential neighborhoods. It is further the intent of this district to insure the comfort and quiet of low density residential neighborhoods as well as protecting the value of properties.

19.0303-2 Permitted uses.

1. Single-family residential.
2. Parks.

19.0303-3 Conditionally permitted uses.

1. An in-house apartment unit;
2. Duplex;
3. Communal housing;
4. In-house occupations which do not affect the integrity of the neighborhood;
5. Churches;
6. Libraries;
7. Day care center or private kindergarten;
8. Hospital or nursing home;
9. City or county building or facility;
10. Golf courses and contained sports facilities;
11. Double-Wide Manufactured Home.

19.0303-4 Prohibited uses.

1. Rooming houses;
2. Multi-family residential structures;
3. Condominiums;
4. Mobile homes;
5. Motel/hotel;
6. Laundromat or commercial cleaner;

7. Senior citizen housing;
8. Primary commercial structures;
9. Industrial uses;
10. Commercial or agricultural storage;
11. Commercial agriculture;
12. Animal kennels;
13. All other uses not listed as permitted or conditionally permitted in a R-1 district.

19.0304 MULTIPLE FAMILY DISTRICTS (R-2):

19.0304-1 Intent. It is the intent of this district to provide for the orderly development of multiple-family, high density residential neighborhoods.

19.0304-2 Permitted uses.

1. Single-family residential;
2. Duplexes;
3. Parks.

19.0304-3 Conditionally permitted uses.

1. Multi-family residential structures;
2. Condominiums;
3. Boarding/rooming houses;
4. Convenience stores;
5. Laundromats;
6. Senior citizen housing and centers;
7. Structures for private clubs;
8. Medical clinics;

9. Professional office structures;
10. Mortuaries;
11. Public parking garages;
12. All uses conditionally permitted in a R-1 district.

19.0304-4 Prohibited uses. All uses listed as prohibited in a R-1 district except those listed as conditionally permitted in a R-2 district.

19.0305 MOBILE HOME DISTRICT (MH):

19.0305-1 Intent. It is the intent of this district to provide for the orderly development of mobile home park areas.

19.0305-2 Permitted uses.

1. Mobile homes;
2. Parks.

19.0305-3 Conditionally permitted uses.

1. Double-wide mobile homes;
2. Mobile home parks;
3. Single-family residential;
4. Duplexes;
5. Construction workforce housing;
6. In-house occupations or temporary offices;
7. Public parking garages;
8. Day care center or private kindergarten;
9. Contained sports or recreational facilities;
10. Libraries;

11. Convenience stores;
12. Laundromat;
13. City or county structures or facilities.
14. Recreational vehicles

19.0305-4 Prohibited uses.

1. Multiple-family residential structures;
2. Condominiums;
3. In-house apartment units;
4. Senior citizen housing or centers;
5. Boarding or rooming houses;
6. Churches;
7. Hospital or nursing home;
8. Golf course;
9. All uses listed as prohibited in a R-1 district except those listed as permitted or conditionally permitted in a MH district.

19.0305-5 Compliance with regulations: All mobile home parks shall comply with all requirements of the State Laboratories Department except those amended through this section of any other section of this ordinance. All other residential units allowed or conditionally permitted within this district shall adhere to the R-2 district requirements.

19.0306 TEMPORARY HOUSING DISTRICT (TH):

19.0306-1 Intent. It is the intent of this district to provide for temporary or impermanent housing facilities and associated convenience facilities.

19.0306-2 Permitted uses.

1. Recreational vehicles;

2. Mobile homes;
3. Parks.

19.0306-3 Conditionally permitted uses.

1. Trailer and mobile home parks;
2. Construction workforce housing;
3. Communal residential;
4. Campgrounds;
5. In-house occupations or temporary offices;
6. Libraries;
7. Contained sports facilities or recreational facilities;
8. Laundromat.

19.0306-4 Prohibited uses.

1. Single-family residences;
2. Public parking garages;
3. All uses listed as prohibited in a MH district except campgrounds.

19.0307 COMMERCIAL DISTRICT (C-1).

19.0307-1 Intent. It is the intent of this district to provide for the orderly and efficient development of high density commercial areas.

19.0307-2 Permitted uses.

1. Convenience stores;
2. Clothing and similar dry good stores;
3. Specialty stores which deal in retail merchandise only;
4. Financial establishments;
5. Professional office facilities;

6. Medical clinics;
7. Mortuaries;
8. Walk-in restaurants;
9. Laundromat.

19.0307-3 Conditionally permitted uses.

1. Single-family residential units;
2. Apartments;
3. Boarding or rooming houses;
4. Senior citizen housing or centers;
5. Commercial residential;
6. In-house occupations;
7. Motel/hotel;
8. Liquor establishments;
9. Take-out restaurants;
10. Private clubs;
11. Contained sports facilities;
12. Commercial storage and warehousing;
13. Automotive sales and service;
14. Lumber yard;
15. Farm and ranch supply;
16. Greenhouse;
17. Grain elevators;
18. Animal clinics;

19. Churches;
20. Libraries;
21. City or county buildings or structures;
22. Commercial cleaners;
23. Daycare centers or private kindergartens.

19.0307-4 Prohibited uses.

1. Deleted
2. Hospital or nursing home;
3. All uses listed as prohibited in an R-1 district except those listed as permitted or conditionally permitted in a C-1 district.

19.0308 HIGHWAY COMMERCIAL (C-2):

19.0308-1 Intent. It is the intent of this district to provide for the orderly development of low density commercial activities which require extensive lot space and good vehicular access.

19.0308-2 Permitted uses.

1. Motel/hotel;
2. Lumber yard;
3. Commercial parking;
4. Automotive sales and services;
5. Farm implement sales and services;
6. Restaurants;
7. Financial establishments;
8. Medical clinics;
9. Professional office;

10. Mortuaries;
11. Laundromats;
12. Parks.

19.0308-3 Conditionally permitted uses.

1. Single-family residential;
2. Commercial storage;
3. Dairy plant;
4. Riding stable;
5. Campground;
6. Golf course or driving range;
7. Welding or metal fabricating;
8. Sand, gravel and scoria extraction and/or processing;
9. Ready mix cement plant;
10. All uses conditionally permitted in a C-1 district except those listed as permitted or prohibited in a C-2 district.

19.0308-4 Prohibited uses.

1. Senior citizen housing or center;
2. Communal residential;
3. All uses listed as prohibited in a C-1 district except those listed as permitted or conditionally permitted in a C-2 district.

19.0309 INDUSTRIAL DISTRICT (I):

19.0309-1 Intent. It is the intent of this district to provide for the orderly development of industrial and heavy commercial activities in locations where conflicts with other uses will not arise.

19.0309-2 Permitted uses.

1. Automotive sales and services;
2. Commercial storage;
3. Temporary yard storage;
4. Commercial parking;
5. Farm implement sales and services;
6. Welding and metal fabricating;
7. Parks.

19.0309-3 Conditionally permitted uses.

1. Airport/heliport;
2. Salvage yard;
3. Livestock sales ring or stockyard;
4. Commercial business;
5. Motel/hotel;
6. Professional office structures;
7. Restaurants and liquor establishments;
8. Mobile homes;
9. Construction workforce housing;
10. Apartments in commercial structures;
11. Liquid, gas bulk, explosives and other hazardous material storage.

19.0309-4 Prohibited Uses.

1. Churches;
2. Libraries;

3. Convenience stores;
4. Commercial agriculture;
5. Mortuaries;
6. Structures for private clubs;
7. Beauty shops;
8. Financial establishments;
9. Medical clinics;
10. Senior citizen housing or centers;
11. Communal residential;
12. All uses listed as prohibited in a C-1 district except those listed as permitted or conditionally permitted in a I district.

19.0310 AGRICULTURAL DISTRICT (A):

19.0310-1 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.

19.0310-2 Permitted uses.

1. All types of farming and ranching operations including dairying, livestock and poultry raising, 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 residences, septic systems, feedlots and storage facilities.
4. All uses permitted in the Golden Valley conservation district.

- (a) Hunting, fishing and trapping;
- (b) Raising of game animals, fowl and fish;
- (c) Harvesting of any natural crops;
- (d) Cropping and grazing activities which do not require the construction of any permanent buildings;
- (e) Public parks, undeveloped recreational areas and natural preserves;
- (f) Floodwater management structures;
- (g) Tree farms;
- (h) Historical monuments and structures.

19.0310-3 Conditionally permitted uses.

1. Single-family, non-farm residential units on lot of three (3) acres or more, depending on soil characteristics, unless said lots are part of an existing recorded plat;
2. Residential units in established shelter belts;
3. Public and parochial schools;
4. Churches and related facilities;
5. Cemeteries;
6. Commercial grain elevators and accessory structures;
7. Feed lots only when located more than one-half ($\frac{1}{2}$) mile from an existing residential district or two (2) feet per animal unit from a water course;
8. Livestock auction yards;
9. Sewage lagoons and sediment ponds that comply with the state health standards;
10. Sanitary landfills and hazardous waste sites that comply with state health standards;
11. Facilities for the manufacturing and/or processing of agricultural

products indigenous to Golden Valley County;

12. Railroad tracks and spurs;
13. Airports with adequate flight path buffers;
14. Radio, television and telephone transmission and receiving towers and/or facilities;
15. Governmental administrative, maintenance and research facilities;
16. Electric transmission facilities and water, gas, oil or coal slurry transmission pipelines in accordance with the following restrictions:
 - (a) The applicant shall provide the summary opinion of the application for a transmission facility permit submitted to the North Dakota Public Service Commission (PSC) for said transmission facility if an application is required under Chapter 49-22 of the NDCC.
 - (b) The applicant shall submit all materials which constitute a ruling by the PSC on said transmission facility including maps of the approved corridor.
17. Oil and gas production sites which include well service, water and product hauling and site maintenance:
18. Oil and gas gathering line systems:

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

- (a) A map of the pipeline route which clearly indicates that the pipeline right-of-way does not pass within two hundred (200) feet of a building or surface water body and is not within one hundred (100) feet of a highway right-of-way or section line unless perpendicular to said right-of-way or line.
- (b) An identification of pipeline origin, destination, size, minimum burial depth, road crossing methods and product.
- (c) An identification of areas where the pipeline right-of-way transverses a slope which exceeds 15 degrees and a plan for the construction of water bars to reduce erosion in such areas.

- (d) An indication of the steps that will be used to reclaim and re-vegetate the right-of-way.
- (e) The name and telephone number of the senior engineer and permit man with the project.

19. Other subsurface mineral mining and surface extraction except coal;

The provisions of this section shall not apply to any excavation for agricultural purposes or for uses which require less than 10,000 cubic yards of excavation or which disturb less than ½ acre per year. The applicant for a permit shall submit the following:

- (a) Written evidence of a reclamation agreement with the surface owner;
- (b) Evidence of written agreement between the applicant and property owner that excavation or processing shall not take place within fifty (50) feet of an adjacent property line or within five hundred (500) feet of an existing residence unless allowed by property owners;
- (c) Copies of all non-confidential information submitted to the state geologist as required under Section 38-16-02 NDCC which identified production methods and likely outputs, reclamation procedures and state geologist recommendations;
- (d) Posting a performance bond for reclamation of the site, with the county auditor in the amount of not less than \$10,000, if not already posted with the state.

19.0310-4 Temporarily permitted uses.

- 1. Mineral Exploration- the provisions of this section shall not apply to any digging, drilling or excavation for agricultural purposes, the operation of coal mines, oil and gas drilling and production, and digging or excavation by Golden Valley County and its incorporated cities. The operators must furnish the following to the zoning director:
 - (a) Evidence of compliance with Section 38-08.1-04 NDCC, "Filing of notice of intention to engage in drilling." A copy of the approved North Dakota State Industrial Commission Permit Application form for Coal Exploration pursuant to Section 38-12-03 NDCC.

- (b) Plan drawn to scale showing the location of lines or areas to be explored.
- (c) Schedule of commencement and completion of operations.
- (d) Evidence that the surface owner has been notified in writing of the operator's intended activities prior to the commencement of said activities.
- (e) Evidence that permission for the use of water has been obtained from surface owner and tenant before exploration activity begins.
- (f) The seismic source shall not be positioned within one-quarter $\frac{1}{4}$ mile of any building, spring, well or underground water line unless the position is approved by the landowner.
- (g) Exploration shall only occur during periods of dry or frozen soil conditions.
- (h) A fee of \$250.00 for each exploration permit shall be paid to the county auditor before a Temporary Use Permit shall be issued. Said permit shall cover the activities of all crews of a registered exploration company on all lands within the county for a period of one year. Each re-issuance of a permit will entail an additional fee of \$250.00.
- (i) The county commission shall, pursuant to Section 38-08.1-07 NDCC, notify the Industrial Commission of the issuance of all temporary permits relating to mineral exploration. The county commissioners may revoke or suspend any temporary permit relating to mineral exploration.
- (j) A copy of the Temporary Use Permit shall be carried by the recording truck, permit agent and party chief.
- (k) Upon completion of operations, a final plan drawn to scale, showing the actual survey location of all seismic exploration lines and if requested the location of all shot holes or other drill holes pursuant to Section 38-08.1-05 NDCC.
- (l) Certification that all wire flags and/or other objects related to the exploration activities have been removed.
- (m) All exploratory drill holes shall be plugged according to state law within thirty (30) days of being drilled. The top twenty-

four (24) inches of the hole shall be replaced and hole cuttings shall be dealt with in a fashion approved by the landowner or tenant.

- (n) A performance bond in the amount of \$15,000.00 per seismic crew or \$30,000 per company shall be paid to the county auditor or evidence that a state bond has been acquired pursuant to Section 38.08.1-04 NDCC shall be provided before the initial Temporary Use Permit shall be issued. The bond may be released to the operator upon the delivery of a written statement from each affected landowner and tenant indicating that the operator's satisfactorily completed. The zoning director shall then review all pertinent materials and determine if all, some or none of the performance bond shall be released. The bond will be in effect for the period of one (1) year.

2. Oil and gas drilling- the operator shall submit the following data and documents to the zoning director prior to any drilling operation:

- (a) The legal description of the tract of land on which the well is located.
- (b) The location of the proposed well.
- (c) The name of the owner of the mineral estate lying in and under the proposed well site.
- (d) The location of all buildings within one-quarter ($\frac{1}{4}$) mile of the proposed well site.
- (e) The name and address of the drilling contractor.
- (f) Approximate date of commencement of operations.
- (g) A copy of the drilling permit issued pursuant to state and/or federal regulations.
- (h) Proof of compliance with all county rules and regulations relating to mineral, land or water use and development.
- (l) A written agreement signed by the surface owner and tenant indicating that toxic materials have been removed, topsoil replaced, site reclaimed satisfactorily and compensation paid.

- (j) A permit fee will be charged in the amount of \$500.00 for each oil and gas well drilling site for the length of the operation and a bond of \$10,000 shall be posted.

19.0311 PLANNED UNIT DEVELOPMENTS (PUD):

19.0311-1 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.

19.0311-2 Permitted uses.

The PUD district has no permitted uses. All developments will have to go through the conditional use application process.

19.0311-3 Conditionally permitted uses.

1. All uses permitted in R-1, R-2, C-1 and C-2 districts plus conditionally permitted uses in R-1, R-2, MH and TH districts. All developers must adhere to the following conditions.
 - (a) Separate structures may be developed on a single lot.
 - (b) Structures are faced, oriented, setback, screened or buffered in a way that insures that adjacent structures or uses are protected from noise, dust or pollutants and unsightliness.
 - (c) The total ground area occupied by structures shall not exceed 40 percent of the buildable area; the gross area of the development less streets and drives.
 - (d) Due consideration is granted natural drainage, topography, soils, and vegetation cover in the development design.
 - (e) Open space and recreation areas equal or exceed the parkland set-aside provisions in action 19.0505-4 of this ordinance. The care and maintenance of such areas shall be discussed.
 - (f) Water and sanitary sewer systems shall be efficient and safe in design and shall be extensions of existing city of Beach water or sanitary sewer facilities. Such systems shall meet city of Beach design, parking areas, and utility services are safe, adequate and efficient in design. The developer must address responsibilities for

constructing and maintaining such systems.

- (h) Phases of development are articulated.
- (i) If the development represents a new plat or re-platting information and material on the development shall be submitted in accordance with the provisions of Article V of this ordinance. If a re-platting is not required developer shall still submit the information required for sketch plans in accordance with Section 19.0504-1 of this ordinance.

ARTICLE 4.

SPECIAL PROVISIONS

The provisions of this chapter shall apply to all zoning districts except where otherwise indicated. The PUD district is not regulated by the provisions of this chapter.

19.0401 LOT SIZE AND DENSITY:

1. Lots used for the construction or placement of any buildings or structures shall not be less than 25 feet in width. Lots shall not be less than 100 feet in length except in temporary housing districts.
2. Lots shall be a minimum of 2,000 square feet in temporary housing districts, 6,000 square feet in mobile home districts and 7,000 square feet in R-1 districts. Duplexes shall be constructed on lots of at least 8,000 square feet. Multiple-family and workforce housing structures shall be built on lots of at least 9,000 square feet plus and additional 1,000 square feet for each additional residential unit or additional three residents.
3. Combined structures on lots shall cover less than 40 percent of the total lot area in R-1 districts, 50 percent of the total lot area in R-2 and MH districts or 60 percent in TR districts.

19.0402 YARD SETBACKS:

19.0402-1 General.

- (a) Buildings and structures in a C-1 district shall adhere to any front and side setback requirements considered necessary for sidewalks.
- (b) Mobile homes and recreational vehicles shall be a minimum of 7.5 feet from any lot line, 15 feet from any other residence or

commercial structure and 25 feet from a zoning district boundary.

19.0402-2 Front Yards.

- (a) A front yard depth of not less than 15 feet from the frame or face of the structure to the lot line shall be required in R-1, R-2 and C-2 districts. A front yard depth of not less than 50 feet from the frame or face of the structure to the lot line shall be required in A and I districts.
- (b) Where 30 percent or more of the residential block street frontage of the block in which the lot in question is located is developed, the face of the new residential structure may be aligned with the face of the remaining structures. The 30 percent rule may be applied to both front and side yards on corner lots.

19.0402-3 Side Yards.

- (a) A side yard setback of not less than either 10 percent of the lot width or six (6) feet from the side lot line to the face of any primary or accessory structure shall be required on interior lots in R-1, R-2, and C-2 districts.
- (b) Side yard setbacks on the street side of corner lots shall be either ten (10) feet or in alignment with the existing structures on that specific block frontage when 30 percent or more of the frontage is developed. These side setback requirements apply in R-1, R-2, and C-2 districts.

19.0402-4 Rear Yards.

Rear yards shall be a depth of not less than fifteen (15) feet from the center of the alley easement to the face of any structure in R-1, R-2, and C-2 districts.

19.0403 HIGHWAY SETBACKS: All buildings, structures and visual obstructions shall be setback not less than 25 feet from any federal, state or county highway right-of-way line and not less than 60 feet from the center line of any highway frontage road.

19.0404 HIGHWAY ACCESS:

1. Access points to a federal, state or county highway shall be limited to one per quarter mile outside the city limits and one per 300 feet within the city limits.

2. The landowner shall provide for a frontage road or deed to the nearest access point.
3. Evidence of approval of access points by state or county highway authorities shall be provided to the zoning commission.

19.0405 OFF-STREET PARKING:

1. Yard setback areas may be used for off-street parking.
2. Two off-street parking spaces shall be provided for each residential unit in an R-1 district.
3. One and one-half off-street parking spaces shall be provided for each residential unit in an R-2, MH, TH, C-1 or C-2 district.
4. Commercial establishments shall provide off-street parking for all commercial vehicles.
5. One off-street parking space shall be provided for every three employees of a commercial enterprise.

19.0406 SIGNS AND OBSTRUCTIONS:

1. All signs shall be constructed and maintained in compliance with Chapter 24-17 of the North Dakota Century Code. When a discrepancy occurs between his ordinance and state regulations this ordinance shall prevail.
2. Signs, structures, fences, hedges and other visual obstructions shall not be constructed or planted within nor shall they extend into areas described as clear sight triangles. The points of such triangles are the intersection of the center lines of two streets and the points 75 feet from the center line intersection along each street. Maximum height for a fence is 6.5' in Residential Zoning.
3. Signs, structures, fences or hedges shall not obstruct the passage of vehicles or pedestrians on public ways.
4. Signs shall be maintained in good repair or their removal may be ordered.

ARTICLE 5.

SUBDIVISION REGULATIONS

19.0501 PURPOSE AND INTENT: The city of Beach herein provides standards and guidelines for development, submission and approval of plats or subdivisions. These guidelines are established to insure that new or altered developments in Beach occur in a sound, efficient, economic and safe manner.

These guidelines shall be followed in plat design and plat execution in each zoning district in the City of Beach jurisdiction with the exception of the PUD district.

These guidelines shall affect the design of streets and easements, utilities and public services, and lot and block size and layout.

19.0502 JURISDICTION: These regulations shall apply to all plats and subdivisions within the jurisdiction of the city of Beach Zoning Commission; that is the corporate limits of the city of Beach plus the one-half mile extra-territorial zone acquired through the provisions of Section 40-48-18 NDCC.

19.0503 VARIANCES: Where the Board of Adjustment finds that the strict compliance with the regulations of this ordinance would cause undue hardship to land owners because of unique conditions, a variance or relaxing of certain provisions of this ordinance may be granted through the procedures presented in Section 19.0603 of this ordinance. A use otherwise not allowed within a particular district may not be established through variance procedures.

19.0504 PLAT APPROVAL PROCEDURES: Any person wishing to establish a subdivision shall follow the provisions of this section affecting plan approval and preliminary and final plat approval. Initial contact is with the zoning administrator, action is taken by both the zoning commission and the city council of the city of Beach.

19.0504-1 Sketch plan.

Any person wishing to initiate a plat approval shall contact the zoning administrator on the following:

1. To receive pertinent materials on subdivision regulations and zoning regulations.
2. To clarify plat submission procedures.
3. The submission of a sketch plan which shows topographic and physical features, proposed street layouts, proposed lots, acreage, plat location. Date, scale and the developers name, address and telephone number shall also appear on the sketch plan.
4. To investigate compatibility with adjacent plats, properties, land uses and zoning.

5. To examine area public services including sewer, water, streets and parks.

Following a review of all submitted plans the zoning administrator shall identify in writing potential concerns which may arise at the preliminary plat phase. Following such a review the sub divider may proceed with the submission the preliminary plat.

19.0504-2 Preliminary plat.

Any person receiving approval on a sketch plan may submit a preliminary plat. A filing fee of fifty (50) dollars shall accompany the filing of each preliminary plat.

The sub divider shall submit four copies of the plat and related materials.

Consideration of the preliminary plat shall take place in the following fashion:

1. The plat and related materials shall be submitted to the zoning administrator who shall record the date of filing and present the plat at the next regularly scheduled meeting of the zoning commission.
2. At the initial meeting, the zoning commission shall review the preliminary plat and provide recommendations to the sub divider. The zoning commission shall direct the zoning administrator to prepared public hearing on the preliminary plat.
3. The zoning administrator shall make proper public notice of the hearing and shall contact the sub divider on the time and place of the hearing at least five (5) days in advance pursuant to Section 40-48-21 NDCC.
4. Prior to the public hearing the zoning administrator shall seek comments and recommendations on the preliminary plat from the city council, engineer, water superintendent, attorney, park board and planner.
5. Within ten (10) days following the public hearing on the preliminary plat the zoning commission shall approve, conditionally approve or reject the preliminary plat. The zoning commission shall inform the sub divider in writing of the reasons for rejecting the preliminary plat.
6. Upon receipt of approval or conditional approval the sub divider may proceed with final plat submission.

Any preliminary plat submitted shall contain the following information:

1. Name of subdivision, developer(s) and surveyor;
2. Legal description of the property;
3. Date, scale and north point;
4. The location and dimensions of existing platted streets, parks, building, easements and right-of-ways drawn at a scale of not more than one hundred (100) feet to the inch;
5. All existing sewer lines, water mains, utilities and culverts in and adjacent to the proposed subdivision;
6. Developers of subdivisions which cover 10 acres or more shall describe the topography of the area shown in contour intervals of less than five (5) feet plus prominent natural features to include water ways or bodies, marshes and wooded areas;
7. The location and dimensions of all proposed streets, alleys, pedestrian ways and easements;
8. The general arrangement and dimensions of proposed blocks and lots;
9. The general plan for sewer lines and water mains including the size of pipe and locations of holding or pumping facilities;
10. The general plan for managing surface water run-off including an indication of flow directions;
11. The location and dimensions of parks, playground and other parcels for public use.

19.0504-3 Final plat.

Any person receiving conditional approval or approval of a preliminary plat may submit a final plat. The final plat shall be recorded in the county register of deeds office once approved and shall be developed and submitted in compliance with Chapter 40-50 NDCC.

The sub divider shall submit to the zoning administrator seven (7) days prior to the public hearing the original final plat on Mylar or tracing

paper and four copies.

Final plat submission procedures shall be carried out in compliance with the following:

1. The first zoning commission meeting on the final plat shall serve as the public hearing. The sub divider shall contact the zoning administrator far enough in advance of the hearing to allow for proper public notice.
2. The zoning administrator shall indicate to the zoning commission whether or not all state and city subdivision regulations have been met.
3. The zoning commission shall review the final plat and shall approve or reject the plat. If rejected, written notice shall be forwarded to the Sub divider within ten (10) days. Approval shall take the form of a recommendation to the city council. Should the zoning commission fail to act on the final plat within thirty (30) days it shall be considered approved and shall warrant action by the city council.
4. The approved final plat, signed by the president of the zoning commission and the mayor, shall be recorded in the office of the county register of deeds within thirty (30) days of approval.

The final plat and support and support material shall include all the information required on a preliminary plat except topographic in the same format with the addition of the following:

1. An indication that all lines and boundaries on the plat have been surveyed, staked and monumented by a registered surveyor or engineer. All monuments shall appear on the plat.
2. Block and lot numbering.
3. The acknowledged and notarized names and signatures of the owner and owners of all property involved in the subdivision.
4. A statement dedicating all easements, streets, alleys, parks and other public areas.
5. A title opinion.

19.0505 DESIGN STANDARDS: The designing and development of subdivisions within the jurisdiction of the city of Beach Zoning Commission shall be carried out in accordance with standards and guidelines described in this section. These guidelines

shall cover the design of streets, blocks and lots as well as public easements and utilities. Park set-aside requirements and lot size and set-back requirements are described in the district and special provisions chapter of this ordinance and shall be complied with.

19.0505-1 Blocks and lots.

1. Blocks shall be of such length to allow for easy vehicular and pedestrian access. When blocks exceed 600 feet in length pedestrian ways through the blocks may be required.
2. Lots designed for any use except mobile homes shall be a minimum size of fifty (50) by one hundred forty (140) feet or seven thousand (7,000) square feet. Lots designed for mobile homes shall be fifty (50) by one hundred twenty (120) feet.
3. Lots shall be of an adequate size to allow for proper building set-backs as described in the district and special provisions of this ordinance.
4. Each lot shall abut a street of adequate width and capacity to be considered a collector street.

19.0505-2 Streets, alleys and public ways.

1. Streets shall be arranged as extensions of adjoining streets whenever possible.
2. Streets shall be laid out to intersect at as near as possible to a right angle.
3. Cul-de-Sacs shall not exceed six hundred (600) feet in length and shall have circle turn-arounds with a diameter of not less than one hundred twenty (120) feet.
4. Alleys, when deemed necessary, shall have a public right-of-way of twenty (20) feet.
5. All streets shall be of a grade and pitch to allow for proper surface drainage and shall be designed and constructed in accordance with city engineer specifications.
6. Streets shall be arranged so as to not create any undue traffic load on existing adjacent streets.

19.0505-3 Public easements.

1. Where alleys are not provided, permanent easements of ten (10) feet in width shall be provided for needed utilities.
2. Where water courses cross a subdivision, adequate drainage-way easements shall be adequate to handle any likely flow rate. The zoning commission shall determine the level of adequacy.

19.0505-4 Parkland dedication.

1. Any new subdivisions or residential districts within the city's jurisdiction which are rezoned to a higher density district shall have land and/or a cash payment dedicated to a city of Beach Park and Recreational Board in accordance with the following:
 - (a) New R-1 subdivisions shall have set-aside five percent of the land area of the subdivision to be developed as parkland under the direction of the city of Beach Park and Recreation Board or shall have dedicated \$75.00 per R-1 lot to the city of Beach Park and Recreation Board.
 - (b) Any residential subdivision which exceed the average R-1 block density of 24 persons per block (2 acres) shall have set-aside 10 percent of the land area of the subdivision to be developed as parkland under the direction of the city of Beach Park and Recreation Board or shall have dedicated \$75.00 per possible residential unit to the city of Beach Park and Recreation Board.

19.0505-5 Other improvements.

Sewer and water services shall be provided in all subdivisions and shall represent extensions of existing municipal systems. The services shall be designed and supported in accordance with city specifications and state health requirements.

ARTICLE 6.

ADMINISTRATION AND ENFORCEMENT

19.0601 BEACH CITY COUNCIL:

19.0601-1 Authority.

The Beach City Council has the authority to divide the city into districts for

the purpose of zoning pursuant to Chapter 40-47 of the North Dakota Century Code (NDCC). Further, the Beach City Council has the authority to appoint a zoning administrator, zoning technical review committee, zoning commission and a board of adjustment pursuant to Section 40-47-06 and 40-47-07 NDCC.

19.0602 CITY OF BEACH ZONING COMMISSION:

19.0602-1 Authority.

Authority found in Section 40-47-06 of the North Dakota Century Code.

19.0602-2 Members.

That as of the effective date of this Ordinance, the Zoning Commission shall consist of five members. Four members who shall be residents of the City of Beach, North Dakota, shall be appointed by the City Council of Beach, North Dakota. One member who shall reside outside the Corporate limits of Beach, North Dakota, but within the territorial limits of the jurisdiction of the zoning ordinances of the City of Beach, North Dakota, shall be appointed by the Board of County Commissioners of Golden Valley County, North Dakota after the effective date hereof.

19.0602-3 Duties.

1. Develop recommendations on the planning and zoning affairs of the city of Beach.
2. Present a report to the city council on recommendations.
3. Conduct hearing on zoning amendments.
4. Conduct hearings on conditional and temporary use applications.
5. Establish application procedures.

19.0602-4 Organization.

The Zoning Commission shall elect its President and Vice President for a term of one year from among the appointed members. President of the Zoning commission shall be the presiding officer of the Commission. In the absence or disability of the President of the Commission, the Vice President shall be the presiding officer. The commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, and such records shall be of public record.

19.0602-5 Terms.

Upon the effective date of this Ordinance, the terms of the members presently serving on the Zoning Commission shall expire. The first term of the new members appointed by the City Council of Beach, North Dakota, shall be staggered in a manner as determined by said Council. After the original staggered terms of the members expire, successors shall be appointed for a term of five (5) years. The terms of the first members appointed after the effective date of this Ordinance shall commence upon their appointment and expire on April 30 of the year their term is designated for termination. Thereafter, regular terms of the members shall commence on May 1 of the year of appointment and terminate on April 30 of the year of termination.

19.0602-6 Removal vacancy.

The City Council of the City of Beach, North Dakota, may remove members from the Commission, that it has appointed, showing that the member has missed three regularly called meetings per year without reasonable explanation or excuse or upon a showing of cause that it is not in the best interest of the City of Beach, North Dakota, for the member to continue to serve.

Vacancies on the Zoning Commission shall be filled by the City Council of Beach, North Dakota within forty-five (45) days after the vacancy occurs. Those appointed to fill the vacancy shall be appointed for the unexpired term. If a vacancy should exist in the position which is required to be filled by the Board of County Commissioners of Golden Valley County, North Dakota, said Board shall fill said vacancy.

19.0602-7 Procedure for making amendments.

1. Applications for amendments shall be filed with the zoning administrator of technical review committee.
2. The zoning administrator shall present said application to the city zoning commission at its regular scheduled meeting.

19.0602-8 Notice of amendment hearings.

1. Once a week for two (2) successive weeks notice of the time and place of the hearing shall be published in the official newspaper of the city of Beach.
2. The zoning administrator shall notify applicant of the time and place of said hearing.
3. The zoning administrator shall post notice of time

and place of said hearing on the affected site.

4. Notice of the hearing shall be mailed to owners of property within one hundred fifty feet (150')(excluding the width of street), of the property described in the application IT SHALL BE THE DUTY of the applicant to notify said adjoining owners. Notice shall be given at least 14 days prior to the date of hearing. Notice shall be given by certified mail, return receipt requested. Proof of service to said notice shall be filed with the board hearing the matter, prior to the hearing.

19.0602-9 Public hearings by zoning commission and city council.

1. Following a public hearing conducted by the zoning commission, said commission shall submit its recommendations concerning the proposed amendment to the city council.
2. Upon receipt of the zoning commission's recommendations, the city council shall set a final hearing date for the proposed amendment.
3. Procedure for the notice of the final hearings shall follow that of the hearing conducted by the zoning commission.
4. Following the final hearing, the city council shall approve or disapprove the proposed amendment.

19.0602-10 Protests to amendments.

1. If a protest against an amendment is signed by the owners of twenty (20) percent or more:
 - (a) Of the area of the lots included in such proposed change; or
 - (b) Of the area adjacent, extending one hundred and fifty (150) feet from the area to be changed, excluding the width of streets, the amendments shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the city council of Beach.
2. A public hearing shall be held by the city council on all protests to amendments.

3. Once a week for two (2) successive weeks notice of the time and place of the hearing shall be published in the official newspaper of the city of Beach.
4. All protest to amendments shall be filed in writing with the city auditor within ten (10) days following approval of the amendment being protested.

19.0602-11 Application procedure for conditional use or temporary use permits.

1. Applications for a use permit shall be filed with the zoning administrator.
2. Application shall include:
 - (a) A description of the property, existing adjacent structures and proposed uses and structures.
 - (b) Assurance that the health, safety and welfare of the neighbors and the general public is being protected as well as the integrity of the neighborhood. Such an assurance shall indicate that the design and layout represents proper lot setbacks, visual screens, noise controls, air quality controls, public service access, parking, road access, and traffic levels. The zoning director, zoning commission or city council may request further information on additional matters of concern.
3. The zoning administrator shall present the completed application to the zoning commission for consideration at its next regularly scheduled meeting.
4. The zoning commission shall conduct a public hearing on the conditional or temporary use application. Minutes of the hearing and a recommendation which may include conditions on the permit shall be submitted to the city council for consideration at their next regularly scheduled meeting.
5. The city council shall reject, approve or conditionally approve all applications for a conditional or temporary use permit.
6. Conditional or temporary use permits are only valid for the period indicated on the approved application or for the use or structure specified in the application. When a conditionally or temporarily permitted use or structure is terminated or vacated for a period of 24 months another conditional or temporary use permit must be applied for and a permit granted prior to re-occupation.

19.0602-12 Notice of conditional use or temporary use permit hearings.

1. Once a week for two (2) successive weeks notice of the time and place of the hearing shall be published in the official newspaper of the city of Beach.
2. The zoning administrator shall notify applicant of the time and place of said hearing.
3. The zoning administrator shall post notice of time and place of said hearing on the affected site.
4. Notice of the hearing shall be mailed to owners of property within one hundred fifty (150) feet of the affected site, excluding width of streets. The notice shall be mailed at least seven (7) days prior to the date of the hearing.

19.0602-13 Fees.

All applicants requesting a zoning amendment, conditional use permit, temporary permit and/or variance shall attach \$5.00 with the permit in payment of the zoning application fee. If action on the application requires additional expense will be submitted to the applicant for payment.

19.0602-14 Appeals.

Any person aggrieved by the decision of the zoning commission may appeal to the board of adjustment as provided for in Section 40-47-08 of the North Dakota Century Code.

19.0603 BOARD OF ADJUSTMENT:

19.0603-1 Authority.

Authority found in Section 40-47-07 of the North Dakota Century Code.

19.0603-2 Duties.

1. The board shall hear and decide appeals from and shall review any order, requirement, decision or determination made by the zoning commission charged with enforcement of the provisions of this ordinance pursuant to Chapter 40-47-08 NDCC.
2. The board shall grant 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 would not be contrary to the public interest.

- (a) The special conditions and circumstances which are peculiar to the land or structure and not applicable to other land or structures in the same district;
- (b) The special interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the district;
- (c) The literal interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the district.
- (d) The granting of the variance shall not confer any special privilege on the applicant that is denied by the ordinance to others in the same district.

19.0603-3 Application procedures.

- 1. Application for a variance shall be filed with the zoning administrator.
- 2. Application shall include:
 - (a) A description and map of the property including an indication of the dimensions and location of all structures.
 - (b) A description of the conditions which are unique to this situation which warrant a variance.
 - (c) An indication of the nature and severity of the hardship endured.
 - (d) All other information required by the zoning administrator.
- 3. The zoning administrator shall complete then forward said application to the Board of Adjustment. The Board shall set a hearing date for the application and shall publish notice of said hearing once a week for two successive weeks in the official county paper pursuant to Chapter 40-47-09 NDCC.
- 4. The board shall conduct the hearing and make a determination in the case. Parties aggrieved by decisions of the Board of

Adjustment may appeal the decision to the District Court of the county pursuant to Chapter 40-47-11 NDCC.

19.0604 ZONING ADMINISTRATOR:

19.0604-1 Authority.

The City Council shall appoint a Zoning Administrator to carry out the directives and duties as assigned by the Zoning Commission. The Administrator shall be ultimately responsible to the City Council. In the absence or disability of the Zoning Administrator, the President of the Zoning Commission may carry out the duties of the Zoning Administrator as assigned herein. In the absence or disability of the Zoning Administrator or the President of the Zoning Commission, the Vice President of the Zoning Commission may carry out the directives and duties assigned to the Zoning Administrator herein.

19.0604-2 Duties.

1. Shall participate in all hearings for amendment, variance or appeal.
2. Shall maintain updated copies of this ordinance and the district zoning map.
3. Shall keep copies of all records.
4. Shall post notice of amendment hearing on affected site.
5. Shall make inspection of land and/or structures to determine compliance with the provisions of this ordinance.
6. Shall issue building permits.
7. Shall carry out any other duties assigned by the city council.
8. May defer any decision to the zoning commission.

19.0605 VIOLATIONS AND PENALTIES:

19.0605-1 Action of correct 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 this ordinance, the proper city authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action on proceedings pursuant to Section 40-47-06 of the North Dakota Century Code 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.

19.0605-2 Penalty.

Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the city jail for not more than thirty (30) days or by both fine and imprisonment. Each and every day that a violation of this ordinance shall be continued shall constitute and be considered a separate offense.

ARTICLE 7.

ZONING OF CERTAIN PROPERTIES

19.0701 PROPERTIES FROM R-2 TO MH:

19.0701-1: Lot Seven (7), in Block Six (6), of Hunters 3rd Addition to the City of Beach, Golden Valley County, North Dakota.

19.0702 PROPERTIES FROM C-2 TO C-1:

19.0702-1: A parcel of land located in the **NE $\frac{1}{4}$ NE $\frac{1}{4}$** of Section 23, Township 140 North, Range 106 West of the 5th Principal Meridian, Golden Valley County, North Dakota, more particularly described as follows:

PARCEL NO. 23-C

Beginning at a point on the north line of said NE $\frac{1}{4}$ of Section 23, and 100 feet west of the northeast corner of said Section 23; thence in a southerly

direction parallel with the east line of said Section 23 a distance of 205 feet to a point on the north right-of-way line of Interstate Highway 94 as recorded in Parcel No. 4, Document No. 53632, Book 24 of Mortgages, pages 137-138; thence southwesterly along the said north right-of-way line of Interstate Highway 94 on a bearing **of south 64°32' west a distance of 442.9 feet; thence** northerly and parallel with the east line of said Section 23 a distance of 399.3 feet to a point on the north line of said Section 23; thence east along the north line of said Section 23 a distance of 400 feet to the point of beginning.

19.0703 PROPERTIES FROM AGRICULTURE TO R-2:

19.0703-1: Tracts: E, F, HH, FF, GG, in Nears-re Survey Addition, to the City of Beach, Golden Valley, North Dakota.

19.0703-2: Tracts: E, F, FF, GG, and HH of the resurvey of Near's Second Addition, bound by the railroad right-of-way on the north, Thor or Eighth Street on the east, Fairview on First Avenue on the south and Ninth Street on the west, from Agriculture to R-2.

19.0704 PROPERTIES FROM AGRICULTURE TO C-2:

19.0704-1: Tracts 57 and 58 in the northern part of SW¼ of Section 24 and the NW¼ of Section 24. This will take in the land along Highway 16 from the section line north of I-94 to the Ronald Johnstone property. It will also include the small parcels of land just north of I-94 east of Highway 16 for one-half mile.

19.0704-2: N½ of Section 23, Township 140 North, Range 106 West, Golden Valley County, North Dakota, insofar as it falls within the zoning jurisdiction of the City of Beach, North Dakota.

19.0705 PROPERTIES FROM AGRICULTURE TO PUBLIC AND MH AND

R-2: All properties are within Parkside Addition to the City of Beach, Golden Valley, North Dakota.

Lot 1, Block 1 to Public (P)

Lots 2 thru 7 of Block 1, to Mobile Home (MH)
 Lots 15, 16, 17 of Block 3,
 All of Block 4

All of Block 2, to Residential
 Lots 1 thru 14 of Block 3 Multiple (R-2)

19.0706 PROPERTIES FROM AGRICULTURE TO INDUSTRIAL:

19.0706-1: The North 300.0 ft. of the South 400.0 ft. of The West 750.0 ft. of the East 1550.0 ft. of the Southeast Quarter (**SE $\frac{1}{4}$**) of Section 24, Township 140 North, Range 106 West, 5th P.M., containing 5.16 acres.

19.0706-2: A tract of land lying in the **SW $\frac{1}{4}$ SE $\frac{1}{4}$** of Section 24, Township 140 North, Range 106 West of the 5th P.M., Golden Valley County, North Dakota, more particularly described as follows, to-wit:

Beginning at a point 693 feet east of the South Quarter corner of said section 24; thence in an easterly direction on an azimuth bearing of **090°16'** a distance of 400 feet along the previously incorporated city limits; thence in a northerly direction on an azimuth bearing of **360°00'** a distance of 427 feet; thence in a westerly direction on an azimuth bearing of **270°16'** a distance of 400 feet; thence in a southerly direction on an azimuth bearing of **180°00'** a distance of 427 feet to the point of beginning. Tract contains 3.9 acres, according to the above description.

19.0706-3: A tract of land located in the **NE $\frac{1}{4}$** of Section 25, Township 140 North of Range 106 West of the 5th P.M., Golden Valley County, North Dakota, being more particularly described as follows, to-wit:

Beginning at a point 564 feet west and 100 feet south of the northeast corner of said NE $\frac{1}{4}$, said point lying on the south right-of-way line of U.S. Highway No. 10; thence south along a line parallel to the west line of that tract known as Tract A-50 a distance of 300 feet; thence west along a line parallel to the north line of said Tract A-50 a distance of 300 feet to the west line of said Tract; thence south along said west line a distance of 992 feet to a point on the northerly right-of-way line of the Burlington Northern Railroad; thence easterly along said northerly railroad right-of-way line a distance of 765.2 feet to a point on the west right-of-way line of North Dakota State Highway No. 16; thence north along said right-of-way line a distance of 1,240 feet; thence northwesterly along said right-of-way line a distance of 141.4 feet to a point on the southerly right-of-way line of U.S. Highway No. 10; thence westerly along said southerly right-of-way line a distance of 364 feet to the point of beginning. The above described parcel includes all that north portion of Tract A-50 less all highway and railroad rights-of-way and less a 300 square foot tract in the northwest corner, and includes 20.9 acres according to the above description.

19.0706-4: The north 300.0 feet of the south 400.0 feet of the west 750.0 feet of the east 1550.0 feet of the SE $\frac{1}{4}$ of Section 24, Township 140

North, Range 106 West, 5th P.M., Golden Valley County, North Dakota. Containing 5.16 acres.

19.0706-5: Township 140N, Range 105W, Golden Valley County, ND
Section 30: SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ and Lot 2