GRAND FORKS COUNTY
ZONING RESOLUTION

September 19, 2006

A RESOLUTION AUTHORIZING THE ADOPTION OF ZONING AND LANDUSE REGULATIONS, TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE UNINCORPORATED AREA OF GRAND FORKS COUNTY

Amendments:

2-07-2007	Text amendments, use clarifications within zoning district chapters.
3-28-2007	Addition of Chapter 80 – Septic System Permitting Program.
12-05-07	Commercial Byproduct spreading as interim use in Chapter 25. Littering Amendment Chapter 4-4-3.
5-09-08	Chapter 9, Feedlot regulation amendment to conform with newly adopted state legislation.
12-03-08	Addition of electronic sign regulations to Chapter 11.
6-16-09	Temporary asphalt mixing plant and temporary car crushing operations as interim uses in all zoning district chapters.
6-15-10	Addition of Chapter 72 – Windfarm Overlay District.
12-21-10	Amendment to Chapter 9, deletion of the permit renewal requirement for change of ownership.
12-21-10	Amendment to Chapter 2, adding the reference to North Dakota State Building Code and the adopted building code of Grand Forks County.
12-21-10	Amendment to Chapter 71, adopting new flood plain map and subsequent new regulations.
5-17-11	Amendment to Chapter 4, requiring new landfills to have direct access to a paved road on the County or State system.
2-19-13	Amendment to Chapter 11, allowing one off premise directional sign for businesses.
5-20-14	The addition of Chapter 33, addressing religious colonies within the County.
11-21-17	Amendment to Chapter 31, adding inert landfills as an interim use.
2-20-18	The addition of Chapter 14, addressing siting of medical marijuana facilities.

CHAPTER 1: TITLE AND APPLICATION **8**

1-1 TITLE **8**
1-2 PURPOSE **8**
1-3 APPLICATION **9**
1-4 AUTHORITY **10**
1-5 COMPREHENSIVE REVISION **10**
1-6 APPLICATION OF RULES **10**
1-7 DEFINITIONS **11**

CHAPTER 2: ADMINISTRATION **41**

2-1 PLANNING DEPARTMENT **41**
2-2 GRAND FORKS COUNTY PLANNING COMMISSION **40**
2-3 ZONING AMENDMENTS **41**
2-4 SPECIAL USE PERMITS **44**
2-5 INTERIM USE PERMIT **48**
2-6 GRAND FORKS COUNTY BOARD OF ADJUSTMENT **52**
2-7 VARIANCES **54**
2-8 ADMINISTRATIVE PERMITS/CERTIFICATE OF COMPLIANCE **57**
2-9 BUILDING PERMITS **58**
2-10 APPLICATION INFORMATION **60**
2-11 FEES **63**
2-12 FINANCIAL GUARANTEE **63**
2-13 ENFORCEMENT **64**

CHAPTER 3: NON-CONFORMING LOTS, BUILDINGS, STRUCTURES AND USES **66**

3-1 PURPOSE **66**
3-2 LEGAL NON-CONFORMING LOTS (LOT OF RECORD) **66**
3-3 LEGAL NON-CONFORMING STRUCTURES **67**
3-4 LEGAL NON-CONFORMING USES **68**

CHAPTER 4: GENERAL PROVISIONS **70**

4-1 PURPOSE **70**
4-2 LOT AND YARD REQUIREMENTS **70**
4-3 BUILDING PERFORMANCE STANDARDS **73**
4-4 GENERAL PERFORMANCE STANDARDS **75**
4-4-1 REQUIRED SCREENING AND LANDSCAPING **75**
4-4-2 EXTERIOR LIGHTING **77**
4-4-3 SOLID WASTE MANAGEMENT **80**
4-4-4 OUTDOOR STORAGE **82**
4-4-5 STORAGE OF JUNK, LITTER, WASTE AND OTHER MATERIALS **82**
4-4-6 ABATEMENT OF DANGEROUS BUILDINGS OR STRUCTURES **84**

CHAPTER 5: TRAFFIC, PARKING, ACCESS, AND LOADING **90**

5-1 PARKING **90**
5-2 SITE ACCESS **93**
5-3 OFF-STREET LOADING AND UNLOADING AREAS **93**

CHAPTER 6: STORMWATER MANAGEMENT **95**

6-1 PURPOSE **95**

6-2 ADMINISTRATION **95**

6-3 STORMWATER MANAGEMENT STUDY INFORMATION REQUIREMENTS **96**
6-4 STORMWATER PLAN IMPLEMENTATION **97**
6-5 STORMWATER MANAGEMENT STANDARDS **97**

CHAPTER 7: SPECIALTY HOUSING **100**

7-1 PURPOSE **100**
7-2 MOBILE HOMES **100**
7-3 MANUFACTURED HOMES **100**
7-4 MODULAR HOMES **101**
7-5 MANUFACTURED HOME WHILE BUILDING **101**
7-6 SECOND DWELLING ON A PARCEL FOR FAMILY MEMBER OF FARM HELP **102**
7-6 BED AND BREAKFAST ESTABLISHMENTS **102**

CHAPTER 8: HOME EXTENDED BUSINESSES **104**

CHAPTER 9: CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS **107**

9-1 PURPOSE ..... ERROR! BOOKMARK NOT DEFINED.
9-2 GENERAL PROVISION **107**
9-3 SETBACK REQUIREMENTS **111**
9-4 SPECIAL/INTERIM USES AND PERMIT PROCEDURES **113**

CHAPTER 10: MINING **117**

10-1 PURPOSE **115**
10-2 ADMINISTRATION **115**
10-3 INFORMATION REQUIRED **115**
10-4 PERFORMANCE STANDARDS **116**

CHAPTER 11: SIGNS **120**

11-1 SIGNS **118**

CHAPTER 12: ENERGY SYSTEMS **128**

12-1 WIND ENERGY CONVERSION SYSTEM (WECS) **127**
12-2 ALTERNATIVE ENERGY SYSTEMS **128**

CHAPTER 13: WIRELESS COMMUNICATION TOWERS AND ANTENNAS **130**

13-1 PURPOSE **129**
13-2 GENERAL REQUIREMENTS **130**
13-3 REQUIRED PERMITS **131**
13-4 SUBMITTAL REQUIREMENTS **131**
13-5 NON-INTERFERENCE **132**
13-6 REMOVAL OF ABANDONED OR UNUSED TOWERS OR PORTIONSOF TOWERS **133**
13-7 LIGHTS AND OTHER ATTACHMENTS **133**
13-8 NEW TOWER REQUIREMENTS **133**
13-9 REQUIRED SETBACKS **134**

CHAPTER 14: MEDICAL MARIJUANA FACILITIES

CHAPTERS 15-19: RESERVED **139**

CHAPTER 20: GENERAL ZONING DISTRICT PROVISIONS **137**

20-1 ESTABLISHMENT OF DISTRICTS **140**
20-1-1 Agricultural/Rural Districts 140
20-1-2 Airfield Reserve Districts 140
20-1-3 Residential Districts 140
20-1-4 Commercial Districts 140
20-1-5 Industrial Districts 140
20-1-6 Overlay Districts 140
20-2 ZONING DISTRICT BOUNDARIES **141**
20-2-1 Appeals 141
20-2-2 Road Vacation 141
20-2-3 Rights-of-Way 141
20-2-4 Water Areas 141
20-3 ZONING MAP **142**

CHAPTER 25: A-1, AGRICULTURAL PRESERVATION DISTRICT **140**

25-1 PURPOSE **143**
25-2 PERMITTED USES **143**
25-3 PERMITTED ACCESSORY USES **143**
25-4 SPECIAL USES **144**
25-5 INTERIM USES **146**
25-6 DISTRICT PERFORMANCE STANDARDS **146**

CHAPTER 26: A-2, AGRICULTURAL WOODLANDS DISTRICT **145**

26-1 PURPOSE **148**
26-2 APPLICATION **148**
26-3 PERMITTED USES **148**
26-4 PERMITTED ACCESSORY USES **149**
26-5 SPECIAL USES **149**
26-6 INTERIM USES **151**
26-7 DISTRICT PERFORMANCE STANDARDS **151**

CHAPTER 27: A-3, AGRICULTURAL RESERVE DISTRICT **150**

27-1 PURPOSE **153**
27-2 PERMITTED USES **153**
27-3 PERMITTED ACCESSORY USES **153**
27-4 SPECIAL USES **154**
27-5 INTERIM USES **156**
27-6 DISTRICT PERFORMANCE STANDARDS **156**

CHAPTER 30: APD, AIRFIELD PRESERVATION DISTRICT **155**

30-1 PURPOSE **155**
30-2 PERMITTED USES **155**
30-3 PERMITTED ACCESSORY USES **155**
30-4 SPECIAL USES **155**
30-5 INTERIM USES **156**
30-6 DISTRICT PERFORMANCE STANDARDS **156**

CHAPTER 31: ARD, AIRFIELD RESERVE DISTRICT **158**

31-1 PURPOSE **158**
31-2 PERMITTED USES **158**
31-3 PERMITTED ACCESSORY USES **158**

31-4 SPECIAL USES **159**
31-5 INTERIM USES **160**
31-6 DISTRICT PERFORMANCE STANDARDS **160**

CHAPTER 32: RBR, RURAL BUSINESS RESERVE DISTRICT **162**

32-1 PURPOSE **165**
32-2 PERMITTED USES **165**
32-3 PERMITTED ACCESSORY USES **162**
32-4 SPECIAL USES **163**
32-5 INTERIM USES **164**
32-6 DISTRICT PERFORMANCE STANDARDS **164**

CHAPTER 33: RC, RELIGIOUS COLONY DISTRICT

CHAPTER 40: RESERVED **166**

CHAPTER 41: RESERVED **167**

CHAPTER 42: RR-1, RURAL RESIDENTIAL SINGLE FAMILY DISTRICT **168**

42-1 PURPOSE **176**
42-2 PERMITTED USES **176**
42-3 PERMITED ACCESSORY USES **176**
42-4 SPECIAL USES **177**
42-5 INTERIM USES **170**
42-6 DISTRICT PERFORMANCE STANDARDS **178**

CHAPTER 43: RR-2, RESIDENTIAL RURAL TOWNSITE DISTRICT **180**

43-1 PURPOSE **180**
43-2 PERMITTED USES **180**
43-3 PERMITTED ACCESSORY USES **180**
43-4 SPECIAL USES **181**
43-5 INTERIM USES **174**
43-6 DISTRICT PERFORMANCE STANDARDS **174**

CHAPTER 50: C-1, GENERAL COMMERCIAL DISTRICT **176**

50-1 PURPOSE **184**
50-2 PERMITTED USES **184**
50-3 PERMITTED ACCESSORY USES **184**
50-4 SPECIAL USES **185**
50-5 INTERIM USES **186**
50-6 DISTRICT PERFORMANCE STANDARDS **187**

CHAPTER 60: I-1, RURAL INDUSTRIAL DISTRICT **180**

60-1 PURPOSE **189**
60-2 PERMITTED USES **189**
60-3 PERMITTED ACCESSORY USES **189**
60-4 SPECIAL USES **190**
60-5 INTERIM USES **193**
60-6 DISTRICT PERFORMANCE STANDARDS **193**

CHAPTER 70: RESERVED **186**

CHAPTER 71: FP, FLOODPLAIN DISTRICT **187**

CHAPTER 80: PRIVATE SEWAGE DISPOSAL SYSTEMS **194**

80-1 PURPOSE **194**
80-2 PERMIT REQUIRED **194**
80-3 PROCEDURE **194**
80-4 REQUIREMENTS **194**

CHAPTER 90: EFFECTIVE DATE **199**

APPENDIX "A" COUNTY ZONING MAP **200**

CHAPTER 1: TITLE AND APPLICATION

1-1 TITLE

This Resolution, which is the April 1, 2006, revision of the Grand Forks County Zoning Resolution, shall be known, cited and referred to as the Grand Forks County Zoning Resolution; and will be referred to herein as the Resolution.

1-2 PURPOSE

This Resolution is adopted for the purposes of:

1. Promoting the public health, safety, and general welfare.
2. Providing for orderly development of land for agricultural, residential, commercial, industrial, recreational and public land uses.
3. Protecting and preserving the natural environment of the County.
4. Protecting and preserving agricultural land uses.
5. Providing for the conservation of natural resources, water resources, and energy resources.
6. Minimizing congestion in the public rights-of-way.
7. Preventing overcrowding of land and undue concentration of structures by regulating land use, building construction, yard and setbacks.
8. Providing for the administration of this Resolution.
9. Defining the powers and duties of the County staff, the Planning Commission and County Commission in relation to this Resolution.
10. Promoting cooperation between the County and Townships in the administration of this Resolution.

1-3 APPLICATION

1. Jurisdiction. The provisions of this Resolution shall apply to all lands within the unincorporated areas of Grand Forks County excepting city extraterritorial zoning jurisdictions, and townships that have enacted their own zoning authority in accordance with Chapter 58-03 of North Dakota State Century Code, as may be amended.

2. Relation to the County Land Use Plan. Pursuant to North Dakota State Century Code 11-33, as may be amended, and County policy, the County's adopted Land Use Plan, as amended, shall serve as the basis upon which land use and development shall be regulated. This Resolution shall not conflict with and shall be based upon and implement the County's Land Use Plan.

3. Standard, Requirement. Where the conditions imposed by any provision of this Resolution are either more or less restrictive than comparable conditions imposed by other resolution, rule or regulation of the County or Township, the resolution, rule or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

4. Conformity with this Resolution.

    a. No building or structure shall be erected, converted, enlarged, constructed, moved or altered, and no building, structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Resolution and without an appropriate permit being issued.

    b. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements established by this Resolution.

5. Building Compliance. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be issued that does not conform to the requirements of this Resolution.

6. Uses Not Provided for Within Zoning Districts. Whenever in any zoning district a use is neither specifically permitted or denied, the use shall be considered prohibited. In such cases, the County Commission, Township Board, or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if

so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development on the use. The County Commission, Planning Commission or property owner, upon receipt of the study shall, if appropriate, initiate an amendment to this Zoning Resolution to provide for the particular use under consideration or shall find that the use is not compatible for development within the County.

8. Separability. It is hereby declared to be the intention of the County that the several provisions of this Resolution are separable in accordance with the following:

   a. If any court of competent jurisdiction shall adjudge any provision of this Resolution to be invalid, such judgment shall not affect any other provisions of this Resolution not specifically included in said judgment.

   b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Resolution to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

1-4 AUTHORITY

This Resolution is enacted pursuant to the authority granted by North Dakota State Century Code, Chapter 11-33.

1-5 COMPREHENSIVE REVISION

The County Commission intends this Resolution to be a comprehensive revision to the Grand Forks County Zoning Resolution. Any act done, offense committed, rights accruing or accrued, liability, or penalty incurred or imposed prior to the effective date of this Resolution is not affected by its enactment.

1-6 APPLICATION OF RULES

The language contained in this Resolution shall be interpreted in accordance with the following rules as applicable:

1. The singular includes the plural and the plural the singular.

2. The present includes the past and future tenses, and the future tense includes the present tense.

3. The word "shall" is mandatory, and the word "may" is permissive.

4. The masculine gender includes the feminine gender.

5. In the event of conflicting provisions, the more restrictive shall apply.

6. The provisions of this Resolution shall be construed and interpreted to give full force and effect to its intent and purposes.

7. In their interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements for the promotion of health, safety, and welfare.

8. Except as this Resolution specifically provides, no structure or land shall be used or occupied for any purpose nor in any manner which is not in conformity with this Resolution.

9. Meanings of words, unless otherwise defined herein, shall have the meaning given in other applicable Grand Forks County Resolutions, North Dakota State Century Code and Rules, and federal laws.

1-7 DEFINITIONS

The following words or terms, whenever they occur in this Resolution, are defined as follows:

Accessory Structure - A structure of secondary or subordinate use to the principal structure, located on the same lot.

Accessory Use - A use subordinate to and serving the principal use on the same lot, which is compatible with and customarily incidental to the principal use.

Adult Uses – Uses which include a sexually oriented arcade; sexually oriented bookstore; sexually oriented video store; sexually oriented store; sexually oriented cabaret; sexually oriented conversation/rap parlor; sexually oriented massage parlor; sexually oriented motel; sexually oriented theater; sexually oriented steam room, bath house or sauna; or a nude model studio.

Agricultural Building - A structure designed and constructed to house farm implements, hay, grain, other horticultural products, poultry, or livestock,

excluding equine. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

Agricultural Use - The use of land for the growing and/or production and wholesale distribution of field crops, livestock, and livestock products for the production of income or own use, including but not limited to the following:

1. Field crops, including but not limited to, barley, beans, beets, corn, hay, oats, potatoes, rye, sorghum, sunflowers, and wheat.

2. Livestock, including but not limited to, dairy and beef cattle, equine, goats, sheep, hogs, poultry, game birds and other animals including deer, buffalo, rabbits and mink.

3. Livestock products, including but not limited to, milk, butter, cheese, eggs, meat, fur and honey.

4. Trees, shrubs, bushes, and plants for wholesale distribution.

5. Sod farming.

Agriculturally Related Machine Shops - The use of a structure, including but not limited to, the repairing, machining, welding or sheet metal work of an agriculturally related machine or component. This does not include the sale of new or used components and machines.

Antenna Related:

1. Antenna - Any structure or device used for the purpose of receiving or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, satellite dishes, wireless internet receivers, and omni-directional antennas, such as whip antennas.

2. Co-location - Placement of two or more wireless telecommunication devices on a single tower or other structure.

3. Commercial Wireless Telecommunication Services - Licensed commercial wireless telecommunication services including, but not limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

4. Mast - That portion of the outside tower system to which the antenna is attached, and the support of extension required to elevate the antenna to a height deemed necessary for adequate operation.

5. Private Land - Land that is not public land as defined in this Resolution.

6. Public Land - Land owned or operated by a governmental entity.

7. Public Utility Uses - For the purposes of this Resolution, commercial wireless telecommunication service facilities shall not be considered as public utility uses, and are defined separately.

8. Satellite Dish - An antenna device used for transmitting or receiving electromagnetic waves, but which incorporates a reflective surface that is solid, open mesh, or bar figured and is in the shape of a shallow dish, cone or horn.

9. Temporary Cell Site - A fully transportable tower, antenna, and accompanying equipment used on a temporary basis in the case of equipment failure, testing of the system, or interim period after permits are approved and before construction is completed.

10. Tower - Any ground or roof mounted pole, spire or structure, or combination thereof higher than thirty-five (35) feet, to which an antenna is attached and all supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna.

11. Tower Accessory Building - A structure incidental to a tower or antenna site housing the necessary receiving, transmitting, or switching equipment.

Basement - Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story, and as defined in the State Building Code.

Board of Adjustment - The Grand Forks County Board of Adjustment established by this Resolution.

Buffer Yard – A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.

Buildable Land – Land having a size and configuration capable of supporting a principal and accessory buildings, with an approved domestic waste water treatment system and potable water system, not subject to adverse soil, water, flood or topographic (greater that 12% grade) conditions.

Building - Any structure having a roof which may provide shelter or enclosure of persons, animals or property of any kind.

Building Height - The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Building Line - A line parallel to the street right-of-way line, and ordinary high water level, if applicable, at its closest point to any story level of a building and representing the minimum distance which all or part of the building is set back from said right-of-way line, or ordinary high water level.

Building Permit - The permit to allow for structural construction as required by the County Building Code and Zoning Resolution.

Building Official - The officer or other designated authority charged with the administration and enforcement of the State Building Code, or his duly authorized representative.

Building Setback - See "Setback".

Business - Any occupation, employment or enterprise wherein merchandise or associated equipment is exhibited, stored or sold, or where services are offered for compensation.

Campground - Overnight primitive, independent and dependent camping activities.

Campers, Recreational Vehicles, and Motor Homes - Temporary dwellings designed to be located on sites overnight or other short periods of time as temporary living quarters for recreational use. These units have a degree of comfort not ordinarily acceptable as permanent living quarters. Wheels and axles are essential to their function and are permanently attached for repeated use in transportation of the units.

Certificate of Survey – A land survey prepared by a land surveyor registered in the State of North Dakota with a certification that the information on the land survey is accurate.

Church - A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Commercial/Agricultural Byproduct – Organic residue resulting for the manufacturing of agricultural products such as potatoes and sugar beets.

Commercial Use – The principal use of land or buildings for the sale, lease, rental, or trade of products, goods and services.

Contractor Yard - A site used for storage of equipment and supplies used by a contractor in operation of the business.

Convenience Store-Gas Sales - An establishment whose principal business include the sale of foods and grocery items, and the sale of gas and oil products from service islands. These establishments do not offer automobile repair services such as mechanical work on engines or auto body work.

Conveyance System – Any path, including but not limited to, ditches, streams, overland flow channels, and storm sewer systems, traveled by water as it passes through the watershed.

County – Grand Forks County, North Dakota.

County Commission – Grand Forks County Board of Commissioners.

Cul-de-Sac – A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Day Care Facility – Any State licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to, family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity center, and day treatment programs.

Day Care, In Home - A day care service which takes place in, and is an accessory use in a principal dwelling which is occupied by the owner or operator of the service, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or

development guidance on a regular basis, for periods of less than twenty-four (24) hours per day.

Deck - A horizontal, unenclosed platform, with or without attached railings, seats or other features, attached or functionally related to a principal use.

Deed Restriction/Title Restriction – A stipulation recorded on the property deed/title stating that the property be used or not be used for a particular purpose or purposes.

Direct Sunlight - Sunlight unobstructed by any improvement or tree within the Solar Access Space.

District - See "Zoning District".

Dwelling – A building or portion thereof, designated exclusively for residential occupancy, including one family, two family, and multiple family dwellings, but not including hotels, motels, boarding houses, bed and breakfast, mobile homes or trailers.

Dwelling, Single Family – A dwelling unit designed exclusively for and occupied exclusively by one (1) family.

Dwelling Unit – A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, tents, seasonal cabins, boarding or rooming houses, motor homes, or travel trailers.

Easement - The right to use the land of another owner for a specified use. An easement may be granted for the purpose of constructing and maintaining walkways, roadways, individual sewage treatment systems, utilities, drainage, driveway, and other uses.

Erosion - Any process that moves soil along or away from the surface of the land by the action of water, wind, ice or gravity. Excessive erosion occurs when either or both of the following conditions exist:

a. Estimated average annual rate of soil erosion for a particular parcel of land resulting from sheet and rill erosion or wind erosion is greater than the soil loss tolerance for any of the soil series comprising that particular parcel of land.

b. Evidence of active gully erosion.

Essential Services - Governmental Uses, Buildings and Storage - Governmental services such as office buildings, garages, temporary open space, open storage when not a principal use, fire and police stations, recreational areas, training centers, correctional facilities or other essential uses proposed by federal, state, county, local, special districts and school districts, except that schools shall not be permitted under this provision.

Essential Services - Public Utility Uses - Underground or overhead electrical, gas, steam or water distribution systems, collection, communications, supply or disposal system, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories; but not including buildings or transmission services.

Essential Services - Public Utility Uses, Transmission Services, Buildings and Storage - Transmission service such as electrical power lines of a voltage of 35 KV or greater, or bulk gas or fuel being transferred from station to station and not intended for enroute consumption or other similar equipment and accessories.

Exterior Storage (includes open storage) - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Eye Level View - For the purposes of this Resolution, eye level view will be measured six (6) feet above the grade of the site to be screened.

Fair – Public or private event that includes all of the following: exhibitions, buying and selling of goods, competitions, games, and entertainment.

Fairgrounds – A site where fairs or exhibitions are conducted as a principal use.

Family - An individual; or two or more persons related by blood, marriage or adoption living together; or not more than four persons not so related living together; as a housekeeping unit in a single dwelling unit.

Farm - See "Agricultural Use".

Feedlot Related:

1. Animal Feeding Operation – A place where livestock have been, are or will be confined, concentrated and fed for 45 or more days in any 12 month period; pasture crops, or other vegetation are not normally managed or sustained for grazing during the normal growing season; and, animal waste or manure accumulates. This term does not include an animal wintering operation.

Two or more animal feeding operations that are under common ownership shall be considered a single animal operation if they are within a one mile radius of each other, or if they use a common area, or if they use a common system for manure handling.

2. Animal Feeding Operation Structure – lagoon, formed manure storage, washwater or wastewater storage structure, earthen manure storage basin, or any animal confinement building.

3. Animal Wintering Operation – The confinement of cattle or sheep used or kept for breeding purposes in a feedlot or sheltered area at any time between October 15 and May 15 of each production cycle under circumstances in which these animals do not obtain a majority of their feed and nutrients from grazing. The term includes the weaned offspring of cattle and sheep, but it does not include (1) breeding operations of more than 1,000 animal units or (2) weaned offspring which are kept longer than 120 days and that are not retained for breeding purposes.

4. Aquifer – Geologic formation, group of formations, or part of a formation capable of storing and yielding ground water to wells and springs.

5. Closure – Taking of those actions to close and reclaim a feedlot. Closure actions may include, but are not limited to, cleaning of buildings, disposal of manure, and demolition and/or removal of all manure storage structures.

6. Due Process – Involves two essential elements; (1) notice and (2) an opportunity for a hearing. The notice must adequately describe the potential action that might affect the person(s) being notified and it must provide the person(s) a reasonable time to respond. If the person(s) request(s) a hearing, the hearing must be fair and allow the person(s) to present relevant evidence and arguments.

7. Earthen Manure Storage Basin - An earthen cavity, either covered or uncovered, which, on a regular basis, receives waste discharges from an animal feeding operation and where accumulated wastes from the basin are removed at least once a year.

8. Established Residence – Any residence established by a personal presence, in a fixed and permanent dwelling with an intention to remain there

9. Ground Water – Water below the land surface in a geological unit in which soil pores are filled with water and the pressure of that water is equal to or grater than atmospheric pressure.

10. Lagoon – An impoundment made by excavation or earth fill for biological treatment of animal or other agricultural wastes. Lagoons can be aerobic, anaerobic or facultative, depending on their loading and design.

11. Livestock – Any animal raised for food, raw materials, or pleasure, including, but not limited to, beef and dairy cattle, bison, sheep, swine, poultry, and horses. Livestock also includes fur animals raised for pelts.

12. Manure – Means fecal material and urine from livestock, as well as animal-housing wash water, bedding material, rainwater, or snow melt that comes in contact with fecal material or urine.

13. Operator – An individual, corporation, cooperative, group of individuals, partnership, joint venture, or any other entity owning or controlling one or more animal feeding operations or animal wintering operations.

14. Pollution, Air – The presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is or may be injurious to human health, welfare, or property, animal, or plant life or which unreasonably interferes with the enjoyment of life or property.

15. Pollution, Water – Manmade or man-induced alteration of the physical, chemical, biological integrity of any Waters of the State.

16. Public Well – A well that accesses the Waters of the State for distribution to the public. This includes the defined source-water production area land mass around the well.

17. Runoff – The portion of precipitation or irrigation or other liquid that makes its way toward streams, rivers, lakes, or other bodies of water as surface or subsurface flow.

18. Source-Water Protection Area – Boundary which defines the surface and subsurface area surrounding a water well or a well field, which supplies a public water system and through which contaminants are likely to move toward and reach such water well or field.

19. Waters of the State – All waters within the jurisdiction of this State, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the State except those private waters that do not combine or effect a junction with natural surface or underground waters just defined.

Fence - Any partition, structure, wall or gate erected as a divider, marker, barrier or enclosure and located along the boundary, or within the required yard setback.

Floodplain Related:

1. Base flood or 100-year flood - means the flood having a one percent chance of being equaled or exceeded in any given year.

2. Base Flood Elevation (BFE) - means the height of the base flood or 100-year flood usually in feet above mean sea level.

3. Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

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

5. Conveyance or hydraulic conveyance - means a geometric characteristic of a river or watercourse at a given point that determines the flow-carrying capacity at that point.

6. Development - means any man-made change to improved or unimproved real estate, including, but not limited, to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the special flood hazard area.

7. Flood Insurance Rate Map (FIRM) - means the official map issued by the Federal Emergency Management Agency where special flood hazard areas are designated as Zone A.

8. Flood or flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or; from the unusual and rapid accumulation or runoff of surface waters from any source.

9. Floodplain - The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

10. Floodproofing (Dry) - means 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.

11. Floodway or regulatory floodway - means 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.

12. Lowest floor - means the lowest floor of a structure including the basement.

13. Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”, but does include “mobile home”.

14. Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

15. New construction - means structures for which the "start of construction" commenced on or after the effective date of this Resolution.

16. Obstruction - Any dam, wall, wharf, dock, pier, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

17. Reasonably safe from flooding - means 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.

18. Recreational vehicle - means a vehicle which is:
    (1) built on a single chassis;
    (2) 400 square feet or less when measured at the largest horizontal projection;

(3) designed to be self-propelled or permanently towable by a light duty truck;
(4) 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;
(5) travel trailers, trailers on wheels, park-model trailers, and other similar vehicles.

19. Regional Flood - A flood which is representative of large floods known to have occurred generally in North Dakota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

20. Regulatory Flood Protection Elevation - The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

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

22. Start of construction - includes 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.

23. Structure - means a walled and roofed building, including manufactured homes and gas or liquid above-ground storage tanks.

24. Substantial damage - means 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.

25. Substantial improvement - means 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:

Floor Area, Finished - The sum of the finished areas of all floors of the building measured from the exterior walls.

Floor Plan - A schematic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

Freight Transportation Terminal - A building or area in which freight brought by motor truck is transferred and/or stored for movement by motor truck.

Frontage - That side of a lot abutting on a street or highway and regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.

Garage, Private - An accessory structure or accessory portion of the principal structure which is intended for and used to store personal vehicles.

Garage, Repair - See "Motor Vehicle Repair Garage".

Garage, Storage - A structure used for the storage of commercial or industrial equipment or material.

Group Home - A facility licensed by the State of North Dakota to provide 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habilitation or treatment outside a patient's own home.

Hardship - As is defined by variance criteria set forth in Chapter 2-7 of this resolution.

Home Extended Business - An occupation or profession engaged in by the occupant of a dwelling unit, within said dwelling unit or accessory structure, which involves the storage of a limited amount of vehicles and equipment; repair, service or assembly requiring equipment other than customarily found in a home; or the storage of stock in trade incidental to the performance of a service. The proposed activity shall be clearly incidental and secondary to the residential use of the premises, and shall only include the sale of merchandise incidental to the Home Extended Business.

Impervious – An artificial or natural surface that is highly resistant to infiltration by water. It includes surfaces such as compacted sand or clay as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Industrial Use – The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Interim Use – A temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations.

Junk – See “Solid Waste”.

Kennel - Any structure or premises, private or public, in which four (4) or more dogs over six (6) months of age are boarded, bred, trained, or offered for sale.

Land Disturbing Activities – Any change of the land surface including, but not limited to, removing vegetation cover, excavating, filling, and grading.

Land Use Plan - The Grand Forks County Land Use Plan, as amended.

Land Reclamation - The improvement of land by hauling in material and/or re-grading the land.

Landscaping - Planting of trees, grass, ground cover, shrubs, and screening, including the use of rock and timbers.

Landfill – see “Solid Waste”.

Lighting Related:

1. Cutoff – The point at which all light rays emitted by a lamp, light source or luminare are completely eliminated at a specific angle above the ground.

2. Cutoff Angle – The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

3. Cutoff Type Luminare – A luminare with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

4. Flashing Light – A light source which is not constant in intensity or color at all times while in use.

5. Foot Candle – A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

6. Light Source – A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

7. Lighting Standards - A pole made of a wood, metal or other material which is affixed to the ground and utilized for the sole purpose of mounting light fixtures.

8. Luminare – A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

9. Outdoor Lighting – Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on freestanding poles.

10. Outdoor Light Fixture – Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights, for:

    a. Buildings and structures.
    b. Recreational areas.
    c. Parking lot lighting.
    d. Landscaping lighting.
    e. Signs.
    f. Street lighting.
    g. Product display area lighting.
    h. Building overhangs and open canopies.

11. Security Lighting – Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

12. Shielding – A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light

emitted to be projected below an imaginary horizontal plane passing through the light fixture.

13. Spillage. Any reflection, glare or other artificial light that emits onto any adjoining property or right-of-way and is above a defined maximum illumination.

Limited Livestock Raising - The confining, breeding, or raising of animals provided the animal density is not greater than 1.0 animal unit per pasturing acre. The activity shall have a minimum of two productive acres for the first animal unit. This activity is subject to regulation on parcels less than 40 acres or one quarter/quarter Section in size.

Lot - A parcel of land designated by metes and bounds, registered land survey, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. In all cases, a road shall be considered a property line.

Lot of Record - See "Lot, Legal Nonconforming".

Lot, Corner - A lot situated at the junction of, and abutting on two (2) or more intersecting streets. On a corner lot, both streets shall be deemed front lot lines for the application of this Resolution.

Lot, Legal Non-Conforming - Any lot that legally existed prior to the adoption date of this Resolution, which fails to meet the current required lot size, width, or does not have the required frontage on a publicly maintained road.

Lot, Illegal Non-Conforming - A non-conforming lot that did not legally exist prior to the adoption date of this Resolution, and is a violation of this Resolution.

Lot Area - The area of a lot in a horizontal plane bounded by the lot lines.

Lot Coverage - The area of a lot occupied by impervious material, including but not limited to, buildings, paved surfaces, crushed asphalt, concrete, or rock, and driveways.

Lot Depth - The mean horizontal distance between the mean front and the mean rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

Lot, Interior – A lot other that a corner lot.

Lot Lines - The lines bounding a lot, as defined herein. When a lot abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street or front lot line, and when a lot line abuts on an alley or back of a lot, it shall be known as an alley line or back lot line. Lot lines located between front and back lot lines shall be called side lot lines.

Lot Line, Front - That boundary of a lot which abuts a maintained street, and in the case of a corner lot both lot lines abutting streets shall be considered front lot lines. The remaining lot lines shall be considered side lot lines.

Lot Line, Rear - That boundary of a lot which is opposite the front lot line. If the rear line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot Line, Side - Any boundary of a lot which is not a front lot line or a rear lot line.

Lot, Through - A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both streets shall be deemed front lines for the application of this Resolution.

Lot Width – The minimum required horizontal distance between the side lot lines measured at right angles to the lot depth, at the front setback line. For cul-de-sac lots, lot width shall mean the minimum required horizontal distance between the side lot lines, measured along a straight line at the midpoint of the front setback line.

Manufactured home - A factory built structure to be used as a dwelling, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; which does not have permanently attached to its body or frame any wheels or axles; and which bears a label certifying that it was built in compliance with the Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280) which became effective June 15, 1976, as set forth by the United States Department of Housing and Urban Development.

Manufactured Home, Type “A” - A home constructed at a factory after June 15, 1976, that meets or exceeds the construction standards as set forth by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

(a) The home has a minimum interior area of nine hundred (900)square feet.

(b) The pitch of the home's roof has a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction.

(c) The exterior siding consists of wood, hardboard, steel, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

(d) A continuous, permanent, masonry, poured concrete or treated wood foundation, either full basement or crawl space, unpierced except for required ventilation and access, is installed under the home with footings extending five (5) feet below finished ground line as per County Building Code.

(e) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Manufactured Home, Type "B" - A home constructed at a factory after June 15, 1976, that meets or exceeds the construction standards as set forth by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, but that does not satisfy the criteria necessary to qualify the home as a Type A Manufactured Home.

Metes and Bounds - A method of property description by means of their direction and distance from an identifiable point of beginning.

Mining - The extraction of sand, gravel, rock, black dirt, peat, soil and other material from the land and the removal thereof from the site.

Mobile Home - A transportable, factory built home, designed to be used as a year-around residential dwelling and built prior to enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280), which became effective June 15, 1976. A mobile home or portable dwelling to be used for year-round living, constructed to be towed on its own chassis, connected to utilities and may or may not be placed on a permanent foundation. It can consist of one (1) or more units that can be telescoped when towed, or two (2) or more units separately towable but designed to be joined into one integral unit. Any manufactured home that does not meet the definition criteria of a Type A or Type B Manufactured Home.

Mobile Home Park - A group of three (3) or more mobile homes or Type B Manufactured Homes located on a single owned tract of land, operated as a single entity as a business investment of the owner; each unit located on a site

leased to its occupants who own or lease the living unit as their permanent residence. Tourist, RV, and trailer camps and campgrounds are excluded.

Mobile Home Space - Site in a mobile home park rented to a person for exclusive right of occupancy in a mobile home or manufactured home. The site includes land area for off street parking, private outdoor space and patios, storage buildings and for unobstructed open space to adjacent living units, to adjoining streets, and to other common areas of the mobile home park.

Mobile home stand - A land area designated on a mobile home space upon which a mobile home or Type 2 Manufactured Home is intended to be located, such area to have solid pylons extending five (5) feet below ground line to allow for adequate tie down. The stand shall have permanent water, sewer and power utility connections so positioned that a mobile home or Type 2 Manufactured Home, placed on the stand, can be readily connected to them. The front yard portion of the mobile home space between the stand and the street must be kept free of permanent obstructions, to allow transport and maneuvering of a mobile home or Type 2 Manufactured Home onto and from the stand from the street.

Modular Homes - Dwelling units consisting of precut panels, parts or components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Modular components consist of roof trusses, wall sections, door and window units, plumbing trees, bathrooms, kitchen counter units and dormer units. A modular home may consist of two sections transported to the site in a manner similar to a manufactured home. All modular components must meet County Building Codes applicable to site-built homes, and are either inspected and approved by County Building Inspector or certified by the builder as meeting County Building Codes.

Motor Vehicle, Repair Garage - General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding and major painting services performed on licensed vehicles.

Motor Vehicle Service Station - A building or any portion thereof designed primarily for the supplying of motor fuel, oil, lubrications and accessories for use in motor vehicles including installation and minor incidental services.

Natural and Artificial Water Storage and Retention Areas - Any natural or artificial lake, pond, surface water storage area, or wetland that has the potential to temporarily retain surface water runoff for the purpose of runoff water management or water quality management.

Non-Conformity – Any legal use, structure or parcel of land already in existence, recorded or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Nursery/Greenhouse - A business growing and selling trees, flowering, decorative and/or edible plants which may be conducted in or outside a building.

Official Control - Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the County, or any part thereof, or any detail thereof, and the means of translating into resolutions all or part of the general objectives of the Land Use Plan. Such official controls may include, but are not limited to resolutions establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, and official maps.

Official County Map – The County Zoning map adopted in accordance with this resolution and is on file at the County Planning Office.

Opaque - As applied to a fence or wall, at least seventy five percent (75%) of the view from the opposite side is blocked, when observed from a point perpendicular to the opaque material, fence, or wall.

Open Sales Lot (Exterior Storage) - Any land used or occupied for the purpose of buying and selling goods, materials, or merchandise and/or for the storing of same under the open sky prior to sale.

Operational Plan - A narrative description of the type of proposed activity on the site and a description of the daily function of that activity.

Overlay Zoning District - Regulations imposed in addition to those found in the underlying zoning district, in order to address particular topographic or development concerns.

Parking Space - A surfaced and permanently maintained area on privately or publicly owned property either within or outside of a building of sufficient size to store one (1) standard vehicle.

Passive Solar Energy System - A solar energy system that uses natural and architectural components to collect and store solar energy without using any external mechanical power.

Performance Standard - The minimum criteria applicable to all land uses and procedures of the Zoning Resolution.

Permanent Foundation - A continuous masonry, poured concrete, or treated wood foundation, either full basement or crawl space, unpierced except for required ventilation and access, with footings extending five (5) feet below finished ground line as per County Building Code.

Planning Commission - The Grand Forks County Planning Commission established by this Resolution.

Planning Department - The Grand Forks County department charged with the enforcement of this Resolution.

Plat – A map or representation of a piece of land subdivided into lots including streets and which is filed for public record pursuant to the laws of the State of North Dakota.

Principal Use/Building – The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted, interim, conditional, or allowed by administrative permit.

Productive Acre - An acre of land in which crop tilling or pasturing can take place but is not to include building area and land susceptible to standing water.

Property Line - The legal boundaries of a parcel of property.

Protective Covenant - A restriction of the use placed upon the property by a present or former owner and recorded in the Office of the County Recorder. The County will not be responsible to enforce private protective covenants.

Public Right-of-Way – The area on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the County, Township or municipality has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the County. A public right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service. The lands described by an easement, deed, dedication, title, law or occupation of a road, highway, street, cartway, bicycle lane, or sidewalk are included as right-of-way.

Recreation Area, Public - Includes uses that are commonly provided for the public at parks and playgrounds, such as swing sets and slides, picnic tables, ball fields, which are owned and operated by a unit of government for the purpose of providing recreation.

Recreational Use, Indoor - Includes all uses such as bowling alleys, roller and ice skating rinks, driving ranges, health clubs and game courts that are privately or publicly owned and operated with the intention of earning profit by providing entertainment and/or recreational opportunities for the public.

Registered Land Survey - A survey map of registered land designed to simplify a complicated metes and bounds description, prepared by a professional surveyor licensed in the State of North Dakota.

Residence – A structure which is being utilized for the purpose of residential inhabitance or a structure that at one time was, or could be in the future utilized for residential inhabitance.

Resolution - The Grand Forks County Zoning Resolution.

Road - See "Street"

Runoff - The portion of rainfall on an area that does not soak into the soil or become trapped in depressions and is discharged from the area on the land surface either in sheet or channelized flow.

Sedimentation - The depositing of soil material that has been moved from its site or origin by wind, water, or gravity.

Semi-Public Use – The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive Receptors - Means those areas which require increased distances from potentially harmful structures or uses, and which include, but are not limited to: residential and open-space districts, schools, parks, play areas, churches, cemeteries, on/off sale liquor establishments, and adult uses.

Setback - The minimum horizontal distance between a structure, individual sewage treatment system, or other facility, and a road, road right-of-way, property line, top of bluff, or the ordinary high water level of a lake, stream, river, or other protected water.

Setback, Windbreak - The distance from the street right-of-way to the street side edge of a fence, barrier, structure, or growth of trees/shrubs serving to break the force of the wind.

Sewage - Any water-carried domestic waste, exclusive of footing and roof drainage of any residence, industry, agricultural or commercial establishment, whether treated or untreated including the liquid wastes produced by bathing, laundry and culinary operation, and from toilets and floor drains associated with these sources. Raw sewage is sewage which has not been subjected to any treatment process.

Sewage Treatment System – A septic tank and soil absorption system or other individual sewage treatment system as described and regulated in Chapter 80 of this Resolution.

Sign - Any letters, words, figures, design, symbol, trademark, or numbers, illuminated or non-illuminated, which is intended to attract attention to any place, business, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which is painted, printed, or constructed and displayed in any manner visible to the general public out of doors for recognized advertising purposes.

1. Advertising/Billboard - A sign which directs attention to a business, or to a commodity, service, or entertainment sold or offered at a location other than the premises where the sign is located.

2. Business/Industrial - A sign which directs attention to a business or profession, or to a commodity, service or entertainment sold or offered upon the premises where the sign is located.

3. Construction - A sign placed at a construction site identifying the project, or the name of the architect, engineer, contractor, or other involved parties.

4. Directory - A sign or group of signs attached to a building or free standing which identifies the business, owner, address or occupation of a group of businesses but contains no advertising.

5. Government - A sign which is erected by a governmental unit.

6. Illuminated - Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

7. Integral - A sign carrying the name of a building, date of erection, citations, commemorative tablets or the like carved in stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.

8. Nameplate - A sign which states the name or address, or both, of an occupant or business on the lot where the sign is located.

9. Nit – A unit of measure of luminance or brightness equal to one foot candle per square meter measured perpendicular to the rays of the source.

10. Portable - A sign so designed as to be moveable from one location to another and which is not permanently attached to the ground or any structure.

11. Real Estate - A sign placed upon a property advertising that particular property for sale, rent or lease.

12. Temporary or Seasonal - A sign placed on a lot or parcel of land for a period not to exceed ten (10) days out of any twelve (12) month period.

Sign, electronic changeable copy. A sign or portion thereof that displays electronic images or text using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs do not include traffic control devices.

Soil Survey – A graphic and narrative inventory of existing soil types contained on a site.

Solid Waste and Junk Related:

1. Antique Motor Vehicle - A vehicle that is at least forty years old.

2. Collector - An individual who collects and/or restores collector motor vehicles, antique motor vehicles or special interest vehicles.

3. Collector Motor Vehicle - A vehicle that is at least twenty-five years old.

4. Collections - The aggregation of solid waste from the places at which the waste was generated.

5. Disposal - The discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water including ground water.

6. Exterior Property - The open space on the premises and on adjoining property under the control of owners or operators of such premises.

7. Hazardous Materials - Hazardous materials classified according to their major hazard as per Uniform Fire Code, including but not limited to the following: flammable liquids, combustible liquids, flammable solids, corrosive liquids, radioactive materials, oxidizing materials, highly toxic materials, cryogenic fluids, poisonous gasses, reactive materials, unstable materials, hyperbolic materials, pyrophoric materials, irritants, sanitizer, any substance or mixture of substances which generates pressure through exposure to heat, decomposition, or any other means; and all substances and/or materials as defined by 49CFR-Parts 100 through 199.

8. Industrial Waste - Solid waste, which is not a hazardous waste regulated under Chapter 23-20.3 of the North Dakota Century Code, generated from the combustion or gasification of municipal waste and from industrial and manufacturing processes. The term does not include municipal waste or special waste.

9. Inert Waste - Includes construction and demolition material such as metal, wood, bricks, masonry and cement concrete, asphalt concrete, tires, tree branches, yard and garden trimmings, bottom ash from coal fired boilers, and waste coal fines from air pollution control equipment. Inert wastes are those types of bulky wastes that normally do not post significant hazards of environmental degradation. Inert waste will not generally contaminate water or form a contaminated leachate and does not serve as food for vectors.

10. Infectious Waste - Solid waste matter that may contain pathogens with significant virulence and in sufficient quantity that exposure of a susceptible human or animal to the solid waste could cause the human or animal to contract an infectious disease.

11. Inoperable Agricultural Equipment - Agricultural equipment which cannot be readily used, including, but not limited to, machinery and equipment kept for parts.

12. Inoperable Motor Vehicle - A vehicle which cannot be driven upon the public streets for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

13. Junk Yard - Land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles, provided further that the storage of three (3) or more inoperative motor vehicles for a period of three (3) or more months shall also be considered a junk yard.

14. Landfill - A publicly or privately owned area of land where solid wastes are permanently disposed.

15. Litter - Rubbish, refuse, waste material, offal, paper, glass, cans, bottles, trash, debris, animal and vegetable matter, ashes or any foreign substances of whatever kind of description.

16. Major Appliance - Air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, refrigerator, stove, furnace, water heater, humidifier, dehumidifier, garbage disposal, trash compactor, or other similar appliance.

17. Municipal Waste - Solid waste that includes garbage, refuse, and trash generated by households, motels, hotels, and recreation facilities by public and private facilities, and by commercial, wholesale, and private and retail businesses. The term does not include special waste or industrial waste.

18. Non-hazardous Materials - Those materials not classified as hazardous by the Uniform Fire Code.

19. Rubbish - Combustible and non-combustible materials, except garbage, and the term shall include the residue from burning of wood, coke, and other combustible materials, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmage, tin cans, metals, glass, crockery, and dust.

20. Solid Waste - Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous materials, resulting from industrial, commercial, mining and agricultural operations, and from community activities. This term does not include solid or dissolved material in irrigation return flow or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500.86 Stat, 816, 33 U.S.C. 1251 et seq). or source, special, nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 as amended (68 Stat. 919, 42 U.S.C. 2011 et seq).

21. Solid Waste Management - The purposeful systematic control of the storage, collection, transport, composting, resource recovery, land treatment, and disposal of solid waste.

22. Special Interest Vehicle - A vehicle that has an appreciating value because of rarity, originality, or limited production of an anniversary edition.

23. Special Waste - Solid waste that is not a hazardous waste regulated under Section 23-20.3 of the North Dakota Century Code, that includes waste generated from energy conversion facilities; waste from crude oil and natural gas exploration and production; waste from mineral and ore mining benefications, and extraction. The term does not include municipal waste or industrial waste.

24. Storage of Waste - The containment and holding of solid waste after generation for a temporary period, at the end of which the solid waste is processed for resource recovery, treated, disposed of, or stored elsewhere.

25. Transport of Waste - The offsite movement of solid waste.

Special Use - A use which may not generally be appropriate in a specified zoning district, but may be permitted with appropriate restrictions upon a finding that; certain conditions as stated in the Resolution exist, the use conforms to the Land Use Plan, and the use is compatible with the existing neighborhood.

Stormwater Management Plan – A document containing the requirements of Chapter 6 in this Resolution.

Stormwater Retention Area - An area designed by a licensed professional and approved by the County to retain water to control the flow of stormwater.

Street - A right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, court, way, trail or however otherwise designated. Ingress and egress easements shall not be considered streets.

1. Principal Arterial - Streets which include all interstate freeways and other roadways which provides for the longest trips. The emphasis is on mobility rather than land access.

2. Minor Arterial - A street system which serves medium to short trips and provides access to the principal arterials. They interconnect concentrations of commercial or industrial land uses and connect cities and towns of the region to each other and to similar places outside the region. The emphasis is still on mobility rather than land access.

3. Collector - A street which provides connection between neighborhoods and from neighborhoods to minor business concentrations. Mobility and land access are equally important.

4. Local - Those that remain, serving the shortest trips and providing access to adjacent property.

5. Cul-De-Sac - A local street having one end open to traffic and the other end permanently terminated by a vehicular turn-around.

6. Service or Frontage - A local street which is parallel and adjacent to a highway or an arterial street and which provides access to abutting properties and protection from through traffic.

Street Width - The width of the right-of-way, measured at right angles to the centerline of the street.

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall

be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused above-floor space shall be considered a story.

Structural Alteration - Any change, other than incidental repairs, which would prolong or modify the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Structure - Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.

Structure, Illegal Nonconforming - A structure which did not legally exist prior to the adoption of this Resolution, and does not conform with the current resolution requirements for the district in which it is located.

Structure, Legal Nonconforming - A structure which legally existed prior to the adoption date of this Resolution, but which is not in compliance with the requirements of this Resolution for the district in which the structure is located.

Structure, Principal - The main building on a parcel of land.

Surfaced - A road, driveway, approach, or parking lot which consists of gravel, crushed rock, lime rock, bituminous surface, concrete surface, or other similar material.

Temporary Asphalt Mixing Plant – Operations associated the onsite manufacturing of asphalt road construction project.

Title Restriction – See Deed Restriction.

Tower – See “Antenna Related”

Truck Stop - A motor fuel station devoted principally to the needs of semi-tractor/trailer units and trucks, and which may include eating and/or sleeping facilities, but not to include a motel or a hotel.

Use - The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained.

Use, Accessory - See "Accessory Use".

Use, Special - See "Special Use".

Use, Interim - See "Interim Use".

Use, Illegal Nonconforming - Any use of a property or structure which did not legally exist prior to the adoption date of this Resolution as a permitted or conditional use in the zoning district in which the use is located, and is not allowed as a permitted, special, or interim use under this Resolution in the district in which the use is located.

Use, Legal Nonconforming - Any use of a property or structure which legally existed in the district in which the use is located prior to the adoption date of this Resolution, but which is not allowed as a permitted, special, or interim use under this Resolution in the district in which the use is located.

Use, Permitted - A public or private use of land or structures which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of the district in which it is located.

Use, Principal - The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either a permitted or special use.

Variance - A modification or variation of the provisions of this Resolution. A variance shall not be granted allowing a use prohibited in the district in which the structure, use and lot are located.

Waterway - A natural or constructed channel that carries a flow of water.

Wetland - Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

1. Have a predominance of hydric soils; and

2. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

3. Under normal circumstances support a prevalence of such vegetation.

Windbreak - A barrier in the form of a hedge, fence, trees, or other structure designed to lessen the force of the wind and reduce erosion.

Wind Energy Conversion System - Any device such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of useable energy.

Yard - An open space on a lot surrounding a structure, which is unoccupied and unobstructed from the ground to the sky, except by landscaping or an eave not exceeding two (2) feet in width.

1. Yard, Front - The yard extending the width of the lot from the front lot line to the building setback line.

2. Yard, Rear - The yard extending the width of the lot extending from the rear lot line to the rear yard setback line.

3. Yard, Side - The yard extending along the side lot line between the front and rear yards, extending perpendicularly from the side lot line to the side yard setback line.

Zoning Amendment - A change authorized by the County either in the allowed use within a district or in the boundaries of a district.

Zoning District - An area or areas within the County for which the regulations and requirements governing use are uniform as defined by this Resolution.

CHAPTER 2: ADMINISTRATION

2-1 PLANNING DEPARTMENT

The Planning Department, in partnership with the Township Boards, shall perform the following duties:

1. Administer and enforce this Resolution.

2. Maintain permanent and current records of this Resolution, including but not limited to maps, amendments, variances, special uses, and interim use permits.

3. Receive, file and forward all applications for appeals, amendments, variances, special uses, interim uses, or other matters to the designated official bodies.

4. Institute in the name of the County any appropriate actions or proceedings to prevent, to restrain, to correct, or to abate a violation or threatened violation.

5. Provide and maintain public information relative to matters arising out of this Resolution.

6. Conduct inspections of land, buildings, or structures at reasonable times, determine compliance with and enforce the provisions of this Resolution.

7. Issue permits as required by this Resolution.

2-2 GRAND FORKS COUNTY PLANNING COMMISSION

2-2-1 Creation and Membership

A Planning Commission shall be appointed by the County Commission. The Planning Commission shall consist of nine (9) members, of whom at least two must be appointed from the governing body of the city that is the county seat, and of whom at most two may be appointed from the Board of County Commissioners. The term of an ex officio member is coterminous with the member's term in the underlying office. The remaining members shall be appointed from the county at large. All appointments for members-at-large shall be for four-year terms. Appointments to fill vacancies shall be for the unexpired portion of the term. All appointments to the County Planning Commission shall be made by the board of county commissioners.

The Planning Commission shall elect a Chair and Vice-chair from among its members and cooperate with the Planning Department and other employees of the County in preparing, and recommending to the County Commission for adoption, a Land Use Plan and recommendations for plan execution in the form of official contracts and other measures, and amendments.

The County Commission may call for the removal of a Planning Commission member for non-performance of duty or misconduct in office. Should any vacancy occur among members of the Planning Commission by reason of resignation, disability, death or otherwise, the Planning Department shall notify the County Commission immediately. Any filled vacancy shall be for the expired term.

2-2-2 Duties and Responsibilities

The Planning Commission shall review all applications for special use permits, interim use permits, plans for subdivisions of land, and amendments, and report to the County Commission. The Planning Commission is also responsible for holding all public hearings as required by Century Code. The Planning Commission may upon the request of the County Commission, review any land use plans and official controls.

2-3 ZONING AMENDMENTS

2-3-1 Criteria for Granting Zoning Amendments

The County Commission may adopt amendments to the Zoning Resolution and Zoning Maps in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the County as reflected in the Land Use Plan.

Any amendment to the Zoning Resolution or zoning map shall be evaluated based on, but not limited to, the following criteria:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official Land Use Plan.

2. The proposed use is or will be compatible with present and future land uses of the area.

3. The proposed use conforms with all performance standards contained in this Resolution.

4. The proposed use can be accommodated with existing and planned public services and will not overburden the County or Township's service capacity.

5. Traffic generation by the proposed use is within capabilities of streets serving the property.

2-3-2 Procedure

1. An amendment to the text of the Resolution or Zoning Maps may be initiated by the County Commissioners, the Planning Commission, Township Boards or by application of a property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the County Commission until it has received the Planning Commission recommendation.

2. Pre-Application Meeting. Prior to submission of a zoning amendment application, the property owner may submit a concept plan and meet with the Planning Department to discuss the zoning amendment application. Through the pre-application meeting, the Planning Department will summarize the informational requirements and issues related to the specific zoning amendment request.

3. The property owner applying for a zoning amendment shall submit to the Planning Department a completed zoning amendment application, and provide all other information required by the Planning Department. The application shall be deemed complete when the applicant has submitted the following requirements:

    a. A written and/or graphic description of the zoning amendment request including an explanation of compliance with Chapter 2-3-1 of this Resolution. The application shall include a site plan consistent with Chapter 2-10 of this Resolution.

    b. Supporting information described by the Planning Department during the pre-application meeting and required in other Chapter s of this Resolution.

    c. Applications must be accompanied by a fee established by the County Commission.

4. Upon receipt of a complete application, the Planning Department shall prepare a report and refer the application to the Planning Commission and the appropriate Township Board for consideration.

5. The application shall be reviewed by Township Board. The Township may forward a written recommendation, which designates approval or denial, to the Planning Department. The Township recommendations received by the Planning Department will be forwarded to the Planning Commission for their consideration of the application at a public hearing.

6. A public hearing on the application shall be held by the Planning Commission after the completed request for the zoning amendment has been received. Notice of the time, place, and purpose of the hearing shall be published once each week for two consecutive weeks in the official newspaper of the county. In unincorporated areas, the property owners of record within one-half (1/2) mile of the subject property shall be notified in writing of the proposed zoning amendment. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed zoning amendment to property owners within the incorporated area located within two hundred (200) feet of the subject site. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

7. The applicant or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed amendment request.

8. The Planning Commission and Planning Department shall have the authority to request additional information from the applicant concerning a zoning amendment. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Resolution. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.

9. Following the hearing, the Planning Commission shall make a report to the County Commission recommending approval, modified approval or disapproval of the proposed amendment.

10. The County Commission must take action on a completed application following referral by the Planning Commission within a reasonable timeframe.

11. No application of a property owner for an amendment to the text of this Resolution or the Zoning Maps shall be considered by the Planning

Commission within a one (1) year period following denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Staff that, new evidence or a change of circumstances warrant it.

12. A certified copy of any zoning amendment shall be filed with the Office of the County Planning and Zoning Department. The zoning amendment shall include the legal description, of the property involved. The Planning Department shall maintain records of amendments to the text, the Zoning Map of the Resolution and of the zoning amendment request.

2-4 SPECIAL USE PERMITS

2-4-1 Criteria for Granting Special Use Permits

Special uses may be approved, by the County Commission, upon a showing by the applicant that standards and criteria stated in the Resolution will be satisfied. Such standards and criteria shall include both general requirements for all special uses and, insofar as practicable, requirements specific to each designated special use. In granting a special use permit, the County Commission shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Planning Commission and County Commission shall make the following findings where applicable:

1. The use will not create an excessive burden on public facilities and utilities which serve or are proposed to serve the area.

2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.

3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.

4. The use is consistent with the purposes of the Resolution and the purposes of the zoning district in which the applicant intends to locate the proposed use.

5. The use is not in conflict with the Land Use Plan of Grand Forks County.

6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.

7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.

8. All buildings/structures must meet the intent of the County Building Code.

2-4-2 Additional Conditions

In permitting a new special use permit or alteration upon review of an existing special use permit, the Planning Commission may recommend and County Commission may impose, in addition to these standards and requirements expressly specified by this Resolution, additional conditions which the County Commission considers necessary to protect the interests of the surrounding area or the County as a whole. These conditions may include but are not limited to the following:

1. Increasing the required lot size or yard dimension.

2. Limiting the height, size, location, and exterior materials of buildings.

3. Controlling the location and number of vehicle access points, and standards for access and egress for the site.

4. Increasing the number of required off-street parking spaces.

5. Limiting the number, size, location or lighting of signs.

6. Requiring stormwater management, fencing, screening, landscaping, erosion control or other facilities to protect adjacent or nearby property.

7. Limiting outside storage areas.

8. Limiting the number of vehicles and/or employees associated with a business operation.

9. A financial guarantee consistent with Chapter 2-12 of this Resolution.

10. Periodic inspections of the premises and use as authorized by the County or Township.

2-4-3 Procedure

1. Pre-Application Meeting. Prior to submission of a special use permit application, the property owner may submit a concept plan and meet with the Planning Department to discuss the special use permit application. Through the pre-application meeting, the Planning Department will summarize the informational requirements and issues related to the specific special use permit request. A second pre-application meeting may be conducted if deemed warranted to assist the applicants in preparing their application.

2. The property owner applying for a special use permit shall submit to the Planning Department a completed special use permit application, and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:

   a. A written and/or graphic description of the special use permit request including an explanation of compliance with Chapter 2-4-1 of this Resolution. The application shall include a site plan consistent with Chapter 2-10 of this Resolution.

   b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Resolution. The Planning Department may request the applicant to provide documentation that describes the special use's potential effects or impacts on public facilities, utilities and services including but not limited to:

      (1) Streets.
      (2) Law enforcement.
      (3) Ambulance/emergency services.
      (4) Fire protection.
      (5) County/Township administration.
      (6) Schools.
      (7) Utilities.

   c. Applications must be accompanied by a fee established by the County Commission.

3. Upon receipt of a complete application, the Planning Department shall prepare a report and refer the application to the Planning Commission and the appropriate Township Board for consideration.

4. The application shall be reviewed by Township Board. The Township may forward a written recommendation, which designates approval or denial, to the Planning Department. The Township recommendations received by the Planning Department will be forwarded to the Planning Commission for their consideration of the application at a public hearing.

5. A public hearing on the application shall be held by the Planning Commission after the complete application has been received. Notice of the time, place, and purpose of the hearing shall be published once each week for two consecutive weeks in the official newspaper of the county. In unincorporated areas, the property owners of record within one-half (1/2) mile of the subject property shall be notified in writing of the proposed special use permit application. Where the subject site adjoins an incorporated area, the County shall mail written notification of the application to property owners within the incorporated area located within two hundred (200) feet of the subject site. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

6. The applicant or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed special use permit.

7. The Planning Commission and Planning Department shall have the authority to request additional information from the applicant concerning a special use permit. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Resolution. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.

8. The recommendations of the Planning Commission shall be forwarded to the County Commission for consideration. The County Commission must take action on a completed application following referral by the Planning Commission within a reasonable timeframe.

9. An amended special use permit application shall be administered in the manner required for a new special use permit. Amended special use permits include requests for changes in conditions. Any change involving structural alteration, enlargements, intensification of use, or similar change not specifically permitted by the special use permit issued shall require an amended special use permit and all procedures may apply as if a new permit were being issued.

10. A special use permit shall expire one (1) year from the date of issuance if the permit is not utilized.

11. No application for a special use permit shall be resubmitted for a period of one (1) year from the date of an order of denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Department, new evidence or a change of circumstances warrant it.

12. In the event that any of the conditions set forth in a permit are violated, the County Commission shall have the authority to revoke the special use permit.

13. A certified copy of any special use permit shall be filed with the Office of the County Planning and Zoning Department. The special use permit shall include the legal description of the property involved. The Planning Department shall maintain records of the special use permit request.

14. A special use permit may be transferred administratively to a new property owner if the use is not changed and the conditions remain the same.

2-5 INTERIM USE PERMIT

2-5-1 Criteria for Granting Interim Use Permits

The County may authorize an interim use of a property by means of an interim use permit. These interim uses may be utilized in a temporary manner as approved by the County Commission. In reviewing the interim use permit application, the County will establish a specific date or event that will terminate the use of the property. In granting an interim use permit, the County Commission shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Planning Commission and County Commission shall make the following findings where applicable:

1. The use will not create a burden on public facilities and utilities which serve or are proposed to serve the area.

2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.

3. If improvements are made, they shall be so designed and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.

4. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide on-site parking.

5. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.

6. All buildings/structures must meet the intent of the County Building Code.

2-5-2 Additional Conditions

In permitting an interim use permit, the Planning Commission may recommend and County Commission may impose, in addition to these standards and requirements expressly specified by this Resolution, additional conditions which the County Commission considers necessary to protect the interests of the surrounding area or the County as a whole. These conditions may include but are not limited to the following:

1. Increasing the required lot size or yard dimension.

2. Limiting the height, size, location, or exterior materials of buildings.

3. Controlling the location and number of vehicle access points, and standards for access and egress for the site.

4. Increasing the number of required off-street parking spaces.

5. Limiting the number, size, location or lighting of signs.

6. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

7. The County Commission may specify a time period or event that may terminate an interim use permit and will be a condition of the interim use permit.

8. The County Commission may limit the new structural investment on the site to a specific dollar amount.

9. Limiting the number of vehicles and/or employees associated with the business operation.

10. A financial guarantee consistent with Chapter 2-12 of this Resolution to assure compliance.

11. Periodic inspection of the premises and the use by individuals as authorized by the County or Township.

2-5-3 Procedure

1. Pre-Application Meeting. Prior to submission of an interim use permit application, the property owner may submit a concept plan and meet with the Planning Department to discuss the interim use permit application. Through the pre-application meeting, the Planning Department will summarize the informational requirements and issues related to the specific interim use permit request. A second pre-application meeting may be conducted to assist the applicant in the preparation of their application.

2. The property owner applying for an interim use permit shall submit to the Planning Department a completed interim use permit application, and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:

    a. A written and/or graphic description of the interim use permit request including an explanation of compliance with Chapter 2-5-1 of this Resolution. The application shall include a site plan consistent with Chapter 2-10 of this Resolution.

    b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Resolution. The Planning Department may request the applicant to provide documentation that describes the interim use's potential effects or impacts on public facilities, utilities, and services including but not limited to:

        (1) Streets.
        (2) Law enforcement.
        (3) Ambulance/emergency services.
        (4) Fire protection.
        (5) County/Township administration.
        (6) Schools.
        (7) Utilities.

c. Applications must be accompanied by a fee established by the County Commission.

3. Upon receipt of a complete application, the Planning Department shall prepare a report and refer the application to the County Planning Commission and the appropriate Township Board for consideration.

4. The application shall be reviewed by Township Board. The Township may forward a written recommendation, which designates approval or denial, to the Planning Department. The Township recommendations received by the Planning Department will be forwarded to the Planning Commission for their consideration of the application at a public hearing.

5. A public hearing on the application shall be held by the Planning Commission after the complete application has been received. Notice of the time, place, and purpose of the hearing shall be published once each week for two consecutive weeks in the official newspaper of the county. In unincorporated areas, the property owners of record within one-half (1/2) mile of the subject property shall be notified in writing of the proposed interim use permit application. Where the subject site adjoins an incorporated area, the County shall mail written notification of the application to property owners within the incorporated area located within two hundred (200) feet of the subject site. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

6. The applicant or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed interim use permit.

7. The Planning Commission and Planning Department shall have the authority to request additional information from the applicant concerning an interim use permit. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Resolution. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.

8. The recommendations of the Planning Commission shall be forwarded to the County Commission for consideration. The County Commission must take action on a completed application following referral by the Planning Commission within a reasonable timeframe. The County Commission may impose conditions it considers necessary to protect the public health, safety and welfare, and such conditions may include requiring the applicant to provide a security, and setting a time limit for the use to exist

or operate. Such conditions will be administratively reviewed annually within the period of the interim use permit and if violated, the County Commission may order the revocation of the permit as provided for in Chapter 2-7-3.12.

9. The interim use permit shall be issued to a specific applicant for a specific use. If the operator/owner or the use changes, the interim use permit shall become void.

10. An interim use permit shall expire one (1) year from the date of issuance if the permit is not utilized.

11. No application for an interim use permit shall be resubmitted for a period of one (1) year from the date of an order of denial of the request, except the Planning Commission may permit a new application, if in the opinion of the Planning Department, new evidence or a change of circumstances warrant it.

12. In the event that any of the conditions set forth in a permit are violated, the County Board shall have the authority to revoke the interim use permit.

13. A copy of any interim use permit shall be filed with the Office of the County Planning and Zoning Department. The interim use permit shall include the legal description of the property involved. The Planning Department shall maintain records of the interim use permit request.

2-6 GRAND FORKS COUNTY BOARD OF ADJUSTMENT

2-6-1 Membership

The County Commission shall serve as the County Board of Adjustment. Century Code does not specifically address the Board of Adjustment as it pertains to County Government. Therefore the structure and duties are spelled out in the Administration section of this Resolution.

2-6-2 Duties and Responsibilities

Acting as the County Board of Adjustment, the County Commission shall act upon all questions as they may arise in the administration of this Resolution, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirements, decision, or determination made by any administrative official

charged with enforcing the Resolution. Such appeal may be made by any person, firm, or corporation aggrieved; or by any officer, department, township board, municipality, county or state.

Hearings by the County Commission shall be held within such time and upon such notice to interested parties as is provided in its adopted rules of procedure and in conformance with state law. The County Commission shall establish criteria necessary in its rules or procedure for filing an application for a variance or an appeal. Legal notice of the time, place, and purpose of the hearing shall be published once each week for two consecutive weeks in the official newspaper of the county. An appeal stays all proceedings in furtherance of the action appealed from unless the County Commission to whom the appeal is taken certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

The County Commission may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all powers of the officer to whom the appeal was taken and direct the issuance of a permit. The reasons for the commission's decision shall be stated in writing.

The County Commission shall have the exclusive power to order issuance of variances from the terms of any official control including restrictions placed on non-conformities. Variances shall only be permitted when they are in harmony with the general purpose and intent of the official control in cases where there are practical difficulties or particular hardships in the way of carrying out the strict letter or any official control, and when the terms of the variance are consistent with the Land Use Plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use of the property exists under the terms of this Resolution. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The County Commission may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties and the public interest.

2-7 VARIANCES

2-7-1 Criteria for Granting Variances

A variance from the provisions of the Zoning Resolution may be issued to provide relief to the landowner in those zones where the Resolution imposes undue hardship or practical difficulties to the property owner in the reasonable use of this land. No use

variances may be issued. A variance may be granted only if the following circumstances exist:

1. Granting of the variance will not be in conflict with the Land Use Plan.

2. Exceptional or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since the enactment of this Resolution have had no control.

3. The literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution.

4. That the special conditions or circumstances do not result from the actions of the applicant.

5. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to owners of other lands, structures or buildings in the same district.

6. The variance requested is the minimum variance which would alleviate the hardship.

7. Economic considerations alone shall not constitute a hardship if a reasonable use of the property otherwise exists under the provisions of this Resolution.

2-7-2 Procedure

1. Pre-Application Meeting. Prior to submission of a variance application, the property owner may submit a concept plan and meet with the Planning Department to discuss the variance application. Through the pre-application meeting, the Planning Department will summarize the informational requirements and issues related to the specific variance request.

2. The property owner applying for a variance shall submit to the Planning Department a completed variance application stating the hardship present, and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:

a. A written and/or graphic description of the variance request including an explanation of compliance with Chapter 2-7-1 of this Resolution. The application shall include a site plan consistent with Chapter 2-10 of this Resolution.

b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Resolution.

c. Applications must be accompanied by a fee established by the County Commission.

3. Upon receipt of a complete application, the Planning Department shall prepare a report and refer the application to the County Planning Commission and the appropriate Township Board for consideration.

4. The application shall be reviewed by Township Board. The Township may forward a written recommendation, which designates approval or denial, to the Planning Department. The Township recommendations received by the Planning Department will be forwarded to the Planning Commission for their consideration of the application at a public hearing.

5. The County Planning Commission and Planning Department shall have the authority to request additional information from the applicant concerning a variance. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Resolution. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.

6. The applicant or his representative shall appear before the County Planning Commission in order to answer questions concerning the proposed variance. The Planning Commission shall make a recommendation of action on the request to County Commission.

7. A public hearing on the application shall be held by the County Commission. Notice of the time, place, and purpose of the hearing shall be published once each week for two consecutive weeks in the official newspaper of the county. In unincorporated areas, the property owners of record within one-half (1/2) mile of the subject property shall be notified in writing of the proposed variance application. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed variance to property owners within the incorporated area located within two hundred (200) feet of the subject site. The failure to give mailed notice to individual property owners or defects in the notice

shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

7. The applicant or his representative shall appear before the County Commission in order to answer questions concerning the proposed variance.

8. The County Commission acting as the Board of Adjustment must take action on a completed application within a reasonable timeframe.

9. A certified copy of any order issued by the County Commission acting upon an appeal from an order, requirement, or decision or determination by an administrative official, or a request for a variance, shall be filed with the Office of the County Planning and Zoning Department. The order issued by the County Commission shall include the legal description of the property involved. The Planning Department shall maintain records of the variance request.

10. All decisions by the Board of Adjustment in granting variances or hearing appeals from any administrative order, requirement, decision, or determination shall be final, except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court in Grand Forks County on questions of law and fact.

11. A variance shall expire one (1) year from the date of issuance if the variance is not utilized. No application for a variance shall be resubmitted for a period of one (1) year from the date of an order of denial.

12. If necessary, an extension of a variance shall be requested in writing and filed with the Planning Department at least thirty (30) days before the expiration date of the original variance. The request for extension shall state facts showing a good faith attempt to utilize the variance in the allowed one (1) year. Upon receipt of a request for variance extension, Planning Department shall review the request and make a decision to grant or deny the extension based on the information submitted. At staff's discretion, the request may be referred to the Board of Adjustment. No extension shall be for more than one (1) year, after which if the variance is not utilized the variance would become void. In no case shall more than one variance extension be approved for an individual variance request.

2-8 ADMINISTRATIVE PERMITS/CERTIFICATE OF COMPLIANCE

2-8-1 Purpose

The purpose of this Chapter is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit, certificate of compliance, and of matters requiring the approval of the Planning Department with the goal of protecting the health, safety, and welfare of the citizens of the County.

2-8-2 Applications Qualifying for Administrative Review

The applications which may be approved by administrative permit include sign permits, building permits, accessory structures, temporary uses, zoning certificates of compliance, lot line adjustments, single lot subdivisions and approach permits, provided they comply with all sections of this Resolution.

2-8-3 Criteria for Granting an Administrative Permit or Certificate of Compliance

Administrative permit or certificate of compliance may be granted upon the applicant demonstrating that all applicable standards and criteria stated in this Resolution will be satisfied. Among other things, the Planning Department shall make the following findings where applicable:

1. The proposed use is not in conflict with the Land Use Plan of Grand Forks County.

2. The proposed use is consistent with the purpose of this Resolution and the purpose of the zoning district in which the applicant intends to locate the proposed use.

3. The proposed use satisfies the design standards and criteria of this Resolution.

4. The proposed use has been described in sufficient detail to enable County review and has been given approval and is not subject to any additional reviews or permits by other jurisdictions or State Agencies.

2-8-4 Procedure

1. Pre-Application Meeting. Prior to submission of an administrative permit application, the property owner may meet with the Planning Department to discuss the administrative permit application. Through the pre-application meeting, the Planning Department will summarize the informational requirements and issues related to the specific administrative permit request.

2. The property owner applying for an administrative permit shall submit to the Planning Department a completed administrative use permit application and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:

   a. A written and/or graphic description of an administrative permit request including the applicable information outlined in Chapter 2-9-3 of this Resolution.

   b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Resolution.

   c. Applications must be accompanied by a fee established by the County Commission.

3. The Planning Department, upon receipt of the application, shall notify the applicant, in a timely fashion if the application is found to be incomplete.

4. The Planning Department shall make a determination on approval or denial of the administrative permit in a reasonable timeframe.

5. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, resolutions, and the standards of this Resolution shall be attached to the permit if applicable.

6. A written denial of the permit shall be issued to the applicant when a determination of non-compliance with applicable codes, resolutions, and the standards in this paragraph has been made.

7. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal to the Board of Adjustments as outlined in Chapter 2.5 of this Resolution.

2-9 BUILDING PERMITS

2-9-1 Purpose

The Grand Forks County Building Code shall meet the provisions of the rules and regulations of the North Dakota State Building Code as amended, a copy of which is on

file with the County Building Official and hereby made a part of this by reference with the exception of any local amendments.

For the purposes of enforcing this Resolution and the Grand Forks County Building Code, no building or structure regulated by this Resolution or the Grand Forks County Building Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Building Official.

2-9-2 Exemptions

The following may be exempted from the requirements of this Chapter of the resolution:

1. Agricultural buildings that are not dwellings.

2. Alterations to structures that do not:

    a. Alter the footprint of the structure.

    b. Alter an engineered truss.

    c. Alter a weight bearing wall.

3. Specialized housing as designated in Chapter 7 of this Resolution.

2-9-3 Requirements

The following requirements shall apply to all building permits as regulation by this Chapter of the resolution:

1. Persons requesting a building permit shall submit all information required, and a completed application, and all applicable forms to the Planning Department.

2. No site preparation work, driveway construction, footing construction, or other physical changes to the site shall occur prior to the issuance of the building permit, unless authorized and permitted in writing by the Planning Department or Building Official.

2-9-4 Certificate of Occupancy

A Certificate of Occupancy shall be obtained before any building hereafter erected or structurally altered or occupied or used or the use of any such building is altered.

Application for a Certificate of Occupancy for a new building or for an existing building which has been altered shall be made to the Planning Department as part of the application for a Building Permit.

2-10 APPLICATION INFORMATION

2-10-1 Purpose

The following information shall be required with the submission of the zoning applications of Chapter 2 of this Resolution. The information represents minimum submission requirements unless items are waived by the Planning Department.

2-10-2 Exceptions

Agricultural uses may be exempted from the informational requirements of this Chapter of the Resolution.

2-10-3 Information Requirements

The information required for zoning applications generally consists of the following items, and shall be submitted unless waived by the Planning Department following a pre-application meeting.

1. Site Plan Information.

   Site boundaries, buildings, structures and other improvements shall be identified on-site with a current engineered drawing depicting the following:

   a. Scale of plan (engineering scale only).

   b. North point indication.

   c. Existing boundaries with lot dimension and area.

   d. Existing site improvements.

   e. All encroachments.

   f. Easements of record.

   g. Legal description of the property.

h. Ponds, lakes, rivers, wetlands, 100 year flood elevations or other waterways bordering on or running through the subject property.

i. All proposed improvements, including:

(1) Location, setback and dimensions of all proposed buildings and structures.

(2) Location of all adjacent buildings located within one hundred (100) feet of the exterior boundaries of the property in question.

(3) Location, number, dimensions, and setbacks of proposed parking spaces and drive aisles.

(4) Location, number, and dimensions of proposed loading spaces.

(5) Location, width, and setbacks of all driveways.

(6) Vehicular circulation.

(7) Location and type of all proposed lighting.

(8) Provisions for storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures.

(9) On-site well location, or rural water connections.

(10) On-site individual sewer treatment system. Primary and alternative sites must be identified.

2. Grading and drainage plan.

Utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a North Dakota licensed engineer, depicting the following:

a. Proposed grade elevations at two (2) foot maximum intervals.

b. Drainage plan, including the configuration of drainage areas and calculations consistent with Chapter 6 of this Resolution.

c. Spot elevations (may be prepared by a North Dakota licensed surveyor).

d. Proposed driveway grades.

e. Surface water ponding and treatment areas.

f. Erosion control measures.

g. Location, type, and square footage of impervious surface.

3. Landscape, screening and buffering plan.

Utilizing a copy of the site plan or drainage plan as a base for the site in question, depicting the following:

a. Planting schedule (table) containing:

(1) Symbols.
(2) Quantities.
(3) Common names.
(4) Sizes of plant material.
(5) Spacing of the plantings.

b. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).

c. Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.

d. Where landscape or man-made materials are used to provide screening from adjacent and neighboring properties, a cross-through section shall be provided showing the perspective of the site from the neighboring property at the property line elevation.

4. Other plans and information as required by the Planning Department including, but not limited to:

a. Architectural elevations of all principal and accessory buildings.

b. “Typical” floor plan and “typical” room plan drawn to scale with a summary of square footage for each use or activity.

c. Lighting plan and photometric plan.

d. Nuisance mitigation plan (related to noise, odors, glare, dust, or similar nuisance issues).

e. The type, color, and materials used in all external surfaces.

2-11 FEES

The application fees for all permits shall be established by the County Commission by Resolution. The County Commission may periodically review and revise all or portions of the fee schedule. The acceptance of all zoning applications and issuance of permits shall not occur until a complete application has been filed and the appropriate fee has been paid.

2-12 FINANCIAL GUARANTEE

1. Upon approval of a development application described in Chapter 2 of this Resolution, the County shall be provided with a financial guarantee in the form or a letter of credit or cash escrow approved prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the application approval and County resolution provisions.

2. The security shall be in the amount equal to the one hundred twenty-five (125) percent of the County's estimated cost of labor and materials for the proposed improvements or development.

3. The County shall hold the security until completion of the proposed improvements or development and a certificate of compliance with the application conditions and County resolution provisions has been issued by the Planning Department.

4. Failure to comply with the conditions of the application approval and County resolutions, provisions shall result in forfeiture of the security in whole or in part depending upon the degree of non-compliance and at the discretion of the County Commission.

5. Whenever a performance guarantee is imposed by the County, the applicant shall be required to enter into a performance agreement with the County. This agreement is to provide authorization to the County to utilize the posted security for the enforcement of County resolutions and conditions of approval to mandate the completion of stipulated work should the applicant fail to meet the terms and conditions of the

performance agreement. Said agreement shall hold harmless the County for completion of the work and address other matters as may be determined by the States Attorney.

2-13 ENFORCEMENT

1. Violations. The violation of any portion of this resolution or regulation thereunder, the subject land owner is guilty of a Class B Misdemeanor as per Century Code Section 11-33-21. Notice of violations shall be personally served upon the said property owner.

2. Penalties. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.

3. Application to County Personnel. The failure of any officer or employee of the county to perform any official duty imposed by this Resolution shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

4. This Resolution shall be administered and enforced by the County Planner who is hereby designated the enforcing officer.

5. Any violation of this Resolution for which a citation has been issued shall constitute sufficient grounds for denial of any application required by this Resolution or revocation of a permit that is related to the violation.

6. Injunction. In the event of a violation or the threatened violation of any provision of this Resolution, or any provision or condition of a permit issued pursuant to this Resolution, the county may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation. It shall be the duty of the States Attorney to institute such action.

7. Nothing in this Chapter shall prevent the County from taking such other actions as are permitted under law, and the penalties provided here shall be cumulative.

8. Unless another penalty is specifically prescribed, a person violating this resolution, or any rule, order, or condition in a permit issued under this resolution, may be subject to a civil penalty as per North Dakota Century Code Section 23-29-12

CHAPTER 3: NON-CONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

3-1 PURPOSE

It is the purpose of this Resolution to provide for the regulation of non-conforming lots, buildings, structures and uses and to specify those requirements, circumstances, and conditions under which non-conforming buildings, structures and uses will be operated and maintained. This Zoning Resolution establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that non-conforming lots, buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Resolution that all non-conforming uses shall be eventually brought into conformity.

3-2 LEGAL NON-CONFORMING LOTS (LOT OF RECORD)

1. Any parcel or lot which legally existed prior to the adoption date of this Resolution, but which fails to meet the current required lot size, width of the zoning district, or does not have the required frontage on a road meeting county specs, may be utilized in compliance with all other resolution requirements subject to the following provisions:

    a. The dimensions or area of a legal nonconforming lot may be altered provided that no alteration shall be permitted that would render the lot further in non-compliance with the Resolution requirements.

    b. Legal non-conforming lots of record intended for residential, commercial, industrial or institutional development or expansion shall have sufficient lot area and configuration to meet all State Building/Plumbing Codes and to provide for individual sewage treatment systems in accordance with this Zoning Resolution, as amended, or connect to a public sewer, and satisfy all required building setbacks, and other performance standards of this Resolution without variance.

2. A parcel of land which contains a single family home in all agricultural, rural residential, airfield reserve, and business reserve districts on the effective date of this Resolution, and does not meet the minimum lot size, lot dimensions or have sufficient road frontage, shall be considered a legal nonconforming lot, subject to the provisions above in this Chapter.

3-3 LEGAL NON-CONFORMING STRUCTURES

Any structure which legally existed prior to the adoption date of this Resolution, but which is not in compliance with the requirements of this Resolution for the district in which the structure exists, may be utilized subject to the following provisions:

1. A legal non-conforming principal structure which is only nonconforming due to an encroachment into a required setback may be enlarged in compliance with all other resolution requirements provided that:

    a. The expansion will not decrease the distance between the structure and the applicable lot line or ordinary high water level.

    b. A legal nonconforming structure may be expanded or enlarged up to fifty (50) percent of the total square footage of the structure existing on the effective date of this Resolution, subject to compliance with all applicable setbacks and building dimension regulations in the district. All expansions shall be calculated on an accumulative basis to determine maximum expansion size of a non-conforming structure.

    c. Aside from the existing non-conforming setback, the site and building shall comply with the performance standards of this Resolution.

2. A legal non-conforming structure which is damaged by any cause to the extent of less than fifty (50) percent of its current market value as determined by the County Assessor*, may be reconstructed within twelve (12) months of the original damage to the structure, in compliance with all other Resolution requirements.
    * For any structure which is not given a value by the County Assessor, cost of construction materials may be used to determine current market value.

3. If the damage to a legal non-conforming structure is fifty (50) percent or more of the current market value as determined by the County Assessor*, it shall be removed, and any construction thereafter shall be in compliance with the provisions of this Resolution.
    * For any structure which is not given a value by the County Assessor, cost of construction materials may be used to determine current market value.

4. Normal maintenance of a non-conforming structure is permitted. Maintenance may include necessary non-structural repairs and incidental alterations which do not enlarge or intensify the use of the structure.

5. No parcel of land or portion thereof shall be subdivided if such action results in buildings and/or uses becoming non-conforming.

3-4 LEGAL NON-CONFORMING USES

Any use which legally existed prior to the adoption date of this Resolution, but which is not a permitted use under the current Resolution, may be allowed to continue subject to the following provisions:

1. When a lawful, non-conforming use of any structure or parcel of land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.

2. A lawful, non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the non-conformity.

3. A non-conforming use which has been discontinued for a period of twelve (12) or more months shall not be reestablished, and any further use shall be in compliance with the regulations of this Resolution.

4. A structure that is a legal non-conforming use, or which contains a legal non-conforming use, and is damaged by any cause to the extent of which is less than fifty (50) percent of its current market value, as determined by the County Assessor*, may be re-established within twelve (12) months of the original damage, subject to meeting all other requirements of this Resolution.
   * For any structure which is not given a value by the County Assessor, cost of construction materials may be used to determine current market value.

5. If a structure that is a legal non-conforming use or which contains a legal non-conforming use is damaged by fifty (50) percent or more of its current market value as determined by the County Assessor*, any further use if the structure is rebuilt, shall be in compliance with the regulations of this Resolution.
   * For any structure which is not given a value by the County Assessor, cost of construction materials may be used to determine current market value.

6. Maintenance of a building or other structure containing or used by a non-conforming use will be allowed when it includes necessary non-structural repair and incidental alterations which do not extend or intensify the non-conforming building or use.

7. A lawful non-conforming use shall be confined to the land(s) on which it was located at the time it was categorized as a lawful non-conforming use. Any expansion or extension of the use, shall be in compliance with the regulations of this Resolution.

8. In the event a change in the zoning classification for a district renders a use non-conforming as a result of such change, the use shall be permitted to continue subject to provisions 1 through 7 above in this Chapter.

CHAPTER 4: GENERAL PROVISIONS

4-1 PURPOSE

All uses and structures permitted pursuant to this Resolution shall conform to the General Provisions set forth in this Resolution, which are the minimum standards necessary to comply with the intent and purposes of this Resolution. The performance standards established in this Resolution are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible.

Before any permit is approved, the Planning Department shall determine whether the proposed use will conform to the General Provisions. An applicant or landowner shall supply data necessary to demonstrate such conformance, which shall include, but not be limited to, a site plan; the number of employees; the number and description of the vehicles and equipment to be used; hours of operation; method of solid waste disposal; grading, drainage and erosion control; fencing; screening; signage; and type and location of exterior storage.

The General Provisions shall apply to future development in all districts and to existing development within all compliance periods as noted in individual chapters. Compliance may be waived by the County if a building condition created under prior Resolutions physically precludes the reasonable application of the standards.

4-2 LOT AND YARD REQUIREMENTS

4-2-1 Purpose

This Chapter identifies minimum yard spaces, exceptions, and areas to be provided for in each zoning district.

4-2-2 Minimum Lot Area Requirements

The minimum lot area shall conform to the standards of the applicable zoning district. No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Resolution, and if an existing yard or other open space is less than the minimum required, it shall not be further reduced.

4-2-3 Subdivision of Lots

1. No lot or parcel of land under the jurisdiction of this Resolution shall be split or subdivided so as to create an illegal nonconforming lot. Any proposal to subdivide a lot or parcel of land by any means after the effective date of this Resolution shall be submitted to the Planning Department prior to filing in the Office of the County Recorder. The Planning Department shall examine the proposed lot split to determine whether it complies with this Resolution.

2. If it is determined that the instrument is not in compliance with this Resolution, the Planning Department shall notify the applicant of such non-conformity and the proposed lot split shall not be recorded in the Office of the County Recorder. If possible, through the provisions of this Resolution, the applicant may correct the non-conformities of a proposed lot split or splits.

4-2-4 Non-Sewered Lots

All new lots, except outlots used for stormwater facilities, must provide a minimum of two and one half, (2.5) acres of buildable land area to accommodate independent sewage treatment system in conformance with Chapter 80 of this resolution.

4-2-5 Lot Frontage

All lots shall abut upon a public or privately maintained street for a minimum of sixty-six (66) feet, except on the turn-around of a cul-de-sac where minimum of fifty (50) feet. Privately maintained streets shall be built to the road standards set forth in the County Subdivision Resolution.

4-2-6 Platted and Unplatted Property

1. On corner lots and through lots, both road lines shall be front lot lines for applying the yard setback regulations of this Resolution except in the case of a rear yard fence or accessory building. In addition, no home on a through lot or corner lot in any residential zone shall be allowed direct access to any collector or arterial designated as such by the Grand Forks County Land Use Plan.

2. Outlots are deemed unbuildable and no building permit shall be issued for such properties, except in the case of public park facilities and essential services.

4-2-7 Yards and Setbacks

1. Setbacks. All building and structures shall comply with the setbacks within the applicable district except as may be required within other chapters of this Resolution. All setbacks shall be measured from the appropriate lot line, right-of-way or centerline of the road/street as determined by the County.

2. Triangular Lots. In the case of triangular lots, where the rear lot line is a single vertex, the rear yard setback points of reference shall be determined by measuring the length of the setback distance from the vertex along the side lot lines. The rear setback line shall be determined by traversing the lot and connecting these points of reference.

3. Permitted Encroachments. The following shall be considered as permitted encroachments on setback requirements as provided in this Resolution, however, no building may be built on or extended over easements of record.

    a. In any yard: posts, off-street parking places, flues, leaders, sills, pilasters, lintels, cornices, eaves, gutters, bay windows less than two feet in depth, awnings, open terraces, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks, exposed ramps (wheelchair), fences, and all other similar devices incidental and appurtenant to the principal structure.

    b. Decks are exempted from setback requirements if the deck is no higher than eighteen (18) inches above the ground level, except that the deck cannot be located within five feet of a property line.

5. Sight Triangle Setback. On corner lots in all districts, no structure or plantings shall be placed or constructed within the sight visibility triangle setback in a manner that may interfere with traffic or pedestrian visibility along a public right-of-way between the heights of three (3) feet and ten (10) feet of the road centerline grade. The sight triangle is defined as follows: beginning at the intersection of the projected property lines of two (2) intersecting roads, thence thirty (30) feet along one property line, thence diagonally to a point of thirty (30) feet from the point of beginning on the other property line, thence to the point of beginning.

6. Buffer Yards.

    a. Double frontage lots shall have at least twenty (20) feet, designated as an additional drainage easement, in order to allow space for buffering/screen planting along the back lot line for those lots which abut major collector or arterial roads.

b. Lots which border major collector or arterial roads on a side yard shall have at least twenty (20) feet, designated as an additional drainage easement in order to allow space for buffering and screening plantings along the lot line bordering such roads.

7. Lot Coverage.

a. Rural Residential, Airfield Reserve, and Business Reserve Districts. Lot coverage as defined in Chapter 1-7 of this Resolution shall not exceed twenty-five (25) percent of the lot area.

b. Commercial and Industrial Districts and Institutional Uses Allowed in Business Reserve Districts. Lot coverage as defined in Chapter 1-7 of this Resolution shall not exceed seventy-five (75) percent of the lot area.

4-2-8 Essential Services-Public Utility Buildings, Transmission Services, Buildings and Storage

Public Utility buildings and structures such as substations not customarily considered industrial in use are permitted as a special use in all zoning districts. This chapter does not apply to wireless communication towers and antennas, which are regulated under Chapter 13 of this Resolution. Such structures shall be located not less than fifty (50) feet from any property line, and not located within any roadway easement. Where the Zoning Districts performance standards require a greater property line setback the District Performance standards shall apply. The minimum lot area for Public Utility buildings and structures shall be one acre.

The following standards shall apply to all Public Utility buildings and structures.

1. Adequate access and on site parking must be provided.

2. An operations plan shall be submitted which, when approved, will become part of the Special Use Permit.

3. A deed restriction must be recorded on the parcel stating no use other than Public Utility use is permitted.

4-3 BUILDING PERFORMANCE STANDARDS

4-3-1 Purpose

All uses and structures permitted pursuant to this Resolution shall conform to the performance and design standards set forth in this Resolution, which are the minimum

standards necessary to comply with the intent and purposes of this Resolution. The performance standards established in this Resolution are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible.

Before any permit is approved, the Planning Department shall determine whether the proposed use will conform to the performance standards. An applicant or landowner shall supply data necessary to demonstrate such conformance, which shall include, but not be limited to, a site plan; the number of employees; the number and description of the vehicles and equipment to be used; hours of operation; method of solid waste disposal; grading, drainage and erosion control; fencing; screening; signage; and type and location of exterior storage.

The performance standards shall apply to future development in all districts and to existing development within all compliance periods as noted in individual chapters. Compliance may be waived by the County if a building condition created under prior Resolutions physically precludes the reasonable application of the standards.

4-3-2 Dwelling Units Prohibited

1. No garage, camper, tent, travel trailer, recreational vehicle, basement home or accessory building shall at any time be used as a residence.

2. One residence shall be allowed per parcel unless a special use or interim use permit is in place pursuant to Chapter 7 of this resolution.

4-3-3 Building and Structure Heights

1. All buildings and structures shall comply with the maximum building height of the applicable zoning districts.

2. Exceptions. The building height limits established herein for zoning districts shall not apply to the following:

    a. Belfries.
    b. Chimneys or flues.
    c. Church spires.
    d. Cupolas and domes which do not contain useable space.
    e. Elevator penthouses.
    f. Flag poles mounted on a building.
    g. Parapet walls extending not more than three (3) feet above the limiting height of the building.
    h. Agriculture silos ***and grain storage bins***.
    i. Necessary mechanical and electrical appurtenances.
    j. Poles, towers and other structures for essential services.

k. Personal wireless service and commercial broadcasting antennas not exceeding twenty (20) feet above the roof of the antenna support structure.

l. Antenna towers.

3. Roof mounted mechanical equipment must meet the following standards:

a. Rooftop mechanical equipment shall not exceed the building height standards by more than ten (10) feet.

b. All rooftop and ground mounted mechanical equipment shall be buffered so as to mitigate noise.

4-3-4 Lowest Floor Elevations

High Surface Water Elevation. No structure, except piers, docks, and retaining walls shall be placed at an elevation such that the lowest floor, including basement floor, is less than one (1) foot above the 100 year regulatory flood protection elevation, if determined, of any adjacent lake, pond, river, watercourse, or wetland. If sufficient data on known high water levels are not available, the property owner is responsible for determining the 100 year flood elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize.

4-3-5 Sewage Disposal

The installation of on-site sewage treatment systems shall be in compliance with the provisions of the State Plumbing Code and Grand Forks County's Individual Sewage Treatment System Chapter of this Resolution.

4-3-6 Accessory Buildings and Structures

1. Rural Residential, Airfield Reserve, Business Reserve, and Agricultural Districts (except agricultural building).

a. No accessory building shall exceed the height in the respective zoning district.

b. One (1) accessory building, not to exceed one hundred twenty (120) square feet of floor area, shall be allowed and is not required to meet setbacks.

2. Single Family Accessory Buildings.

a. Detached Accessory Buildings. See individual zoning district.

b. The roofline of attached garages shall not extend above the roofline of the principal structure on the lot.

c. No accessory building shall be constructed on a lot before a building permit has been issued for the principal building to which it is accessory.

3. Commercial and Industrial Districts. No accessory building shall exceed the height of the principal building except by special use permit.

4-3-7 Fencing

Fences are a permitted accessory use in all zoning districts subject to the following standar0ds:

1. All fences (except agricultural fences) shall be entirely located upon the property of the person, firm or corporation constructing, or causing the construction of such fence unless the owner of the property adjoining agrees in writing and submitted to the Planning Department that such fence may be erected on the division line of the respective properties.

2. Fences shall not exceed six (6) feet in height from finished grade in Residential Zoning Districts or eight and one-half (8.5) feet in height from finished grade in Commercial and Industrial Districts. Agricultural fences that are seventy-five (75) percent or more open are exempt from the district fence height standards.

3. Fences that are less than seventy-five (75) percent open shall comply with the required principal building setbacks of the zoning district.

4. Taller Fences. Fences taller than the district fence height standards may be allowed by special use permit.

5. That side of the fence considered to be the face (finished side as opposed to structural supports) shall face the abutting property.

4-4 GENERAL PERFORMANCE STANDARDS

4-4-1 Required Screening and Landscaping

1. Commercial or Industrial Use Screening and Landscaping. Where any commercial or industrial use (i.e., structure, parking or storage) abuts Rural Residential or Airfield Reserve Districts, such business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front (as determined by the Planning Department). All the screening specifically required by this Resolution shall be subject to the following standards:

    a. A greenbelt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of a sufficient density to provide a seventy five (75) percent opaque visual screen at full foliage and reasonable buffer viewed at a ninety (90) degree angle from the greenbelt planting strip. This planting strip shall be designed to provide visual screening to a minimum height of six (6) feet. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Planning Department. Earth berms may be used, but shall not be used to achieve more than three (3) feet of the required screen. The planting plan and type of plantings shall require the approval of the Planning Department.

    b. A fence may also be installed, but not in lieu of the greenbelt.

2. Other Business Landscaping, institutional and all income producing property uses including, but not limited to, home extended businesses: Prior to approval of a building permit, all above referenced uses shall be subject to mandatory landscape plan and specification requirements.

    a. Said landscape plan shall be developed with an emphasis upon the boundary or perimeter of the proposed site at points adjoining a public right-of-way, other property and the immediate perimeter of the structure.

    b. All landscaping incorporated in said plan shall conform to the following standards and criteria:

        Minimum Size: All plants must at least equal the following minimum size:

Vegetation Type	Minimum Size
Shade trees	2 inch diameter
Ornamental trees (flowering crabs, hawthorn, etc.)	3 – 4 feet
Evergreen trees	4 feet
Tall shrubs and hedge material (evergreen or deciduous)	2 – 3 feet
Low shrubs, deciduous Evergreen, Spreading evergreens	18 – 24 inches

3. Spacing:

   a. Plant material centers shall not be located closer than three (3) feet from the fence line or property line.

   b. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the Planning Department.

   c. Deciduous trees intended for screening shall be planted not more than forty (40) feet apart. Evergreen trees intended for screening shall be planted not more than fifteen (15) feet apart.

   d. All plants required as part of an approved landscaping plan shall be maintained and kept alive. Dead plants shall be replaced in accordance with the approved landscape plan.

4. Landscape plans shall be accompanied by a financial guarantee consistent with Chapter 2-12 of this Resolution.

4-4-2 Exterior Lighting

1. Purpose. It is the purpose of this Resolution Chapter to encourage the use of lighting systems that will reduce light pollution and promote energy conservation while increasing night time safety, utility, security and productivity.

2. Exemptions. The provisions of this Chapter shall not apply to the following:

   a. This Chapter does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.

b. This Chapter does not prohibit the use of temporary outdoor lighting used for celebrations and promotions.

c. Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings or structures.

d. Emergency lighting by police, fire, and rescue authorities.

e. Lighting required for the operation of outdoor ballfields or sports facilities associated with public parks.

3. Non-Conforming Uses.

a. All outdoor lighting fixtures existing and legally installed prior to the effective date of this Resolution are exempt from regulations of this Chapter but shall comply with the previous resolution requirements for glare as follows: In all districts, any lighting used to illuminate an off-street parking areas, signs, or other structures, shall be installed so as to deflect light away from any adjoining Platted Agricultural**,** Rural Residential, Airfield Reserve Zoning Districts, or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. Welding associated with farming activities or agricultural uses shall be exempt from the glare standard of this provision. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Lighting standards shall not exceed twenty five (25) feet or the height of the principal building on a lot without a special use permit.

b. Whenever a light fixture that was existing on the effective date of this Resolution is replaced by a new outdoor light fixture, the provisions of this Chapter shall be complied with.

4. Intensity. No light source or combination thereof which cast light on a public road shall exceed one (1) foot candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property exceed four-tenths (0.4) foot candles as measured at the property.

5. Method of Measuring Light Intensity. The foot candle level of a light source shall be taken after dark with the light meter held six (6) inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the light intensity.

6. Performance Standards.

a. Agricultural, Rural Residential, Residential Rural Townsite and Airfield Zoning District Standards. Any lighting used to illuminate an off-street parking area, structure, or area shall be arranged as to deflect light away from any adjoining residential property or from any public right-of-way in accordance with the following provisions:

(1) The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity defined in Chapter 4-4-2.4.

(2) Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way, unless part of a permanent fixture.

b. Business Reserve, Commercial, and Industrial Districts. Any lighting used to illuminate an off-street parking area, structure, or area shall be arranged so as to deflect light away from any adjoining property or from any public right-of-way in accordance with the following provisions:

(1) Shielding. The luminaire shall contain a cutoff which directs and cuts off the light at an angle of ninety (90) degrees or less.

(2) Intensity. Light sources shall not be permitted so as to light adjacent property in excess of the maximum intensity defined in Chapter 4-4-2.4.

(3) Height. The maximum height above the ground grade permitted for light sources mounted on a pole is thirty (30) feet. A light source mounted on a building shall not exceed the height of the building. In no case shall the height of a light source mounted on a pole or on a building exceed the height limits of the zoning district in which the use is located unless allowed by special use permit.

(4) Location.

The light source of an outdoor light fixture shall be set back a minimum of ten (10) feet from a road right-of-way and five (5) feet from a side or rear lot line.

(5) Glare. Direct or reflected glare from high temperature processes such as combustion or welding shall not be visible from any adjoining property.

7. Submission of Plans. All applications, except single family residential and agricultural land uses, that include outdoor lighting, must include evidence that the proposed outdoor lighting will comply with this Chapter. If required by the Planning Department, the application shall contain the following information, in addition to other required information:

a. Site plans indicating the location on the premises of all illuminating devices, fixtures, lamps, supports, reflectors and other lighting devices.

b. Description of the type of illuminating devices, fixtures, lamps, supports, reflectors and other lighting devices. The description may include, but is not limited to, catalog cuts by manufacturers and drawings (including chapters where required).

c. Photometric plans illustrating the angle of the cutoff or light emissions, and illumination field of the proposed site lighting.

4-4-3 Solid Waste Management

1. Solid Waste Management Facility - Solid waste management facilities regulated by this Subdivision include all facilities for the incineration or disposal of municipal solid waste or municipal solid waste residue, required to be permitted under North Dakota statute or by rule by the North Dakota Department of Health, with the exception of inert waste sites as defined by North Dakota statute. A solid waste management facility that is in compliance with North Dakota law and North Dakota Department of Health rules, may be allowed in the (A-1) Agricultural Preservation zoning district as a special use provided:

(a) It is located outside the zoning authority of any city, at least one-half (1/2) miles from the boundary of any incorporated city, and at least one-half (1/2) mile from any existing residence or any area zoned Residential, unless written permission is granted for less distance by owner of such residence. Such written approval must be filed with the deed of the property involved at the Office of the County Recorder. Distance from existing residence shall be measured from the outside wall of the occupied residential structure to the nearest point on the perimeter of the landfill tract. Distance from the area zoned Residential shall be measured from the closest

point on the perimeter of the area zoned residential to the nearest point on the perimeter of the landfill tract.

(b) The maximum amount of municipal solid waste to be deposited in any solid waste disposal area shall be 550 tons per day with a 10 % variance allowed with the variance period not to exceed 30 days. If the maximum tonnage per day is exceeded a new permit shall be required. Scale reports shall be provided to the Zoning Administrator or the Board of County Commissioners upon request.

(c) It must comply with all other conditions specified by the Board of County Commissioners of Grand Forks County.

(d) The location must be approved by the Board of County Commissioners of Grand Forks County. Solid waste management facilities not otherwise regulated by state law of rule, such as recycling centers, are regulated by this Chapter. Recycling centers are those including but not limited to facilities that handle, in any manner, used tires. Any facility listed in the District IV Solid Waste Management Board's approved plan may be allowed under the term of this Subsection. A recycling facility may be located on a site that is also occupied by an existing residence if the site is owned by the owner of the residence.

2. Inert waste Facilities - An inert waste facility, whether or not required to be permitted by North Dakota statute of rule by the North Dakota Department of Health, that is in compliance with the North Dakota law and North Dakota Department of Health rules, may be allowed in any (A-1) Agricultural Preservation zoning district as a Special Use provided:

(a) It is located outside the zoning authority of any city, at least one-half (1/2) miles from the boundary of an incorporated city, and at least one-half (1/2) mile from any existing residence or any area zoned Residential, unless written permission is granted for less distance by owner of such residence. Such written approval must be filed with the deed of the property involved at the Office of the County Recorder. Distance from existing residence shall be measured from the outside wall of the occupied residential structure to the nearest point on the perimeter of the landfill tract. Distance from the area zoned Residential shall be measured from the closest point on the perimeter of the area zoned Residential to the nearest point on the perimeter of the landfill tract.

(b) It must comply with all other conditions specified by the Board of County Commissioners of Grand Forks County.

(c) The location must be approved by the Board of County Commissioners of Grand Forks County.

3. Littering and Illegal Dumping.

(a) It shall be unlawful for any person to drop litter or permit litter to be dropped on a highway, roadway, public waterway, park or any other publicly owned property or privately owned property.

(b) It shall be unlawful for any person to permit litter to escape from or place it in such a position that it can escape from their property or vehicle onto the property of another or onto any roadway, public waterway, or any other publicly owned property.

(c) Any litter identifiable shall be considered to be prima facie evidence that any person deliberately and intentionally deposited such litter in violation of this resolution. However, this presumption may be rebutted by showing that the owner thereof had hired or paid a person to remove such litter to a landfill or proper disposal area, thereby making the person so hired or employed liable for a violation of this resolution.

4-4-4 Outdoor Storage

1. Purpose. The purpose of this Chapter is to provide standards for allowing outdoor storage of materials, equipment, and vehicles as may be allowed within the respective zoning districts such that the activity can occur compatibly with surrounding uses and properties.

2. Vehicles/Equipment.

a. Vehicles “For Sale” Within a Commercial/Industrial District. Motor, commercial and recreational vehicles shall not be displayed “for sale” or sold within commercial/industrial districts unless as part of an approved licensed sales dealership or for short term parking (twelve (12) hours or less) if the vehicle is owned by an employee of said business where the vehicle is parked with the consent of the business owner.

b. semi-trailers, cargo containers, railroad cars, or similar structures shall not be used for storage in any zoning district after the effective date of this Resolution.

4-4-5 Storage of Junk, Litter, Waste and Other Materials

1. Purpose - The purpose of this Chapter is to govern the minimum conditions and the responsible persons for the maintenance of exterior property.

2. General Provisions.

   a. All junk yards, auto wrecking, scrap yards and slaughter houses and similar uses shall be permitted under this Resolution only when issued a Special Use Permit as required by this Chapter, and provided further that such uses shall be at least one thousand (1,000) feet from any highway and/or at least one hundred fifty (150) feet from any other road as defined by this Resolution, subject further to being properly screened from ordinary public view by means of a fence, trees, shrubbery, or other appropriate means.

   b. A collector may store unlicensed, operable or inoperable, vehicles and parts cars on the collector's property without a Special Use Permit provided the vehicles and parts cars and the outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, trees, shrubbery, or other appropriate means.

   c. All junk yards, auto wrecking, scrap yards and slaughter houses and similar uses shall be issued a Special Use Permit only after proper screening has been installed. Such Special Use Permit shall be issued for the properly screened area only.

   d. Readily usable agricultural equipment shall be exempt from this Chapter however inoperative agricultural equipment shall be properly screened.

3. Complaints.

   a. All complaints shall be in writing and signed.

   b. A fee in the amount as established by County Commission, shall be remitted with each citizen complaint. There shall be no fee for a complaint submitted by any governmental agency.

   c. All complaints shall be submitted to the County Zoning Administrator.

   d. The County Zoning Administrator or other designated county official is authorized to make inspections and take required action.

   e. A copy of the complaint and action to be taken shall be sent to the Board of Supervisors in the township where the complaint is located.

4. Enforcement.

   a. This “Storage of Junk, Litter, Waste, and Other Materials” resolution shall be Administered and enforced by the County Zoning Administrator with assistance from other County departments as deemed necessary.

   b. The Zoning Administrator shall, by certified mail, serve on said property owner and occupant notice of violation allowing said property owner sixty (60) days to abate the violation. In the case of rental property, a copy of the notice shall be sent to the renter.

   c. Any person served notice may appeal the matter to the Grand Forks County Planning and Zoning Commission provided the appeal is made in writing and filed with the Zoning Administrator within thirty (30) days from date of service, and that failure to appeal will constitute a waiver of all rights to an administrative determination of the matter.

   d. Should an on site inspection be required in the enforcement of a complaint, the Zoning Administrator shall attempt to schedule the inspection with the property owner at a time convenient to the property owner and Zoning Administrator. The inspection, if any, should be completed within thirty (30) days of the filing of a complaint.

5. Penalty.

   If a plan of action is not approved within sixty (60) days of service, the Grand Forks County Commission may direct a third party to abate the violation and the actual expense shall be charged against the land of the landowner and shall be collected in the same matter as other real estate taxes are collected, and placed to the credit of the respective subdivisions entitled thereto.

4-4-6 Abatement of Dangerous Buildings or Structures

1. Purpose - The purpose of this resolution is to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy available by law, whereby buildings or structures which from any cause endanger the life, health, safety and welfare of the general public may be required to be repaired, vacated, or demolished. The provisions of this resolution shall apply to all dangerous buildings, as herein defined with the exception of churches or other buildings currently or in the process of being listed on the Historical Register**,** which are now in existence or which may hereafter become dangerous in this jurisdiction.

2. Dangerous Buildings.

A dangerous building shall be defined as any building or structure**,** including mobile and manufactured housing, which has any or all of the following conditions or defects to the extent that the life, health, property or safety of the public or its occupants are endangered.

a. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

b. Whenever any portion thereof has been wrecked (such as broken doors**,** broken windows or leaking roofs**)**, warped, or settled to such an extent that walls or other structural portions are structurally deteriorated so as to be unsafe.

c. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iii) the deterioration, decay, or inadequacy of its foundation; or (iv) any other cause, is likely to partially or completely collapse.

d. Whenever, for any reason, the building or structure, or any portion thereof, is obviously unsafe for the purpose for which it is being used.

e. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle third of the base.

f. Whenever the building or structure, exclusive of the foundation, shows fifty (50) percent or more damage or deterioration of its supporting members, or fifty (50) percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

g. Whenever the building or structure has been so damaged by fire, wind, or flood, or has become so dilapidated or deteriorated as to become a public nuisance as defined by the North Dakota Century Code.

h. Whenever a building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, or other cause, is determined by a Public Health Department official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease

or

i. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistant construction, faulty electric wiring, gas connections, heating

apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

3. Abatement.

   a. All buildings or portion thereof which are determined after inspection by the building official**,** health department official or fire marshal to be dangerous as defined in this Resolution are in violation of the Grand Forks County Zoning Resolution and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified. All repairs shall be done according to the current Grand Forks County building code or the building shall be demolished.

   b. If it is determined by the building official, health department official or fire marshal that the welfare of the general public is in immediate danger, efforts shall be made immediately to contact the owner by certified mail to secure the building. If such efforts are unsuccessful or no action is taken by the owner within 30 days after the date of service, the building may be secured by Grand Forks County.

4. Enforcement.

   a. This abatement of dangerous buildings section shall be administered and enforced by the County Building Official.

   b. The health department official, the fire marshal and the building official are authorized to make inspections and take required action.

   c. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official or the building official's authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this Chapter which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this resolution, provided that if such building or premises be occupied that credentials be presented to the occupant and reasonable entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

5. Notices and Orders of Building Official.

a. The building official shall issue a notice and order directed to the record owner of the building and all other persons having an interest in said building or structure as shown by the land records of the Grand Forks County Recorders Office. The order shall contain the following.

1) The street address and a legal description sufficient for identification of the premises upon which the building is located.

2) A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of this resolution.

3) A statement of the action required to be taken as determined by the building official and that the action be taken within sixty (60) days.

4) A statement advising that any person having any record title or legal interest in the building may appeal the notice and order, or any action of the building official, to the Grand Forks County Planning and Zoning Commission, provided the appeal is made in writing and filed with the building official within 30 days from the date of service of such notice and order; and that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

b. The notice and order and any amended notice and order shall be served upon the record owner and all other persons having an interest in said building or structure as shown by the land records of the Grand Forks County Recorders Office personally or by certified mail. If no address of any such person is known by the building official, a copy of the notice and order shall be mailed to such person at the address of the building involved in the proceedings. Further such notice shall be posted in a conspicuous place on the dangerous building to which it relates. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this Chapter.

6. Repair and Demolition.

Any building declared a dangerous building under this Chapter shall be repaired in accordance with the current Grand Forks County building code or the building shall be demolished.

7. Complaints.

a. All complaints shall be in writing and signed.

b. A fee in the amount established by the County Commission shall be remitted with each citizen complaint. There shall be no fee for a complaint from any governmental agency.

c. All complaints shall be submitted to the Building Official.

d. A copy of the complaint, inspection report and action to be taken shall be sent to the Board of Supervisors in the township where the complaint site is located.

8. Penalty.

Should the violation not be abated within sixty (60) days of service, the Grand Forks County Commission may direct a third party to abate the violation and the actual expense of said abatement be certified to the Grand Forks County Auditor, and all of the expenses shall be charged against the land of the landowner and shall become a part of the taxes to be levied against the land for the ensuing year and shall be collected in the same manner as other real estate taxes are collected, and placed to the credit of the subdivisions entitled thereto.

CHAPTER 5: TRAFFIC, PARKING, ACCESS, AND LOADING

5-1 PARKING

5-1-1 Purpose

The regulation of off-street parking spaces in this Resolution is to alleviate or prevent congestion of the public rights-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the intensity of utilization of various parcels of land or structures. The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts of the County.

5-1-2 General Provisions

1. Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles which are unlicensed or inoperable, or for sale or rent.

2. Off-street parking spaces existing upon the effective date of this Resolution shall not be reduced unless said numbers exceed the requirements of this Resolution.

3. Calculating Space.

    a. When determining the number of off-street parking spaces results in a fraction, each fraction of one-half (1/2) or more shall constitute another space.

    b. In churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-two (22) inches of such design capacity seating facilities shall be counted as one (1) seat for the purpose of determining requirements.

    c. Should a structure contain two (2) or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

    d. Floor Area. The term “floor area” for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus ten (10) percent, except as may hereinafter be provided or modified.

5-1-3 Location

1. Spaces accessory to single family dwellings shall be located on the same lot as the principal use.

2. No off-street parking area containing more than four (4) parking spaces shall be located closer than five (5) feet from an existing lot zoned or used for residential purposes.

3. The setback for any off-street parking space or drive aisle from any street right-of-way shall be ten (10) feet in any zoning district.

4. Off-street parking for a commercial or industrial use located on a lot other than the lot on which the principal use is located shall meet the following conditions:

    a. All parking spaces for commercial and industrial uses shall be located within three hundred (300) feet of the main entrance of the principal use being served.

    b. The parking spaces must be on an adjacent lot or separated from the lot by a street right-of-way.

    c. The parking spaces must not create unsafe traffic or pedestrian conditions.

5-1-4 Parking Lot Design

1. Each off-street parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet deep. Access drives and aisles shall be a minimum of twenty-four (24) feet wide for two-way traffic, and eighteen (18) feet wide for one-way traffic. Parking space dimensions for angled parking shall be approved by the Planning Department.

2. Disability Accessible Parking. Disability accessible parking spaces shall be provided as applicable pursuant to North Dakota Century Code, as may be amended.

3. All parking areas shall be surfaced and shall be drained so as to dispose of all surface water accumulation in the loading areas in accordance with an approved storm water management plan. Acceptable surfaces may include asphalt, concrete, or a substitute as approved by the Planning Department. All surfacing must be completed prior to the occupancy of the structure unless otherwise approved by the Planning Department.

4. Lighting. Any lighting used to illuminate an off-street parking area shall be hooded and so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and shall be in compliance with Chapter 4-4-2 of this Resolution.

5. Curbing. Open off-street parking may be required to provide a perimeter continuous concrete curb around parking lot where it is necessary to control site drainage or to channel on-site traffic.

6. Required Screening. All open, off-street parking areas of four (4) or more spaces shall be screened from abutting or surrounding Rural Residential, Residential Rural Townsite, and Airfield Zoning Districts.

5-1-5 Minimum Off-Street Parking Spaces Required

1. One Family Residences	Two (2) spaces per dwelling unit
2. Business, Professional Office, and Retail Store	At least one (1) off-street parking space for each three hundred (300) square feet of floor area
3. Restaurants, Cafes, Taverns, Night Clubs	At least one (1) off-street parking space for each fifty (50) square feet of floor area
4. Churches, Theaters, Auditoriums, and other Places of Assembly	One (1) space for each five (5) seats upon maximum capacity
5. Industrial, Warehouse, Goods	Storage, handling bulk at least one space for each employee on maximum shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is larger.
6. Uses Not Specified or Not Precisely Identified.	Calculated by the Planning Department based on, but not limited to, characteristics for similar uses and professional studies prepared by American Planning Association or Institute of Traffic Engineers.

5-1-6 Truck Parking in Rural Residential Single Family, and Residential Rural Townsite Zoning Districts

1. No construction equipment, or similar equipment shall be parked on lots less than ten (10) acres in the Rural Residential Single Family, and Residential Rural Townsite Zoning Districts, or on public streets except for the purposes of loading, unloading, or rendering a service or unless allowed by special use permit or interim use permit.

2. One (1) business associated vehicle and one (1) trailer with associated equipment on the trailer may be allowed to be parked or stored on lots less than ten (10) acres in the, Rural Residential Single Family, and Residential Rural Townsite Zoning Districts provided the standard in 5-1-6 (3.) is met.

3. At no time shall semi trailers be permitted to park on lots less than ten (10) acres in the, Rural Residential Single Family, and Residential Rural Townsite Zoning Districts except for the purposes of loading, unloading, or rendering a service or unless allowed by special use permit or interim use permit.

.

5-2 SITE ACCESS

5-2-1 Access to County and Township Roads

Authorization to construct or alter an access on a County or Township road shall consist of an Approach permit signed by the County Planner or authorized representative. Access approaches shall be constructed in accordance with County adopted standards and the minimum access spacing guidelines in the Grand Forks County Land Use Plan, as amended. No access approach shall be constructed to a County or Township road until such permit has been obtained.

5-2-2 Access Spacing Requirements on County and Township Roads.

1. Access Spacing Requirements are derived from the Access Management Map in the Land Use Plan.

2. No access shall be placed closer than three hundred (330) feet from an intersection of two public roadways.

3. When feasible, private accesses serving a single residence shall be located on the side lot line to be shared with the neighboring property.

5-3 OFF-STREET LOADING AND UNLOADING AREAS

5-3-1 Design Standards

The following standards shall apply for off-street loading and unloading areas:

1. All required loading areas shall be off-street and shall be located on the same lot as the building or use to be served. A loading area shall be located at least twenty-five (25) feet from the intersection of two (2) street

rights-of-way. Loading areas shall not occupy the required front yard space.

2. A required loading area shall not be less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of aisle and maneuvering space.

3. Each required loading berth shall be located with means of vehicular access to a street or public alley in a manner which will least interfere with traffic.

4. All loading areas and access ways shall be surfaced and shall be drained so as to dispose of all surface water accumulation in the loading areas in accordance with an approved storm water management plan. Acceptable surfaces may include asphalt, concrete, or a substitute as approved by the Planning Department. All surfacing must be completed prior to the occupancy of the structure unless otherwise approved by the Planning Department.

5. Any space allocated as a loading berth or maneuvering area shall not be used for storage of goods, or inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.

6. Off-street loading or unloading space shall be provided in connection with any structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

CHAPTER 6: STORMWATER MANAGEMENT

6-1 PURPOSE

6-1-1 The purpose of this Chapter is to provide for:

1. The protection, preservation, maintenance, and use of the water and soil resources of the County's planning area through management of stormwater drainage, minimization of land disturbance, and prevention of damage from erosion and sedimentation;

2. The use of controls and regulations to secure safety from floods; to prevent loss of life, property damage, and other losses and risk associated with flood conditions; to reduce the financial burdens imposed upon the community through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding; to protect individual and community riparian rights; and to preserve the location, character, and extent of natural and artificial water storage and retention areas;

3. The enforcement of this Chapter and the coordination of the enforcement of appropriate and applicable Federal, State, County, and local regulations;

4. The implementation of the goals and policies of the Grand Forks County Land Use Plan, as amended.

6-2 ADMINISTRATION

6-2-1 A Stormwater Management Study signed by a Professional Engineer or an Engineer Approved by the Grand Forks County Water Board, shall be required for the following activities:

1. All commercial/industrial subdivisions and all subdivisions of land creating four (4) or more residential lots.

2. Commercial, industrial, institutional, or recreational land uses that result in the disturbance of ten thousand (10,000) square feet or more of land.

6-2-2 Exemptions. The following land disturbing activities do not require a Stormwater Management Study:

1. Preparation of land for construction of a single family residence.

2. Minor land disturbance activities involving less than ten thousand (10,000) square feet of land area including, but not limited to, home gardens, landscaping, repairs and yard maintenance work.

3. Installation and repair of individual sewage treatment systems other than those on steep slopes.

4. Drain tiling, tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops.

5. Installation of fence, sign, telephone, or electric poles and other kinds of posts or poles.

6. Emergency work to protect life, limb, or property and emergency repairs, provided the land area disturbed is adequately shaped and stabilized when appropriate in accordance with the requirements of the Planning Department.

7. Construction, installation, and maintenance of underground electric, telephone, or cable television utility lines or individual service connection to these utilities, where less than ten thousand (10,000) square feet of land or where fewer than fifty (50) cubic yards of materials are anticipated to be moved in such activities.

8. Minor wetland impacts that have received a “certificate of exemption or no loss” determination by the local government unit administering the Wetland Conservation Act, as amended.

6-3 STORMWATER MANAGEMENT STUDY INFORMATION REQUIREMENTS

All activities identified in Chapter 6-2-1 require a Stormwater Management Study to be approved by the Planning Department prior to any land disturbance. These plans shall be drawn to an appropriate scale and the applicant shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed activity on water and soil resources, and the measures proposed by the applicant to prevent those impacts. The Planning Department may require the applicant to provide any additional information or data needed to complete the review. The applicant shall perform all land disturbance activities in strict accordance with the approved plan.

6-3-1. The Stormwater Management Study shall include, but not be limited to the following information:

1. The site plan information outlined in Chapter 2-10-3 of this Resolution.

2. Project description narrative describing the overall project and the nature and extent of land disturbing activity. The project description shall also identify a project contact person.

3. A site plan and (if required) vicinity map showing existing drainage flow patterns and receiving water body(ies).

4. 100-year floodplains shall be shown on the site plan, including regulatory floodplains as defined in the floodplain zoning resolution as well as localized floodplains associated with local stormwater management facilities, ponds, streams and wetlands.

5. Proposed spot site elevations illustrating lot corner elevations, basement floor elevations, first floor elevations;

6-4 Stormwater Plan Implementation.

6-4-1. Financial Guarantee - Upon approval of the stormwater plan, the Planning Department shall require the applicant to provide a financial guarantee in the form of a bond or letter of credit in favor of the County equal to the grading and excavation costs necessary to ensure the satisfactory implementation of the stormwater plan. If it can be demonstration that the grading/excavation is associated with road construction or covered under another form of financial guarantee the requirement may be waived.

6-4-2. Inspection - The Planning Department or County authorized agent may inspect the applicant's progress of implementing the plan required by the permit. If the Planning Department finds that insufficient progress or a non-compliant activity is occurring, the Planning Department shall immediately notify the applicant or landowner of the problem and demand compliance. If compliance is not followed the County may draw on the financial guarantee to ensure protection of public soil and water resources.

6-5 STORMWATER MANAGEMENT STANDARDS

6-5-1. Performance Standards - The following stormwater management standards shall be used in developing a Stormwater Management Plan.

1. The need for stormwater management facilities shall be reduced by incorporating or restoring the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond. When development density, topographic features, and soil vegetation conditions

are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

2. Stormwater Rate Control: The Stormwater Management Plan shall include the design of all stormwater management facilities necessary to manage increased runoff so that the 100-year, 24-hour storm event peak discharge rates from the property boundary shall not exceed pre-development conditions.

3. All stormwater management calculations submitted for review shall include sufficient information to evaluate the changes to the stormwater drainage characteristics within the watershed areas affected by the proposed land disturbance activity. The applicant shall provide calculations, which clearly show the affects of this development on the peak rate of discharge, the time of concentration, channel velocities and other potential drainage impacts to water and soil resources both on and off the development site. The County may require the Applicant to provide as part of the stormwater management calculations, any additional information or data needed to complete the review.

4. Where development site drainage discharges to an existing roadway, ditch or storm sewer system or other public facility, the applicant shall provide as part of the calculations, all survey, utility or other topographic data of the existing condition needed for the County to determine that the proposed development does not impact or degrade any critical roadway element or affect the safety, maintenance and function of the public facility.

7. For evaluation of post-development runoff, drained hydric soils shall be assumed to revert to an undrained condition unless the applicant demonstrates that publicly owned and maintained drainage facilities will be adequate to maintain the drained condition.

8. Impervious Coverage: Stormwater management calculations shall list the new impervious area created in each sub-watershed and shall include the assumptions and calculations used for determining impervious area (house pad, driveway, etc).

9. Runoff Calculations: The applicant shall provide calculations for the one hundred (100) year, twenty four (24) hour storm event peak discharge

rates for each property, comparing pre-development conditions and proposed conditions.

10. All drainage systems and facilities shall be designed to withstand the runoff from the critical one hundred (100) year event or accumulative antecedent conditions without damage to the system or facility. The study must be able to demonstrate that there is sufficient room on each lot for a building pad and septic system not to be impacted by the100-year, 24-hour storm event.

11. Designs for detention basins shall include but not necessarily be limited to calculations for estimated inflow and outflow, permanent and temporary storage volumes, mean depth, outlet design, downstream stabilization, emergency spillway, pond profile and pond cross section.

CHAPTER 7: SPECIALTY HOUSING

7-1 PURPOSE

The purpose of this Chapter is to establish performance standards for residential uses that operate beyond the scope of traditional housing. These standards should be applied to ensure that these specialty housing uses are reasonably compatible with their surrounding environment.

7-2 MOBILE HOMES

7-2-1. A mobile home, as defined by this resolution may be allowed in any Agricultural, Airfield Reserve, Rural Business Reserve and Residential Districts as a special use providing the following:

1. No Mobile Home shall be placed closer than one-quarter (1/4) mile from a State or Federal Highway.

2. No Mobile Home shall be placed closer than one-quarter (1/4) mile from any existing residence.

3. When a Mobile home is placed upon a permanent foundation, the foundation must meet County Building Code requirements and a Building Permit shall be required for such foundation.

4. All mobile homes shall be tied down pursuant to manufacturer's instructions.

5. Each mobile home, if not located in an existing Mobile Home Park, shall be located on lot with a minimum of two and one half (2 1/2) acres, and shall be the only residence on said lot.

6. Each mobile home shall meet current fire and safety codes.

7-3 MANUFACTURED HOMES

7-3-1. A manufactured home, as defined by this resolution may be allowed in any Agricultural, Airfield Reserve, Rural Business Reserve and Residential Districts as a special use providing the following:

1. Upon issuance of a Type "A" Manufactured Home Special Use Permit, the unit shall be considered as a conventional single family dwelling and shall be regulated as such. Certification shall be required that the unit meets or

exceeds the construction standards as set forth by the U. S. Department of Housing and Urban Development that were in effect at the time of construction.

2. When a Type “B” Manufactured Home is placed upon a permanent foundation, the foundation must meet County Building Code requirements and a Building Permit shall be required for such foundation.

3. Certification shall be required that a Type “B” Manufactured Home meets or exceeds the construction standards as set forth by the U. S. Department of Housing and Urban Development that were in effect at the time of construction.

4. If a Type “B” Manufactured Home is not placed upon a permanent foundation, the manufactured home shall be tied down pursuant to manufacturer’s instructions.

5. Each Type “A” or Type “B” Manufactured Home, if not located in a mobile home park, shall be located on a lot with minimum two and one half (2 1/2) acres, and shall be the only residence on said lot.

7-4 MODULAR HOMES AND MOVED IN STRUCTURES.

7-4-1. Modular homes shall be considered as conventional single family dwellings and shall be regulated as such. Certification shall be required that the construction of the modular home meets the County Building Code. A Building Permit shall be required for the foundation of a modular home.

7-4-2. All structures that are moved into the County shall be placed on a permitted, permanent foundation within sixty (60) days upon entering the County.

7-5 MOBILE HOME/MANUFACTURED HOME WHILE BUILDING A HOME

7-5-1. A mobile home or manufactured home may be allowed as an interim use in the Agricultural Airfield Reserve, Rural Business Reserve and Residential zoning districts under the following conditions:

1. The issuance of a building permit for a permanent residential home has been issued.

2. The mobile home or manufactured home shall be occupied by the property owner of the building site parcel during construction.

3. The mobile home shall be located on the same tract as approved for the building permit.

4. The mobile home shall be connected to the individual sewage treatment system as well as approved in the building permit application.

5. The home shall be removed from the property within thirty (30) days of issuance of the certificate of occupancy for the new home.

6. If a residential dwelling becomes uninhabitable through fire, natural disaster, or occurrence uncontrollable by the owner, a temporary permit may be granted by the County Board for up to forty-five (45) days. The applicant is still required to apply for an interim use permit.

7-6 SECOND DWELLING ON A PARCEL FOR FAMILY MEMBER OR FARM HELP

7-6-1. A second dwelling may be allowed on a parcel in any Agricultural, Airfield Reserve, Rural Business Reserve and Residential Districts as a special use providing the following:

1. The additional dwelling is to be used for a family member or farm help.

2. The additional dwelling must be situated on the parcel in a way that it could be split off on a separate parcel at a future date.

7-7 BED AND BREAKFAST ESTABLISHMENTS

7-7-1 District Application

Bed and breakfast establishments are allowed within agricultural and residential zoning districts subject to the approval of a special use permit.

7-7-2 Conditions of Approval

In addition to general standards and criteria provided in this Resolution, a bed and breakfast establishment may be allowed provided that:

1. A maximum of six (6) bed and breakfast units may be established in a structure.

2. The facility shall have a state license (hotel and food), and comply with building and fire codes as may be required or applicable.

3. The facility shall be owner or manager occupied.

4. The principal structure shall have a minimum size of one thousand five hundred (1,500) gross square feet and shall be located on a lot which meets the minimum lot size of the district in which it is located.

5. All bed and breakfast units shall be established within the principal structure.

6. Not more than the equivalent of two (2) full time persons shall be employed by the bed and breakfast facility who are not residents of the structure.

7. Dining and other facilities shall not be open to the general public but shall be used exclusively by the registered guests and residents.

8. Two (2) off-street parking spaces shall be provided for the home plus one (1) off-street parking space for each bed and breakfast unit. Parking areas shall be screened and landscaped.

9. Not more than one (1) identification sign not exceeding twelve (12) square feet in area may be attached to each wall which faces a street. The sign shall be reflective of the architectural features of the structure and may not be internally illuminated or lighted between 11:00 PM and 6:00 AM.

10. Adequate lighting shall be provided between the principal structure and the parking area for safety purposes.

CHAPTER 8: HOME EXTENDED BUSINESSES

8-1 HOME EXTENDED BUSINESSES

8-1-1 Purpose

The purpose of this Chapter is to establish standards for home extended businesses to ensure that these uses are reasonably compatible with their surrounding environment.

8-1-2 Exceptions

The following uses do not require a special use permit or interim use permit:

1. Property owners who park or store one (1) vehicle used for any business use and one (1) trailer with associated equipment parked on the trailer, either indoors or outdoors.

2. Any activity associated with the normal operation of an active farming operation.

8-1-3 Permit

Home extended businesses, as allowed in the applicable zoning district, shall be regulated through either a special use permit or an interim use permit consistent with the standards outlined in Chapters 8-1-4, 8-1-5, and 8-1-6 and with the procedures outlined in Chapter 2-4 or 2-5 of this Resolution.

8-1-4 General Performance Standards

The following standards apply to home extended businesses:

1. The business shall be located on the homestead property of the business owner.

2. There shall be no more than two (2) non-resident employees working on-site in residential zoning districts and no more than four (4) non-resident employees working on-site in agricultural zoning districts.

3. The home extended business shall be limited to four (4) business associated vehicles in residential zoning districts and eight (8) business associated vehicles in agricultural zoning districts.

4. The property on which the home extended business is located shall be at least five (5) acres in size, unless the specific zoning district requires a larger minimum lot size.

5. All buildings used in conjunction with the home extended business shall meet the requirements of the County's Building Code.

6. All on-site production, assembly, sales, and service shall be conducted within a building approved for the extended home business.

7. In residential zoning districts, all equipment and vehicles shall be stored within an enclosed structure.

8. Outdoor storage may be allowed for home extended businesses in agricultural zoning districts provided the following conditions are met:

    a. The outdoor area shall not exceed five thousand (5,000) square feet in area.

    b. The outdoor storage area is located at least one hundred (100) feet from adjoining property lines.

    c. The outdoor storage is screened from the view of adjoining properties and public right-of-way.

9. A landscape plan may be required that illustrates screening from adjacent public right-of-way and adjoining properties.

10. On-site parking shall be provided.

11. No liquid, gaseous and solid wastes resulting from the use shall be discharged into the soil, water or air until the specific methods and means of discharge have been reviewed and approved by the appropriate county, state or federal agency.

12. One business sign shall be permitted, no larger than twelve (12) square feet in area per surface in residential districts and twenty four (24) square feet in area per surface in agricultural districts. Signs shall not be constructed to have more than two (2) surfaces and shall not be illuminated.

13. The use shall comply with all applicable county, state and federal regulations.

14. If the site conditions or nature of the activity generates excessive dust, appropriate control measures may be required.

15. On-site working hours may be set by the County.

8-1-5 Termination and Expiration of Home Extended Businesses or Interim Use Permits

1. Termination. The County Commission may terminate any home extended business interim use permit if the use in question violates any of the standards of this Resolution, or other conditions placed on the permit by the County Commission.

2. Expiration. Any home extended business interim use permits will expire upon the occurrence of any of the following events:

    a. Re-subdivision of the property.

    b. Rezoning of the property.

    c. Changes or amendments to the Land Use Plan that affect the property on which a home extended business exists.

    d. Changes in zoning jurisdiction.

CHAPTER 9: CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS

9-1 PURPOSE

An adequate supply of healthy livestock, poultry and other animals is essential to the well-being of County citizens. However, livestock, poultry and other animals produce manure which may, where improperly stored, transported, or disposed, negatively affect the environment of Grand Forks County. Animal manure must be controlled where it may add to air, surface water, ground water, or land pollution.

The following Chapter, based on the Model Animal Feeding Resolution issued by the North Dakota State Health Department, regulating the permitting, location, development, and expansion of feedlots has been adopted to protect the natural environment and to safeguard the public health, safety, and general welfare of the citizens of Grand Forks County.

These Resolutions are in addition to and complementary to all Federal and State Regulations and guidelines, including but not limited to, "North Dakota Department of Health Guidelines for Approval of Livestock Waste Systems"(latest draft), USDA-SCS-North Dakota January 1986 Technical Guide Notice ND-49 and USDA-SCS-North Dakota November 1988 Technical Guide Notice ND-99".

9-2 GENERAL PROVISION

9-2-1. Equivalent Animal Numbers - An “animal unit equivalent” is a unitless number developed from the nutrient 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 unit equivalents for types of livestock and the number of livestock for facility thresholds of 300 animal units (a.u.), and so forth are listed in the following table:

Equivalent Numbers of the Livestock (hd) for Three Sizes (a.u) of Animal Feeding Operations

Livestock	Animal Unit Equivalent	300 a.u	1,000 a.u	5,000 a.u
1 horse	2.0	150 hd	500 hd	2,500 hd
1 dairy cow	1.33	225	750	3,750
1 mature beef	1.0	300	1,000	5,000
1 beef feeder-				

finishing	1.0	300	1,000	5,000
1 beef feeder- backgrounding	0.75	400	1,333	6,666
1 mature bison	1.0	300	1,000	5,000
1 bison feeder	1.0	300	1,000	5,000
1 swine>55 lbs.	0.4	750	2,500	12,500
1 goose or duck	0.033	9,090	30,303	151,515
1 sheep	0.1	3,000	10,000	50,000
1 swine, nursery	0.1	3,000	10,000	50,000
1 turkey	0.0182	16,483	55,000	275,000
1 chicken (other than a laying hen)	0.008	37,500	125,000	625,000
1 chicken (laying hen)	0.012	25,000	83,333	416,666

9-2-2. Environmental Protection - The operator of a new facility for animal feeding is expected to locate, construct, operate and maintain the facility so as to minimize, reduce, or abate effects of pollution on environmental resources and on public safety and health. The operator of an existing facility is expected to operate and maintain the facility so as to minimize, reduce, or abate effects of pollution on environmental resources and on public safety and health. Each operator shall comply with applicable state laws and rules, including the laws and rules administered by the North Dakota Department of Health and with any permits granted by that department.

9-2-3. Holding Facilities.

1. Earthen Manure Storage Basin

   a. Plans for an earthen structure for any operation shall be approved by Professional Engineer (P.E.) Registered in the State of North Dakota.

   b. Soil testing to determine the engineering properties of the earthen structure and natural liner materials shall be conducted under the supervision of a qualified professional soil scientist.

c. Any manure storage structure which is unused or abandoned for three (3) or more years shall have proper closure to the satisfaction of the State Health Department.

2. All manure holding facility valves shall have proper security measures to prevent accidental or malicious opening.

3. All manure holding structures shall be enclosed with suitable fence to preclude entrance of livestock and discourage trespassing. A vehicle access gate of sufficient width to accommodate mowing equipment shall be provided. All access gates shall be provided with a lock. Fences shall be located away from the outside toe of storage basin to facilitate dike mowing and maintenance operations. Appropriate signs shall be provided along the fence around the storage structure to designate the nature of the facility and to advise against trespassing.

9-2-4. Enforcement

1. The Animal Feeding Operation Chapter shall be administered and enforced by the County Zoning Administrator with assistance from other County departments as deemed necessary. The Zoning Administrator shall have the following duties and powers:

   a. Review permits, management plans and other information as required by this Resolution.

   b. Order work stopped whenever work is being done contrary to the provisions of this Chapter. Such notice shall be personally served upon the owner or operator.

   c. Issue authorization to proceed when violations of this Chapter have been remedied.

   d. Assist feedlot owners or operators with the permitting process.

   e. Process applications to ensure compliance with this Chapter.

   f. Issue permits required by this Chapter.

   g. Forward any recommendations or information to the State Health Department or other appropriate agency.

   h. Maintain records and permits as required by this Chapter. Any records required to be maintained by the State Health Department shall be provided to the Zoning Administrator upon request.

i. Provide information to feedlot owners and operators and the general public concerning this Chapter.

j. Inspect feedlot operations to insure compliance with the standards of this Chapter.

2. Violation - In the event of a violation of this Chapter or a judgement on a civil action by the North Dakota Department of Health, the County, after due process, can order cessation of a facility for animal feeding within a reasonable period of time and until such time as the operator corrects or abates the cause(s) of violation. The County may institute appropriate actions or proceedings as set for in Chapter 2-13 of this resolution. If the cause(s) of the violation are not remedied within a reasonable period of time as set by the County, the permit may be revoked. All costs incurred for corrective action may be recovered by the County in any manner recommended by the Office of the States Attorney. These and other remedies, as determined appropriate by the Board of County Commissioners, may be imposed upon the owner, operator or other responsible person either in addition to or separate from other enforcement actions.

9-2-5. Insurance Requirements

Prior to the issuance of a permit, the applicant shall provide to the Zoning Administrator proof of insurance, a financial guarantee bond**,** or some other proof of adequate funds in the amount of $25,000 for a facility with 300 to 1,000 animal units and $50,000 for a facility with 1,001 or more animal units (or some other amount as deemed necessary by the Planning and Zoning Commission) to cover cleaning of buildings, waste systems, and emptying and filling**,** demolition and \or removal of holding ponds in the event of closure of the animal confinement operation.

9-2-6. Closure and Abandonment

1. The landowner, owner and operator of any concentrated animal feeding operation shall be responsible for the ongoing management of manure and the final closure of the feedlot including the cleaning of buildings and proper disposal of manure from all manure storage structures and demolition and\or removal of all manure storage structures.

2. Owners and operators of any concentrated animal feeding operation shall have joint and several liability for clean-up, closure or remediation of abandoned sites.

9-2-7. Complaints

1. Any complaint against a Concentrated Feeding Operation must be in writing and signed.

2. All such complaints shall be investigated by the Zoning Administrator and, if necessary, referred to the State Department of Health or other appropriate agency.

9-3 SETBACK REQUIREMENTS

9-3-1. Odor Setbacks - An owner of property shall locate and establish a residence, business, church, school, public park or zone for residential use so as to provide the same separation distance from any existing animal feeding operation unless a waiver is executed and duly recorded with the property deed at the Office of the County Recorder. Dwellings of owners or operators are exempt. The separation distances, or setbacks are listed in the following table:

Setback Distance for Animal Feeding Operations

	Animal Units	**Hog Operations**	**Other Animal Operations**
Established Residences, Churches, Businesses, Commercially Zoned Areas, Recreational Areas, Schools **(Maximum Allowed by House Bill 1420)**	**Less than 300**	**None**	**None**
	300 to 1,000	**.75 Mile**	**.75 Mile**
	1,001 to 2,000	**1.125 Miles**	**.75 Mile**
	2,001 to 5,000	**1.5 Miles**	**1.125 Miles**
	More than 5,000	**2.25 Miles**	**1.5 Miles**

The operator of a new animal feeding operation shall locate the site of that operation from the above stated existing areas so as to exceed the corresponding listed setback.

If notified in writing by an operator of a planned future expansion of an animal feeding operation, the local unit of government may implement the corresponding

odor setback for a temporary time period not to exceed two (2) years, after which time the setback will remain in effect only if the expansion was completed.

9.4 SPECIAL/INTERIM USES AND PERMIT PROCEDURES

9-4-1. Applicability

1. New or expanding livestock facilities that meet the below criteria are considered special uses in Agricultural Zoning Districts and interim uses in most other zoning districts.

2. The operator of a new livestock facility or an existing livestock facility, which meets the definition of an animal feeding operation and which is a special use of land as listed below, shall apply for and obtain a Special Use or Interim Use Permit:

   a. A new animal feeding operation that would be capable of handling, or that expands to handle, more than three hundred *300* animal units is a special use of land.

   b. An existing animal feeding operation that expands to handle more than three hundred *300* animal units is a special use of land.

3. Whenever the capacity of an animal feeding operation is expanded to handle more than one thousand (1000) or ten thousand (10,000) animal units, the operator shall apply for a new Special Use or Interim Use Permit.

4. Whenever a former animal feeding operation is to be restocked after being idle for three (3) or more years, the operator shall apply for a new Special Use or Interim Use Permit.

5. Whenever a signed complaint has been received by the Zoning Administrator or the North Dakota Health Department and inspection reveals that the animal feeding operator should have had a permit pursuant to this Chapter, the operator shall apply for a Special Use or Interim Use Permit.

9-4-2. Ownership Change - An operator of a facility that includes an animal feeding operation having a permit granted in accordance with this resolution shall notify the local unit of government of the sale or the transfer of the ownership of that operation.

9-4-3. Operating Change - An operator of a facility that includes an animal feeding operation having a permit granted in accordance with this resolution shall notify the Zoning Administrator of intent to include an alternate livestock type. The notice shall be given at least one hundred and twenty (120) days prior to the anticipated date of the change.

9-4-4. Procedure

1. Application for a Special Use Permit or Interim Use Permit shall be submitted to the Zoning Administrator in accordance with Chapter s 2-4 and 2-5 of this resolution. The Zoning Administrator shall notify the Department of Health that such application has been received. This Special Use or Interim Use Permit application shall be available for public inspection at the Office of the Zoning Administrator for fourteen (14) days prior to the Public Hearing.

2. The Zoning Administrator shall notify by certified mail all property owners having property within the corresponding odor setback distance of a proposed new animal feeding operation or the expansion of an existing animal feeding operation. This notification must be within twenty-one (21) days of receiving the application. Along with the application, the applicant shall provide the names and addresses of all landowners to be notified.

3. All townships within two (2) miles and all incorporated municipalities and unincorporated platted limits within six (6) miles shall be notified by U. S. mail as to the time and place of the Public Hearing.

4. The applicant shall then forward its application for a Special Use Permit together with the tentative approval by the Board of County Commissioners to the North Dakota Department of Health.

7. Following a review by the Department of Health of the operator's application for a state permit, the Department of Health will notify the County of its decision.

8. The Special Use Permit will become final following the granting of a permit by the Department of Health.

9. No construction shall take place until the permit has been issued by the North Dakota Department of Health.

9-4-5. Application Requirements

The application for a Special Use or Interim Use Permit to operate an animal feeding operation shall include the application information requirements as set forth in Chapter 2-10 of this resolution.

9-4-6. Miscellaneous

1. The applicant shall develop, maintain, and follow a nutrient plan to ensure safe disposal or manure for the protection of surface and ground water as per guidelines listed in the latest draft of the “North Dakota Department of Health Guidelines for Approval of Livestock Waste Systems”. A copy of such plan as submitted to the North Dakota Health Department shall be provided to the Zoning Administrator.

2. The applicant shall develop, maintain, and follow a manure management and operation plan to ensure safe storage and application of manure and to protect surface and ground water as per North Dakota Health Department requirements. A copy of such plan shall be submitted to the Zoning Administrator.

3. The Planning and Zoning Commission may request information relating to an animal feeding operation not contained in these regulations.

4. The Planning and Zoning Commission may impose, in addition to the standards and requirement set forth in these regulations, additional conditions which the Planning and Zoning Commission considers necessary to protect the public health, safety, and welfare of Grand Forks County citizens.

5. Any and all cost to implement any additional conditions as set forth by the Planning and Zoning Commission shall be borne by the owner of the facility.

6. When considering an application, the Planning and Zoning Commission will take into consideration current and past violations relating to animal feeding operations that the applicant or operator has or has had an interest in.

7. All State and Federal regulations shall be adhered to.

9.5 Limited Livestock raising.

In the agricultural woodlands district, agricultural reserve district, and all residential districts, the animal density shall not be greater than 1.0 animal unit per pasturing/productive acre. This regulation shall not apply to animal wintering operations, confined animal feeding operations with a special use permit, or a confined animal feeding operation existing prior to the date which this resolution was enacted.

CHAPTER 10: MINING

10-1 PURPOSE

The purpose of this Chapter is to control mining operations so as to minimize conflicts with adjacent land uses and to ensure that the mining area is reclaimed with a use compatible with the Land Use Plan and completely restored at the completion of the mining operation.

10-2 ADMINISTRATION

1. Permit Review. An interim use permit shall be required for all mining operations. The County Commission shall also require a performance bond or some other form of financial guarantee from the landowner to ensure that the conditions in this Chapter are met.

2. The operations covered by this Chapter shall be the mining, crushing, washing, refining, or processing of sand, gravel, rock, black dirt, peat, and soil and the removal thereof from the site.

3. For the purposes of this Chapter, mining shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats, utility or highway construction, agricultural improvements within the property, sod removal and wildlife ponds with resulting materials distributed on the immediate property.

10-3 INFORMATION REQUIRED

In addition to the information requirements set forth in Chapter 2-10, the following operations information shall be provided by the person or agency requesting the interim use permit:

10-3-1. Proposed Operations Map to include:

1. Structures to be erected.

2. Location of sites to be mined showing depth of proposed excavation.

3. Location of machinery to be used in the mining operation.

4. Location of storage of mined materials, showing maximum height of storage deposits.

5. Location of vehicle parking, access roads and local routes to truck routes.

6. Location of storage of explosives.

7. Staging of mining activity.

8. Stormwater management plan.

10-3-2. End Use Plan to include:

1. Final grade of proposed site showing elevations and contour lines at two (2) foot intervals

2. Location and species of vegetation to be replanted

3. Reclamation staging plan

4. Proposed land use and development plan.

5. A plan for dust and noise control.

6. A complete description of all phases of the proposed operation to include an estimate of duration of the mining operation, location and approximate acreage of each stage, and time schedule for reclamation.

10-4 PERFORMANCE STANDARDS

For mining operations approved after the date of adoption of this Resolution:

1. General Provisions. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to minimize seeding on adjacent property. All equipment used for mining and extraction operations shall be constructed, maintained and operated in a manner to minimize, as far as practical, noise, dust and vibrations adversely affecting the surrounding property.

2. Water Resources. The mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside of the boundaries of the mining operation.

3. Safety Fencing. Safety fencing may be required around all or portions of the mining operation at the discretion of the County.

4. Setback. Processing of minerals shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential structures.

   a. Mining operations shall not be conducted closer than two hundred (200) feet to any residence or residential zoning district boundary existing on the approval date of the mining interim use permit.

   b. Mining operations shall not be conducted closer than thirty (30) feet to any property line, or within thirty (30) feet of the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway engineering plans. Side slopes of the mining operation shall be in conformance with the site plan.

5. Hours of Operation. All hours of operation shall be set in the interim use permit as approved by the County.

6. All mining sites shall be reclamated immediately after mining operations cease in accordance with the end use plan. Reclamation shall be completed within one (1) year.

CHAPTER 11: SIGNS

11-1 SIGNS

Signs are a permitted accessory use in all zoning districts subject to the following standards. Sign permits shall be administered in accordance with Chapter 2-8 of this Resolution.

The purpose of this Subdivision is to permit such signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health safety, and morals; and to permit and regulate signs in such a way as to support and complement land-use objectives set forth in the Zoning Resolution and Land Use Plan. No area shall be rezoned expressly for the erection of advertising signs.

Signs are a permitted accessory use in all zoning districts subject to the following standards.

11-1-1. General Provisions:

The following regulations shall apply to all signs hereinafter permitted in all Districts:

1. Signs shall not be permitted within or extend into the public right of way or easements.

2. Flashing or rotating signs resembling emergency vehicles or that can be possibly mistaken for a warning or danger signal shall not be permitted in any District.

3. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate Zoning Districts. These shall be repainted when necessary to be kept in good condition and shall be repainted, removed or painted out when, in the opinion of the Planning Commission they are not so maintained.

4. No sign shall be placed that resembles any official marker erected by a governmental agency or shall display such words as "stop" or "danger" or other commonly used warning signs in use for public safety.

5. Signs containing statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency shall not be permitted in any District.

6. No sign shall be permitted to obscure any official traffic signs.

7. No sign shall be permitted to be placed on rocks, trees or utility poles.

8. No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, or egress for any building or structure.

9. No roof signs or signs painted on roofs shall be permitted.

10. Any sign which has become obsolete because of discontinuance of the business, service, or activity which it advertises or any other reason shall be removed within 30 days. If not removed within 30 days, the county shall remove the sign at the expense of the landowner.

11. No off-premise advertising signs shall be allowed. All signs shall be located on the same parcel as the business is located, with the exception of billboards.

12. Where a sign is illuminated, the source of light shall not shine upon any part of a residence or any residential district.

13. Where a sign is visible from the main-traveled way of more that one highway or road, the more stringent of the applicable control requirements applies.

14. No sign shall be permitted which has illumination of such brilliance or so positioned as to blind or impair the vision of travelers on the highway (or road) or adjacent highways (or roads) or create the impression that the lights are from oncoming or intersecting vehicles.

15. Damaged, defaced, or poorly maintained conforming signs must be repaired within ninety days after notice by the Zoning Administrator, and if not so repaired they will be deemed abandoned and unlawful advertising and must be removed upon the order of the Board of County Commissioners. If not removed by owner, the county shall remove the sign at the expense of the landowner.

16. If any sign remains blank for over one year, it is abandoned and must be removed as unlawful advertising. A blank sign is a sign having no panel or face, or whose panel or face is not covered at least twenty-five percent in area by an advertising message. If not removed by owner, the county shall remove the sign at the expense of the landowner.

17. All signs shall be in conformance with the Uniform Building Code, the Uniform Sign Code and, where applicable, the State Electrical Code.

18. An advertising sign may not be erected or maintained unless the name of the person owning or maintaining it is plainly displayed on the sign. Any sign erected or maintained which does not contain the owner's name plainly displayed on the sign is unlawful advertising and must be removed upon order of the Board of County Commissioners. If not removed by the owner, the county shall remove the sign at the expense of the landowner.

19. All horizontal distances shall be measured upon the shortest line which may be drawn between the two (2) subjects in question.

20. Portable temporary signs shall be prohibited in all zoning districts.

21. No sign shall have rotating or moving parts.

11-1-2. Electronic Signs and Billboards:

The following regulations shall apply to all signs/billboards that are defined by this resolution as changeable copy signs and electronic changeable copy signs.

1. Setbacks. Any electronic sign must be located a minimum of one half (1/2) mile of any existing residence, unless written consent of the landowner is obtained.

2. Electronic signs which require a special use permit, shall have an increased land owner notification radius of one (1) mile from the proposed sign location.

3. Electronic changeable copy signs must have an automatic dimmer control to automatically reduce the illumination at night and during times of reduced ambient light.

4. Light Intensity Thresholds (Maximum)

INTENSITY LEVELS (NITS)[1]

Color	Daytime[2]	Nighttime[3]
Red only	2,250	450
Green only	4,500	900
Amber only	3,350	675
Full color	5,000	1,000

5. No streaming video shall be displayed.

6. The display must have a minimum duration of eight (8) seconds that is static during each individual message. Moving light(s) are prohibited.

7. Scrolling text is prohibited.

8. All signs must be equipped with a properly functioning default mechanism that will stop the sign in one position should a malfunction occur.

9. Replacement of static billboard facings. No off-premise electronic changeable copy sign will be allowed to be placed upon or replace an existing static billboard, without amending the special use permit.

11-1-3 Exceptions

The following signs are not subject to the above regulations except as noted in this Chapter.

1. Public signs. Signs in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as directional signs, regulatory signs, warning signs, traffic signs, and informational signs.

2. Temporary signs. Temporary signs announcing any public, charitable, educational or religious event or function, located entirely within the premises of that institution and set back no less than ten (10) feet from the property line up to a sign area of twenty-four(24) square feet. Such signs shall be allowed no more that twenty-one (21) days prior to the event or function and must be removed within seven (7) days after the event or function. Such signs may be illuminated as restricted by this Resolution.

[1] See Definition for Nit.
[2] ½ hour after sunrise
[3] ½ hour after sunset

3. Signs that are an integral part of the structure. Examples are as follows: names of buildings, dates of erection, monumental citations, commemorative tablets and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure. Such signs cannot exceed the square footage allowed for signs in this Chapter.

4. Private traffic directional signs. Signs directing traffic movement onto a premises or within a premises, not exceeding four (4) square feet in area for each sign. Horizontal directional signs on and flush with paved areas are also exempt.

5. Real estate signs. Temporary real estate signs not exceeding ten (10) square feet in area, located on the subject property and limited to one such sign for each frontage of a home or lot and one (1) sign not exceeding four (4) square feet in area showing a directional arrow and placed on an approach route. Signs shall be removed within seven (7) days of the sale.

6. Political campaign signs. Signs announcing candidates seeking public political office and other data pertinent thereto shall be permitted up to a total of nine (9) square feet for each premise in a residential district and thirty-two (32) square feet in an Agricultural, Commercial or Industrial Zone. These signs shall be confined to private property.

7. Auction Signs. Temporary auction signs not exceeding ten (10) square feet in area located on the subject property and/or approach routes. Such signs shall be removed upon completion of the auction.

8. Signs at and over an ingress to a farm or subdivision which state the name of such farm or subdivision.

11-1-3. Non-conforming signs.

Nonconforming signs as of the date of passage are considered legal non-conforming structures and uses, subject to Chapters 3-3 and 3-4 of this resolution. In addition the signs are also subject to the conditions of this Chapter.

1. Any non-conforming sign improperly repaired or enlarged with better materials or otherwise maintained in violation of this resolution is unlawful and must be removed upon the order of the Board of County Commissioners. If not removed by owner, the County shall remove the sign at the expense of the landowner.

2. Change of advertising is part of reasonable maintenance and repair, but the change of copy may not increase or expand the size of the original non-conforming use.

3. A change may not be made in the number of, or material used, for the support of a non-conforming sign, nor in any of its structural members or foundations, in excess of or improving upon the original non-conforming use.

4. Any non-conforming sign destroyed by the elements, taken in condemnation, or abandoned by any previous owner is an abandoned sign and may not be reconstructed.

5. A non-conforming sign that has not displayed advertising copy or display for six months or more is an abandoned sign and must be removed upon order of the Board of County Commissioners.

11-1-4. In Agricultural and Residential zoning districts, no sign, advertising or business sign, shall be erected except for the following:

1. A name plate sign or professional name plate sign identifying the owner or occupant of a building or dwelling unit, provided the surface area does not exceed four (4) square feet. (This sign may be placed in any front yard, but in no case may it be placed in any side yard.) Such sign may not be illuminated.

2. Temporary signs advertising a new subdivision development; each subdivision or development shall be allowed the following signs:

   a. One sign not to exceed fifty (50) square feet per surface or one hundred (100) total square feet.

   b. One sign not to exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.

   c. Directional signs not to exceed four (4) square feet in surface area, provided that each subdivision shall be limited to one such sign per major thoroughfare approach to the subdivision or development.

   d. One Temporary non-illuminated sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building; provided such signs shall not exceed

twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.

3. One sign for each permitted non-residential use or use by special use permit. Such signs shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces. On principal arterial and minor arterial streets, signs in excess of twelve (12) square feet may be permitted by special use permit, but in no case shall the total square footage exceed fifty (50) total square feet.

4. One directional sign for each permitted non-residential use or use by special use. Such signs shall not constitute off premise advertising and shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces. No directional sign shall exceed six (6) feet in height above the average grade level.

5. No sign shall exceed ten (10) feet in height above the average grade level.

11-1-5. Business Sign - In Commercial and Industrial zoning districts no sign shall be erected except for the following:

1. The aggregate square footage of sign space per lot, including all sign surfaces, shall not exceed two hundred (200) square feet.

2. The total surface area of all business signs on a building face shall not exceed ten (10) percent of the front building face area or one hundred (100) square feet in area, whichever is greater. Above the first floor no window shall be situated within the area or surface area of such a sign or its supporting structure nor shall any such sign or part of such sign or its supporting structure cover any window or part of a window.

3. No sign shall extend in height above the parapet wall of any principal building, except that one (1) free standing sign shall be allowed not exceeding thirty five (35) feet in height above the average grade, and of not more than fifty (50) square feet in surface area.

4. No sign shall be mounted on a structure on or above the roof line.

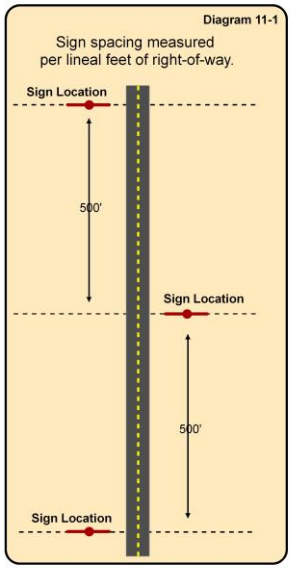
5. For the purpose of selling or promoting a commercial or an industrial project, one real estate sales sign not to exceed a total of one hundred (100) square feet with no more than two (2) surfaces, may be erected upon the project site.

11-1-6. Advertising signs/billlboards

1. Advertising signs/billboards may be permitted as a special use in the commercial and industrial zoning districts providing the total square footage of both sides of the sign area is not more than six hundred seventy five (675) square feet.

2. No advertising sign/billboard shall be located within five hundred (500) feet of parks, single family dwellings, historical sites, public picnic or rest areas, or within two hundred (200) feet of church or school property, and agricultural or residential zoned property.

3. No advertising sign/billboard shall be located closer than five hundred (500) feet horizontal distance from any other advertising sign measured in lineal feet of road right-of-way or road easement, in either direction (see Diagram 11-1). In addition, when two road right-of-ways or road easements parallel each other, advertising signs/billboards shall also not be located closer than five hundred feet (500') in a radial direction for any other advertising sign/billboard.



4. Advertising signs/billboards shall not exceed forty (40) feet above the average ground level at the base of sign.

5. Advertising signs/billboards that are illuminated by artificial light, shall to prevent the projections of light which would adversely affect neighboring properties or create a traffic safety hazard.

6. No advertising sign/billboard shall be located closer than five hundred (500) feet from the intersection of two public roadways.

11-1-7. Sign Removal

Any sign which is erected or maintained contrary to the provisions of this Resolution; or for which no permit has been obtained; or which is abandoned is hereby declared to be public nuisance, illegal and non-conforming. The County may enter upon the land where the sign is located and may remove and dispose such sign after a hearing as provided by law, and after thirty (30) days notice to the owner and lessee, if known. No compensation shall be paid for any sign to be removed or disposed of pursuant to this

Chapter. If the County receives any proceeds from the sign, the County shall first apply the proceeds to reimburse the County for any expenses incurred, and refund the remainder to the owner of the sign, if known. Any costs incurred by the County which are not reimbursed may be assessed against the property upon which the sign was located as a special assessment. For the application of these regulations, "abandoned" shall be determined by the Planning Department.

CHAPTER 12: ENERGY SYSTEMS

12-1 WIND ENERGY CONVERSION SYSTEM (WECS)

One (1) WECS shall be considered as a special use permit in all zoning districts. All appropriate regulations within each zoning district must be complied with in addition to regulations outlined below.

1. Applicants requesting an administrative permit for a WECS shall furnish such scale drawings and information as the County deems necessary. This information may include, but is not limited to the following: a plot plan of the premises involved showing lot lines, the accurate location of all buildings and structures on the premises and on each adjacent plot and the location of the proposed tower and all guy wires, poles or anchors, and a sketch elevation of the premises accurately depicting the proposed tower and its relationship to structures on adjacent lots.

2. No more than one (1) WECS per lot shall be permitted.

3. The permitted maximum height of a WECS shall be determined in one of two ways:

    a. A ratio of one to one between the distance from the closest property line to any part of the WECS to the height of the tower.

    b. A maximum of one hundred (100) feet in industrial districts and sixty (60) feet in Agricultural, Rural Residential, Residential Rural Townsite and General Commercial Districts.

    The shortest height of the two above mentioned methods shall be used in determining maximum height. Height shall be measured from the surrounding grade to the rotor hub or top of the tower, whichever is higher.

4. No part of a WECS shall be located within or above any required front, side or rear setback area.

5. All WECS shall be designed to meet the following minimum standards:

    a. An automatic braking system device capable of halting operation in high winds (40 m.p.h. or greater) shall be incorporated.

    b. The WECS shall be operated and maintained in a condition which will not cause unreasonable noise emissions levels as determined by the State Health Department standards.

c. The WECS shall be guarded against unauthorized climbing. The first twelve (12) feet of the tower shall be unclimbable by design or be enclosed by a six (6) foot high, unclimbable fence with a secured access.

d. The WECS shall be designed and installed to withstand natural lightning strikes.

e. The WECS electrical equipment and connections shall adhere to all state and local government, as well as power company rules, regulations and standards.

6. The owner of a WECS which is to be dismantled must accomplish such act within forty five (45) days or the County is empowered to dismantle such WECS and assess the costs against the property.

7. WECS that are by nature ornamental, rather than functional, shall be exempt from this Resolution if total height is less than twenty five (25) feet.

8. In order to ensure adequate wind access, the County does encourage the use of private easements and restrictive covenants as a means to protect wind access.

12-2 ALTERNATIVE ENERGY SYSTEMS

All normal energy systems shall comply with State codes. To provide for new and innovative approaches to the generation of energy for use by residents, businesses and industries in the County, exceptions may be made to height regulations, setback distances, lot coverage, accessory uses, and all other applicable standards in all districts for proposed innovative energy systems, associated equipment and structures. All modifications will be made through a special use permit process.

CHAPTER 13: WIRELESS COMMUNICATION TOWERS AND ANTENNAS

13-1 PURPOSE

Grand Forks County acknowledges the legal right of wireless communications providers to locate within the County. However, the County wishes to implement its legal authority to adopt zoning requirements which are nondiscriminatory, and not intended to prohibit telecommunications service. In order to establish uniform, nondiscriminatory regulations that protect the public health, safety and general welfare of the County, these regulations are intended to:

- Minimize adverse visual effects of towers through careful design, landscaping, and siting standards.

- Avoid potential damage to adjacent properties from tower failure and weather related occurrences through structural standards and setback requirements;

- Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community;

- Utilize business, industrial and public land, buildings and structures for wireless communications whenever possible and/or appropriate;

- Provide for the appropriate location and development of towers and antennas to accommodate the communication needs of the residents and businesses in Grand Forks County.

    1. Special use permits shall be required for new towers in all zoning districts.

    2. Antenna Co-Locations are a Permitted Use with the Issuance of a building permit if structural improvements are made for the following locations:

        a. Water towers.

        b. Co-location on existing telecommunications towers.

        c. Sides or roofs of structures over two stories.

        d. Church steeples.

        e. Existing power or phone pole structures.

f. Existing towers supporting amateur radio antennas in the agricultural districts.

13-2 GENERAL REQUIREMENTS

1. General wireless communication towers shall be of a monopole or self supporting design. This provision does not apply to amateur radio towers or commercial and public radio or television towers.

2. No tower shall exceed two hundred (200) feet in height, including the extension of any antenna or apparatus within the Agricultural, General Commercial, and Rural Industrial Zoning Districts. No tower shall exceed one hundred fifty (150) feet in height including the extension of any antenna or apparatus within the Rural Residential Zoning Districts.

3. Proposed towers up to one hundred twenty-five (125) feet tall shall be designed structurally, and in all other respects, to accommodate both the applicant's antenna and compatible antennas for at least one (1) other wireless provider. Towers in excess of one hundred twenty-five (125) feet shall provide for a minimum of three (3) wireless users. Towers must be designed to allow for future arrangement of antennas upon the tower, to accept antennas mounted at suitable heights, and to locate all ground equipment of each provider within a single enclosed structure.

4. No part of any tower or antenna, nor any lines, cables, equipment, wires or braces shall at any time extend across or over any part of the right-of-way of a public street or a property line without approval by the County through the special use permit.

6. No tower shall be located within any utility or drainage easement.

7. No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities.

8. A signed lease, memorandum of lease, or document requiring the removal of towers and antennas as indicated in Chapter 13-6.

9. All towers, antennas, and accessory structures shall be in compliance with all State Building Codes, as applicable, and shall obtain necessary permits.

10. Structure design, mounting and installation of the tower and antenna shall be in compliance with the manufacture's specifications. The plans shall be approved and certified by a licensed professional engineer.

11. When applicable, written authorization for tower and antenna erection shall be provided by the property owner.

12. All towers and tower accessory buildings, shall be surrounded by security fences six (6) feet in height with a locked gate unless waived by the Planning Commission.

13. Gravel or other durable surface, or other weed prevention measures, shall be applied within the fenced area surrounding the tower and accessory structures to prevent the growth of weeds.

14. All transmitting, receiving and switching equipment shall be housed within a structure or cabinet whenever possible. If a new tower accessory building is necessary to house such equipment, it shall be architecturally designed to blend in with the surrounding environment, and shall be screened from view by landscaping where applicable.

15. The tower shall have an exterior finish of lighter blue, gray or other color which minimizes visibility off-site, unless otherwise required by FAA regulations.

16. No tower or antenna shall have lights, reflectors, flashers, daytime strobe lights, night- time red lights, or other illuminating devices affixed or attached, unless required by the FAA or FCC.

17. Any tower, antenna and related equipment shall comply with all federal, state and local regulations.

13-3 REQUIRED PERMITS

No person, firm or corporation shall erect, construct in place, re-erect, replace or make structural repairs to any tower without making application for and receiving an approved special use permit or building permit, when applicable.

13-4 SUBMITTAL REQUIREMENTS

1. Township recommendation

2. Legal description of the property

3. Survey and/or general site plan consistent with Chapter 2-11 of this Resolution of the tower and related facilities, as determined by the Planning Department

4. One or more color computer generated photographs depicting the proposed tower located on the site

5. Information on non-interference with public safety telecommunications

6. Written authorization by the owner of the land for the tower construction

7. Documentation that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or structure within one (1) mile radius

8. Copies of all required federal, state and local licenses

9. A capacity analysis and coverage analysis, as required, prepared by a qualified radio frequency analyst, showing alternate sites considered and the proposed tower site is necessary to meet the needs of the system, and that the tower cannot be located in a less restrictive district, or be accommodated by co-location on an existing tower or structure.

10. Landscape and/or screening plan, if necessary.

13-5 NON-INTERFERENCE

1. No provider shall interfere with the operation of radios, televisions, telephones, facsimile machines, computer modems, telephone answering machines, and other electronic devices. Any such interference shall be corrected as soon as possible by the provider.

2. No new or existing telecommunications service shall interfere with public safety telecommunications. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the County at least ten (10) calendar days in advance of such changes and allow the County to monitor interference levels during the testing process. All costs incurred by the County to monitor interference levels during the testing process shall be paid to the County by the applicant.

13-6 REMOVAL OF ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS

Any tower and/or antenna which is not used for one (1) year shall be deemed abandoned and may be required to be removed from the property. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of notice given by the planning department, unless a time extension is approved in writing by the Planning Department. After the facilities are removed, the site shall be restored to its original or an improved state. If a tower is not removed within twelve (12) months after notice, the tower and associated facilities may be removed by the County and the costs of removal assessed against the property. The owner of the tower and the owner of the property are both responsible for removal of the tower as required by this Chapter.

13-7 LIGHTS AND OTHER ATTACHMENTS

Towers shall not be illuminated by artificial means and shall not have affixed or attached to it in any way, except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC) or state agency.

13-8 NEW TOWER REQUIREMENTS

A proposal for a new personal wireless service tower shall not be approved unless it can be documented by the applicant to the satisfaction of the Planning Department that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or structure within a one (1) mile radius, transcending municipal, county or township borders, of the proposed tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of an existing or approved tower or building, as documented by a licensed professional engineer, and any existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference with other existing or planned equipment at the tower or structure.

3. Existing or approved towers and structures within a one (1) mile radius cannot accommodate the planned equipment at a height necessary for reasonable function.

4. The applicant has demonstrated that location of the antennas, as proposed is necessary to provide adequate coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district or an existing structure. Information provided as part of the county-wide capacity analysis, that is a trade secret, shall be classified as non-public data.

5. Other unforeseen reasons that make it unfeasible to locate the telecommunications equipment upon an existing or approved tower or building.

13-9 REQUIRED SETBACKS

1. In all zoning districts, the setback of any tower or antenna shall comply with the minimum setback requirements of the district in which the tower is to be located, or the distance determined as the fall zone of the tower by a licensed professional engineer, whichever is greater.

2. In all Zoning Districts, no monopole shall be located within two hundred fifty (250) feet of an existing residence, or the proposed home location on an approved Preliminary Plat. No other type of tower shall be located within five hundred (500) feet of an existing residence, or the proposed home location of an approved building permit.

3. All towers shall be located in the side or rear yard of a principal structure of a property, whenever applicable.

CHAPTER 14: MEDICAL MARIJUANA

14-1 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 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 the County must apply for and be granted a special use permit for said use.

1) 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;

2) The 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;

3) The 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 the 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;

4) To the extent that Medical Marijuana Manufacturing Center(s) or Distribution Center(s)s are registered and authorized by the State of North Dakota to operate in the county, this commission desires to provide for their licensing and regulation to protect the public health, safety and general welfare of the citizens of the county;

5) 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 the county. There is no property right for an individual or business to have medical marijuana in the county; and

6) The purpose of this chapter is to protect the public health, safety, and welfare of the residents and patients of the county by prescribing the manner in which medical marijuana businesses can be conducted in the county. Further, the purpose of this chapter is to:

a) Provide for a means of cultivating, manufacturing and distribution of usable marijuana to patients who qualify to obtain, possess, and use marijuana for medical purposes as prescribed by state law.

b) Protect public health and safety through reasonable limitations on business operations as they relate to noise, air and water quality, neighborhood and patient safety, security for the business and its personnel, and other health and safety concerns.

c) Impose fees to cover the cost to the county of licensing medical marijuana businesses in an amount sufficient for the county to cover the costs of the licensing program.

d) Create regulations that address the particular needs of the facilities, patients and residents of the county and comply with laws that may be enacted by the state regarding medical marijuana.

14-2 Definitions

Unless specified in this resolution in section 1-7, all terms defined in N.D.C.C. § 19-24-02 or successors to that statute shall have the definitions provided therein.

14-3 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) or Distribution Center(s) must include the following:

1) A security plan depicting the location and configuration of security cameras and surveillance equipment.

2) A complete description of the products and services to be produced or sold by the Medical Marijuana Manufacturing Center(s) or Distribution Center(s).

3) 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 the 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 the 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 license subject to immediate suspension or revocation.

4) A notarized statement that the applicant will hold harmless, indemnify, and defend the county against all claims and litigation arising from the issuance of license and/or 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).

5) 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 county commission; and that the applicant agrees to abide by the decision of the county commission.

6) 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 Board of County Commissioners.

14-4 Medical Marijuana Design Standards

1) Each Medical Marijuana Manufacturing Center(s) or Distribution Center(s) must be located in a separate, permanent, stand-alone structure and have a minimum six (6) foot high perimeter fence encompassing the parcel boundary.

2) 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, public community center, dependent care facility, homeless shelter, youth center, or place of worship. The distance shall be measured from the exterior fence of the Medical Marijuana Manufacturing Center(s) or Distribution Center(s) to the closest property line of the protected use.

3) 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. The distance shall be measured from the exterior fence of the Medical Marijuana Manufacturing Center(s) or Distribution Center(s) to closest exterior wall of the dwelling or zoning district boundary of the protected use.

4) No Medical Marijuana Dispensary shall have operating hours earlier than 8:00 AM or later than 7:00 PM.

5) No outdoor storage on-site shall be permitted.

6) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals or window signage of any kind shall be strictly prohibited.

14-5 Serviceability, Exclusions and Exceptions:

1) 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 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.

2) 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.

CHAPTERS 15-19: RESERVED

CHAPTER 20: GENERAL ZONING DISTRICT PROVISIONS

20-1 ESTABLISHMENT OF DISTRICTS

In order to classify, regulate and restrict the location of trade and industry, and the location of buildings designated for specific uses, to protect residential uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards and open space within and surrounding such buildings, Grand Forks County is hereby divided into zoning districts. The use, height and area regulations shall be uniform in each district, and said districts shall be known as:

20-1-1 Agricultural/Rural Districts

1. A-1, Agricultural Preservation District.
2. A-2, Agricultural Woodlands District
3. A-3, Agricultural Reserve District

20-1-2 Airfield Reserve Districts

1. APD, Airfield Preservation District
2. ARD, Airfield Reserve District

20-1-3 Business Reserve District

1. RBR, Rural Business Reserve District

20-1-3 Residential Districts

1. RR-1, Rural Residential Single Family District
2. RR-2, Residential Rural Townsite District

20-1-4 Commercial Districts

1. C-1, General Commercial District.

20-1-5 Industrial Districts

1. I-1, Rural Industrial District

20-1-6 Overlay Districts

1. FP, Floodplain District

20-1-7 Mixed Use Districts

1. RC, Religious Colony District

20-2 ZONING DISTRICT BOUNDARIES

Zoning district boundary lines established by this Resolution generally follow lot lines, the centerlines of railroad rights-of-way, street rights-of-way, water courses or the corporate limit lines, all as they exist upon the effective date of this Resolution.

20-2-1 Appeals

Appeals concerning the exact location of a zoning district boundary line shall be heard by the Board of Adjustment and Appeals pursuant to Chapter 2-6 of this Resolution.

20-2-2 Road Vacation

Whenever any road, alley or other public way is vacated by official action of the city, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

20-2-3 Rights-of-Way

All roads, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property in the most restrictive classification immediately abutting upon such alleys, roads, public ways or railroad rights-of-way. Where the centerline of a road, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such area, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

20-2-4 Water Areas

All areas within the County that are under water and which are not shown as included within any zone shall be subject to all regulations of the zone which immediately adjoins such water area. If such water area adjoins two or more zones, the boundaries of each zone shall be construed to be extended into the water area in a straight line until they meet the other district at the half way point and/or to the corporate limits.

20-3 ZONING MAP

The location and boundaries of the districts established by this text and hereby set forth on the zoning map entitled “Grand Forks County Zoning Map.” Said map shall be on file with the Planning Department and hereinafter referred to as the “zoning map.” Said map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Resolution by reference. It is the responsibility of the Planning Department to maintain the Grand Forks County Zoning Map, and amendments thereto shall be recorded on said map. The official Grand Forks County Zoning Map shall be kept on file in the County Office Building.

CHAPTER 25: A-1, AGRICULTURAL PRESERVATION DISTRICT

25-1 PURPOSE

This District is intended primarily for application in those areas of Grand Forks County where it is desirable, because of the high quality of soils, availability of water and highly productive capability of the land, to preserve, promote, maintain and enhance the use of land for agricultural purposes and to protect this land from encroachment by non-agricultural uses, structures and activities. An overlay zoning district may apply to this district.

25-2 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted uses in an A-1, Agricultural Preservation District:

1. Agricultural uses and buildings as defined by this Resolution.

2. Drainage system, flood control and watershed structure, and erosion control device meeting all County, State and Federal standards.

3. Forest and game management area.

4. Public parks, public campgrounds, public recreation areas and historic monuments.

5. Railroad right-of-way.

6. Residential care facility serving six (6) or fewer persons in a single family detached dwelling.

7. Single family dwellings.

25-3 PERMITTED ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted accessory uses in an A-1, Agricultural Preservation District:

1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and

administrative permit in this Chapter, subject to applicable regulation of this Resolution.

2. Boarding or renting of rooms to not more than four (4) individuals per principal dwelling.

3. Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling.

4. Fences as regulated by Chapter 4-3-7 of this Resolution.

5. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.

6. Private garages and on-site parking and on-site loading as regulated by Chapter 4-4-4 of this Resolution.

7. Non-commercial recreational vehicles and equipment parking or storage.

8. Accessory antennas and satellites dishes for private use.

9. Signs as regulated by Chapter 11 of this Resolution.

10. Temporary roadside stand for sale of in season agricultural products planted and completely grown on the premises.

11. Sale of agricultural seed accessory to an ongoing farming operation.

25-4 SPECIAL USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are special uses in an A-1, Agricultural Preservation District and require a special use permit based upon procedures and criteria set forth in and regulated by Chapter 2-4 of this Resolution:

1. Agriculturally related machine shop.

2. Animal hospital.

3. Private campgrounds and/or day parks.

4. Cemetery.

5. Church, church related building and parsonage.

6. Commercial bulk liquid storage having a capacity of ten thousand (10,000) gallons or more of oil, gasoline, liquid fertilizer, chemicals, and similar liquids.

7. Commercial livestock experiment station.

8. Commercial nursery or greenhouse operation.

9. Essential services – governmental uses, buildings and storage.

10. Essential services – public utility uses, transmission services, buildings and storage. Where essential services, utility or transmission lines follow a road corridor, the utility or transmission line or support structures shall be located one (1) foot inside the public road right-of-way.

11. Feedlots – new or expanding operations of greater than five hundred (500) animal units, as regulated by Chapter 9 of this Resolution..

12. Group care facility not exempted by State Century Code.

13. Home extended business as regulated by Chapter 8 of this Resolution.

14. Inert Waste Facility.

15. Kennel serving four (4) to twenty-five (25) dogs.

16. Medical Marijuana Manufacturing Center.

17. Outdoor commercial recreational uses limited to golf courses, driving ranges, shooting and hunting clubs, archery ranges, and skating rinks.

18. Private airport or heliport.

19. Solid Waste Management Facility.

20. Specialized housing identified in Chapter 7 of this Resolution.

21. Tower in excess of thirty-five (35) feet in height, as regulated by Chapter 13 of this Resolution.

22. Wind energy conservation systems (WECS), as regulated by Chapter 12 of this Resolution.

25-5 INTERIM USES

In addition to other uses specifically identified elsewhere in this Resolution, and subject to applicable provisions of this Chapter, the following are interim uses in the A-1, Agricultural Preservation District, and are further governed by Chapter 2-5 of this Resolution:

1. Commercial/Agricultural Byproduct Land Application, subject to the following conditions:

   a. Applicant must obtain an approved nutrient management plan from the North Dakota State Health Department.

   b. No spreading shall take place within ½ mile of an existing residence without written consent from the land owner.

2. Farm equipment sales, excluding individual farm auctions.

3. Mining as regulated by Chapter 10 of this Resolution.

4. Specialized housing identified in Chapter 7 of this Resolution.

5. Temporary Asphalt Mixing Plant.

6. Temporary Car Crushing Operation.

25-6 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an A-1, Agricultural Preservation District subject to the additional requirements, exceptions, and modifications set forth in this Resolution:

1. Density: One (1) dwelling unit per fifteen (15) acres.

2. Minimum Lot Area: Fifteen (15) acres.

3. Lot Width: Two hundred fifty (250) feet measured at the front setback line.

4. Front Yard Setback: One hundred forty (140) feet from the centerline of a County or State road or ninety (90) feet from the County or State road right-of-way, whichever is greater, or seventy (70) feet from the centerline of the township road, or thirty-seven (37) feet from the township road right-of-way, whichever is greater.

5. Side Yard Setback: Twenty-five (25) feet. On lots of record less than two (2.5) and one half acres, fifteen (15) feet. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

6. Rear Yard Setback: Forty (40) feet. On lots of record less than two (2.5) and one half acres, twenty (20) feet.

7. Accessory Structure Setbacks:

    a. For lots two (2.5) and one half acres or greater in area, accessory buildings shall meet the principal building setbacks.

    b. For lots less than two (2.5) and one half acres in area, accessory structures shall maintain the following setbacks:

        (1) Interior Side Yard: Five (5) feet.
        (2) Rear Yard: Eight (8) feet.

8. Windbreak setback shall be one hundred forty (140) feet from the centerline of the road unless the State or Township is more restrictive.

9. No structure or trees shall be located within an easement.

10. Principal Building Height Maximum: Thirty-five (35) feet.

11. Lot Coverage – Maximum of 25% impervious lot surface.

CHAPTER 26: A-2, AGRICULTURAL WOODLANDS DISTRICT

26-1 PURPOSE

In this District, the predominant land use remains agriculture, but there exists single family homes and hobby farms. Given the area's proximity to major highways and growing suburban areas, there will be continued pressure for additional residential development which may be allowed at a low density. Development will not be provided with an urban level of service. Land zoned A-1, Agricultural Preservation may be considered for rezoning to A-2, Agricultural Woodlands, subject to the criteria outlined by Chapter 2-3-1. An overlay zoning district may apply to this district.

26-2 APPLICATION

A-2 District zoning may be applied only when a minimum of seventy-five (75) percent of the total parcel proposed for rezoning must be wooded land, and/or land having soils in capability classes IV through VIII. Soils of the land shall be determined from the maps in the Soil Survey of Grand Forks County or maps prepared by a certified soil scientist. Wooded property with Class I, II or III soils shall be considered the same as Class IV through Class VIII soils for the purposes of this Chapter.

26-3 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted uses in an A-2, Agricultural Woodlands District:

1. Agricultural uses and buildings as defined by this Resolution.

2. Drainage system, flood control and watershed structure, and erosion control device meeting all County, State and Federal standards.

3. Forest and game management area.

4. Public parks, public campgrounds, public recreation areas and historic monuments.

5. Railroad right-of-way.

6. Residential care facility serving six (6) or fewer persons in a single family detached dwelling.

7. Single family dwelling.

26-4 PERMITTED ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted accessory uses in an A-2, Agricultural Woodlands District:

1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, special, interim, and administrative permit in this Chapter, subject to applicable regulation of this Resolution.

2. Boarding or renting of rooms to not more than four (4) individuals per principal dwelling.

3. Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling.

4. Fences as regulated by Chapter 4-3-7 of this Resolution.

5. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.

6. Private garages and on-site parking and on-site loading as regulated by Chapter 4-4-4 of this Resolution.

7. Non-commercial recreational vehicles and equipment parking or storage.

8. Signs as regulated by Chapter 11 of this Resolution.

9. Accessory antennas and satellite dishes for private use.

10. Temporary roadside stand for sale of in-season agricultural products planted and completely grown upon the premises.

26-5 SPECIAL USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are special uses in an A-2, Agricultural Woodlands District, and require a special use permit based upon procedures and criteria set forth in and regulated by Chapter 2-4 of this Resolution:

1. Agriculturally related machine shop.

2. Private campgrounds and/or day parks.

3. Cemetery.

4. Church, church related building and parsonage.

5. Essential services, governmental uses, buildings and storage.

6. Essential services, public utilities, transmission services, building and storage. Where essential services, utility or transmission lines follow a road corridor, the utility or transmission line or support structures shall be located one (1) foot inside the public road right-of-way.

7. Home extended business as regulated by Chapter 8 of this Resolution.

8. Residential care facility not exempted by State Century Code.

9. Kennel serving four (4) to twenty-five (25) dogs.

10. Medical Marijuana Manufacturing Center.

11. Outdoor commercial recreational uses limited to golf courses, driving ranges, shooting and hunting clubs, archery ranges, and skating rinks.

12. Private airport or heliport.

13. Specialized housing identified in Chapter 7 of this Resolution.

14. Tower in excess of thirty-five (35) feet in height on lots of greater than forty (40) acres, as regulated by Chapter 13 of this Resolution.

15. Wind energy conversion systems (WECS), as regulated by Chapter 12 of this Resolution.

16. New or expanding feedlots of five hundred (500) animal units or more, on lots of greater than forty (40) acres, and as regulated in Chapter 9 of this resolution.

26-6 INTERIM USES

In addition to other uses specifically identified elsewhere in this Resolution, and subject to applicable provisions of this Chapter, the following are interim uses in the A-2, Agricultural Woodlands District, and require an interim use permit subject to the procedures and criteria set forth in Chapter 2-5 of this Resolution:

1. Farm equipment sales, excluding individual farm auctions.

2. Mining as regulated by Chapter 10 of this Resolution.

3. Specialized housing identified in Chapter 7 of this Resolution.

4. Temporary Asphalt Mixing Plant.

5. Temporary Car Crushing Operation.

26-8 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an A-2, Agricultural Woodlands District subject to the additional requirements, exceptions, and modifications set forth in this Resolution:

1. Density: One (1) dwelling unit per two and one half (2½) acres.

2. Minimum Lot Area: Two and one half (2½) acres. The Lot must demonstrate sufficient area to accommodate two independent sewage treatment systems.

3. Lot Width: Two hundred fifty (250) feet measured at the front setback line.

4. Front Yard Setback: One hundred forty (140) feet from the centerline of a County or State road or ninety (90) feet from the County or State road right-of-way, whichever is greater, or seventy (70) feet from the centerline of the township road, or thirty-seven (37) feet from the township road right-of-way, whichever is greater.

5. Side Yard Setback: Twenty-five (25) feet. On lots of record less than two and one half (2½) acres, fifteen (15) feet. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

6. Rear Yard Setback: Forty (40) feet. On lots of record less than two and one half (2½) acres, twenty (20) feet.

7. Accessory Structure Setbacks:

   a. For lots two and one half (2½) acres or greater in area, accessory buildings shall meet the principal building setbacks.

   b. For lots less than two and one half (2½) acres in area, accessory structures shall maintain the following setbacks:

      (1) Interior Side Yard: Five (5) feet.
      (2) Rear Yard: Eight (8) feet.

8. Windbreak setback shall be one hundred forty (140) feet from the centerline of the road unless the State or Township is more restrictive.

9. No structure or trees shall be located within an easement.

10. Principal Building Height Maximum: Thirty-five (35) feet.

11. Lot Coverage – Maximum of 25% impervious lot surface.

CHAPTER 27: A-3, AGRICULTURAL RESERVE DISTRICT

27-1 PURPOSE

This District is intended for application in those areas of Grand Forks County where it is desirable because of the high quality of soils, availability of water and highly productive capability of the land, to preserve, promote, maintain and enhance the use of land for agricultural purposes. Detached single family dwellings may be located individually or clustered to maintain a one (1) home per five (5) acre density. Only to those lands zoned A-1, Agricultural Preservation District shall be eligible to be rezoned to A-3, Agricultural Reserve District. An overlay zoning district may apply to this district.

27-2 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted uses in an A-3, Agricultural Reserve District:

1. Agricultural uses and buildings as defined by this Resolution.

2. Drainage system, flood control and watershed structure, and erosion control device meeting all County, State and Federal standards.

3. Forest and game management areas.

4. Public parks, public campgrounds, public recreation areas, and public historic monuments.

5. Railroad right-of-way.

6. Residential facility serving six (6) or fewer persons in a single family detached dwelling.

7. Single family dwellings.

27-3 PERMITTED ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted accessory uses in an A-3, Agricultural Reserve District:

1. Accessory uses, building and structures customarily incidental and directly related to the uses allowed as permitted, special, and interim in this Chapter, subject to applicable regulation of this Resolution.

2. Boarding or renting of rooms to not more than four (4) individuals per principal dwelling.

3. Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling.

4. Fences as regulated by Chapter 4-3-7 of this Resolution.

5. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.

6. Private garages and on-site parking and on-site loading as regulated by Chapter 4-4-4 of this Resolution.

7. Non-commercial recreational vehicles and equipment parking or storage.

8. Accessory antennas and satellite dishes for private use.

9. Signs as regulated by Chapter 11 of this Resolution.

10. Temporary roadside stand for sale of in season agricultural products planted and completely grown on the premises.

11. Sale of agricultural seed accessory to an ongoing farming operation.

27-4 SPECIAL USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are considered special uses in an A-3, Agricultural Reserve District, and require a special use permit based upon procedures and criteria set forth in and regulated by Chapter 2-4 of this Resolution:

1. Agriculturally related machine shop.

2. Private campgrounds and/or day parks.

3. Cemetery.

4. Church, church related building and parsonage.

5. Commercial bulk liquid storage having a capacity of ten thousand (10,000) gallons or more of oil, gasoline, liquid fertilizer, chemicals, and similar liquids, on lots of greater than forty (40) acres.

6. Commercial livestock experiment station, on lots of greater than forty (40) acres.

7. Commercial nursery or greenhouse operation, on lots of greater than forty (40) acres.

8. Essential services, governmental uses, buildings and storage.

9. Essential services – public utility uses, transmission services, buildings and storage. Where essential services, utility or transmission lines follow a road corridor, the utility or transmission line or support structures shall be located one (1) foot inside the public road right-of-way.

10. Medical Marijuana Manufacturing Center.

11. New or expanding feedlots of five hundred (500) animal units or more, on lots of greater than forty (40) acres.

12. Group care facility not exempted by State Century Code.

13. Home extended business as regulated by Chapter 8 of this Resolution.

14. Kennel serving four (4) to twenty-five (25) dogs.

15. Outdoor commercial recreational uses limited to golf courses, driving ranges, shooting and hunting clubs, archery ranges, and skating rinks.

16. Private airport or heliport.

17. Specialized housing identified in Chapter 7 of this Resolution.

18. Tower in excess of thirty-five (35) feet in height on lots of greater than forty (40) acres, as regulated by Chapter 13 of this Resolution.

19. Wind energy conversion systems (WECS), as regulated by Chapter 12 of this Resolution.

27-5 INTERIM USES

In addition to other uses specifically identified elsewhere in this Resolution, and subject to applicable provisions of this Chapter, the following are interim uses in the A-3, Agricultural Reserve District, and are further governed by Chapter 2-5 of this Resolution:

1. Farm equipment sales, excluding individual farm auctions.

2. Mining as regulated by Chapter 10 of this Resolution.

3. Specialized housing identified in Chapter 7 of this Resolution.

4. Temporary Asphalt Mixing Plant.

5. Temporary Car Crushing Operation.

27-6 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an A-3, Agricultural Reserve District, subject to the additional requirements, exceptions, and modifications set forth in this Resolution:

1. Density: One (1) dwelling unit per five (5) acres.

2. Minimum Lot Area: Two and one half (2½) acres. The Lot must demonstrate sufficient area to accommodate two independent sewage treatment systems.

3. Lot Width: Two hundred fifty (250) feet measured at the front setback line.

4. Front Yard Setback: One hundred forty (140) feet from the centerline of a County or State road or ninety (90) feet from the County or State road right-of-way, whichever is greater, or seventy (70) feet from the centerline of the township road, or thirty-seven (37) feet from the township road right-of-way, whichever is greater.

5. Side Yard Setback: Twenty-five (25) feet. On lots of record less than two (2.5) and one half acres, fifteen (15) feet. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

6. Rear Yard Setback: Forty (40) feet. On lots of record less than two (2.5) and one half acres, twenty (20) feet.

7. Accessory Structure Setbacks:

   a. For lots two (2.5) and one half acres or greater in area, accessory buildings shall meet the principal building setbacks.

   b. For lots less than two (2.5) and one half acres in area, accessory structures shall maintain the following setbacks:

      (1) Interior Side Yard: Five (5) feet.
      (2) Rear Yard: Eight (8) feet.

8. Windbreak setback shall be one hundred forty (140) feet from the centerline of the road unless the State or Township is more restrictive.

9. No structure or trees shall be located within an easement.

10. Principal Building Height Maximum: Thirty-five (35) feet.

11. Lot Coverage – Maximum of 25% impervious lot surface.

CHAPTER 30: APD, AIRFIELD PRESERVATION DISTRICT

30-1 PURPOSE

This District is intended to preserve open space immediately adjacent Airfield runways. Aircrafts within these areas are flying at extremely low altitudes. Land Uses are limited in this District due to the high noise impacts and high accident risk that exists. An overlay zoning district may apply to this district.

30-2 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted uses in an APD, Airfield Preservation District:

1. Agricultural uses and buildings as defined by this Resolution.

2. Drainage system, flood control and watershed structure, and erosion control device meeting all County, State and Federal standards.

3. Railroad right-of-way.

30-3 PERMITTED ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted accessory uses in an APD, Airfield Preservation District:

1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Chapter, subject to applicable regulation of this Resolution.

2. Fences as regulated by Chapter 4-3-7 of this Resolution.

3. Signs as regulated by Chapter 11 of this Resolution.

4. Sale of agricultural seed accessory to an ongoing farming operation.

30-4 SPECIAL USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are special uses in an APD, Airfield Preservation District and require a special use

permit based upon procedures and criteria set forth in and regulated by Chapter 2-4 of this Resolution:

1. Essential services – governmental uses, buildings and storage.

2. Essential services – public utility uses, transmission services, buildings and storage. Where essential services, utility or transmission lines follow a road corridor, the utility or transmission line or support structures shall be located one (1) foot inside the public road right-of-way.

3. Feedlots – new or expanding operations of greater than five hundred (500) animal units, as regulated by Chapter 9 of this Resolution.

30-5 INTERIM USES

In addition to other uses specifically identified elsewhere in this Resolution, and subject to applicable provisions of this Chapter, the following are interim uses in the APD, Airfield Preservation District, and are further governed by Chapter 2-5 of this Resolution:

1. Mining as regulated by Chapter 10 of this Resolution.

2. Temporary Asphalt Mixing Plant.

3. Temporary Car Crushing Operation.

30-6 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an APD, Airfield Preservation District subject to the additional requirements, exceptions, and modifications set forth in this Resolution:

1. Minimum Lot Area: Fifteen (15) acres.

2. Lot Width: Two hundred fifty (250) feet measured at the front setback line.

3. Front Yard Setback: One hundred forty (140) feet from the centerline of a County or State road or ninety (90) feet from the County or State road right-of-way, whichever is greater, or seventy (70) feet from the centerline of the township road, or thirty-seven (37) feet from the township road right-of-way, whichever is greater.

4. Side Yard Setback: Twenty-five (25) feet. On lots of record less than two (2.5) and one half acres, fifteen (15) feet. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

5. Rear Yard Setback: Forty (40) feet. On lots of record less than two (2.5) and one half acres, twenty (20) feet.

6. Accessory Structure Setbacks:

   a. For lots two (2.5) and one half acres or greater in area, accessory buildings shall meet the principal building setbacks.

   b. For lots less than two (2.5) and one half acres in area, accessory structures shall maintain the following setbacks:

      (1) Interior Side Yard: Five (5) feet.
      (2) Rear Yard: Eight (8) feet.

7. Windbreak setback shall be one hundred forty (140) feet from the centerline of the road unless the State or Township is more restrictive.

8. No structure or trees shall be located within an easement.

9. Principal Building Height Maximum: Thirty-five (35) feet.

10. Lot Coverage – Maximum of 25% impervious lot surface.

CHAPTER 31: ARD, AIRFIELD RESERVE DISTRICT

31-1 PURPOSE

This District is intended primarily for agricultural uses and to limit future residential development as the area has the potential of experiencing excessive aircraft over flight noise. Low intensity commercial uses may also be permitted as special uses if compatible with the surrounding neighborhood. An overlay zoning district may apply to this district.

31-2 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted uses in an ARD, Airfield Reserve District:

1. Agricultural uses and buildings as defined by this Resolution.

2. Drainage system, flood control and watershed structure, and erosion control device meeting all County, State and Federal standards.

3. Railroad right-of-way.

4. Residential care facility serving six (6) or fewer persons in a single family detached dwelling, on an existing lot of record.

5. Single family dwellings, on an existing lot of record.

31-3 PERMITTED ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted accessory uses in an ARD, Airfield Reserve District:

1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Chapter, subject to applicable regulation of this Resolution.

2. Boarding or renting of rooms to not more than four (4) individuals per principal dwelling.

3. Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling.

4. Fences as regulated by Chapter 4-3-7 of this Resolution.

5. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.

6. Private garages and on-site parking and on-site loading as regulated by Chapter 4-4-4 of this Resolution.

7. Non-commercial recreational vehicles and equipment parking or storage.

8. Accessory antennas and satellites dishes for private use.

9. Signs as regulated by Chapter 11 of this Resolution.

10. Temporary roadside stand for sale of in season agricultural products planted and completely grown on the premises.

11. Sale of agricultural seed accessory to an ongoing farming operation.

31-4 SPECIAL USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are special uses in an ARD, Airfield Reserve District and require a special use permit based upon procedures and criteria set forth in and regulated by Chapter 2-4 of this Resolution:

1. Agriculturally related machine shop.

2. Cemetery.

3. Commercial bulk liquid storage having a capacity up to six thousand (6,000) gallons of oil, gasoline, liquid fertilizer, chemicals, and similar liquids.

4. Commercial livestock experiment station.

5. Commercial nursery or greenhouse operation.

6. Contractors Yard.

7. Essential services – governmental uses, buildings and storage.

8. Essential services – public utility uses, transmission services, buildings and storage. Where essential services, utility or transmission lines follow a road corridor, the utility or transmission line or support structures shall be located one (1) foot inside the public road right-of-way.

9. Feedlots – new or expanding operations of greater than five hundred (500) animal units, as regulated by Chapter 9 of this Resolution.

10. Group care facility not exempted by State Century Code.

11. Home extended business as regulated by Chapter 8 of this Resolution.

12. Kennel serving four (4) to twenty-five (25) dogs.

13. Medical Marijuana Manufacturing Center.

14. Private airport or heliport.

15. Specialized housing identified in Chapter 7 of this Resolution.

31-5 INTERIM USES

In addition to other uses specifically identified elsewhere in this Resolution, and subject to applicable provisions of this Chapter, the following are interim uses in the ARD, Airfield Reserve District, and are further governed by Chapter 2-5 of this Resolution:

1. Inert Landfills.

2. Farm equipment sales, excluding individual farm auctions.

2. Mining as regulated by Chapter 10 of this Resolution.

3. Specialized housing identified in Chapter 7 of this Resolution.

4. Temporary Asphalt Mixing Plant.

5. Temporary Car Crushing Operation.

31-6 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an ARD, Airfield Reserve District subject to the additional requirements, exceptions, and modifications set forth in this Resolution:

1. Density: One (1) dwelling unit per fifteen (15) acres.

2. Minimum Lot Area: Fifteen (15) acres.

3. Lot Width: Two hundred fifty (250) feet measured at the front setback line.

4. Front Yard Setback: One hundred forty (140) feet from the centerline of a County or State road or ninety (90) feet from the County or State road right-of-way, whichever is greater, or seventy (70) feet from the centerline of the township road, or thirty-seven (37) feet from the township road right-of-way, whichever is greater.

5. Side Yard Setback: Twenty-five (25) feet. On lots of record less than two (2.5) and one half acres, fifteen (15) feet. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

6. Rear Yard Setback: Forty (40) feet. On lots of record less than two (2.5) and one half acres, twenty (20) feet.

7. Accessory Structure Setbacks:

    a. For lots two (2.5) and one half acres or greater in area, accessory buildings shall meet the principal building setbacks.

    b. For lots less than two (2.5) and one half acres in area, accessory structures shall maintain the following setbacks:

        (1) Interior Side Yard: Five (5) feet.
        (2) Rear Yard: Eight (8) feet.

8. Windbreak setback shall be one hundred forty (140) feet from the centerline of the road unless the State or Township is more restrictive.

9. No structure or trees shall be located within an easement.

10. Principal Building Height Maximum: Thirty-five (35) feet.

11. Lot Coverage – Maximum of 25% impervious lot surface.

CHAPTER 32: RBR, RURAL BUSINESS RESERVE DISTRICT

32-1 PURPOSE

This District is intended to preserve land in those areas of Grand Forks County identified in its Land Use Plan for the logical extension of commercial and industrial land uses. This district is intended to preserve a very low density rural environment until such time as the land is needed for future commercial or industrial use.

32-2 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted uses in an RBR, Rural Business Reserve District:

1. Agricultural uses and buildings as defined by this Resolution.

2. Drainage system, flood control and watershed structure, and erosion control device meeting all County, State and Federal standards.

3. Forest and game management area.

4. Railroad right-of-way.

5. Residential care facility serving six (6) or fewer persons in a single family detached dwelling.

6. Single family dwellings.

32-3 PERMITTED ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted accessory uses in an RBR, Rural Business Reserve District:

1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Chapter, subject to applicable regulation of this Resolution.

2. Boarding or renting of rooms to not more than four (4) individuals per principal dwelling.

3. Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling.

4. Fences as regulated by Chapter 4-3-7 of this Resolution.

5. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.

6. Private garages and on-site parking and on-site loading as regulated by Chapter 4-4-4 of this Resolution.

7. Non-commercial recreational vehicles and equipment parking or storage.

8. Accessory antennas and satellites dishes for private use.

9. Signs as regulated by Chapter 11 of this Resolution.

10. Temporary roadside stand for sale of in season agricultural products planted and completely grown on the premises.

11. Sale of agricultural seed accessory to an ongoing farming operation.

32-4 SPECIAL USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are special uses in an RBR, Rural Business Reserve District and require a special use permit based upon procedures and criteria set forth in and regulated by Chapter 2-4 of this Resolution:

1. Agriculturally related machine shop.

2. Cemetery.

3. Commercial bulk liquid storage having a capacity of ten thousand (10,000) gallons or more of oil, gasoline, liquid fertilizer, chemicals, and similar liquids.

4. Commercial livestock experiment station.

5. Commercial nursery or greenhouse operation.

6. Essential services – governmental uses, buildings and storage.

7. Essential services – public utility uses, transmission services, buildings and storage. Where essential services, utility or transmission lines follow a road corridor, the utility or transmission line or support structures shall be located one (1) foot inside the public road right-of-way.

8. Feedlots – new or expanding operations of greater than five hundred (500) animal units, as regulated by Chapter 9 of this Resolution.

9. Group care facility not exempted by State Century Code.

10. Home extended business as regulated by Chapter 8 of this Resolution.

11. Kennel serving four (4) to twenty-five (25) dogs.

12. Medical Marijuana Manufacturing Center.

13. Private airport or heliport.

14. Specialized housing identified in Chapter 7 of this Resolution.

32-5 INTERIM USES

In addition to other uses specifically identified elsewhere in this Resolution, and subject to applicable provisions of this Chapter, the following are interim uses in the RBR, Rural Business Reserve District, and are further governed by Chapter 2-5 of this Resolution:

1. Farm equipment sales, excluding individual farm auctions.

2. Mining as regulated by Chapter 10 of this Resolution.

3. Specialized housing identified in Chapter 7 of this Resolution.

4. Temporary Asphalt Mixing Plant.

5. Temporary Car Crushing Operation.

32-6 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an RBR, Rural Business Reserve District subject to the additional requirements, exceptions, and modifications set forth in this Resolution:

1. Density: One (1) dwelling unit per fifteen (15) acres.

2. Minimum Lot Area: Fifteen (15) acres.

3. Lot Width: Two hundred fifty (250) feet measured at the front setback line.

4. Front Yard Setback: One hundred forty (140) feet from the centerline of a County or State road or ninety (90) feet from the County or State road right-of-way, whichever is greater, or seventy (70) feet from the centerline of the township road, or thirty-seven (37) feet from the township road right-of-way, whichever is greater.

5. Side Yard Setback: Twenty-five (25) feet. On lots of record less than two (2.5) and one half acres, fifteen (15) feet. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

6. Rear Yard Setback: Forty (40) feet. On lots of record less than two (2.5) and one half acres, twenty (20) feet.

7. Accessory Structure Setbacks:

    a. For lots two (2.5) and one half acres or greater in area, accessory buildings shall meet the principal building setbacks.

    b. For lots less than two (2.5) and one half acres in area, accessory structures shall maintain the following setbacks:

        (1) Interior Side Yard: Five (5) feet.
        (2) Rear Yard: Eight (8) feet.

8. Windbreak setback shall be one hundred forty (140) feet from the centerline of the road unless the State or Township is more restrictive.

9. No structure or trees shall be located within an easement.

10. Principal Building Height Maximum: Thirty-five (35) feet.

11. Lot Coverage – Maximum of 25% impervious lot surface.

CHAPTER 33: RC, RELIGIOUS COLONY DISTRICT

33-1 PURPOSE

This District is intended primarily for application in those areas of Grand Forks County where religious colonies exist. They represent a unique mixed land use area similar to a small unincorporated municipality. Common ownership of the land along with the diversified economic aspects of the community, create a unique need for a different set of zoning regulations. An overlay zoning district may apply to this district.

33-2 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted uses in an RC Religious Colony District:

1. Agricultural uses and buildings as defined by this Resolution.
2. Drainage system, flood control and watershed structure, and erosion control device meeting all County, State and Federal standards.
3. Forest and game management area.
4. Railroad right-of-way.
5. Church, church related building and parsonage.
6. Residential care facility serving six (6) or fewer persons in a single family detached dwelling.
7. Single family dwellings.
8. Multiple family dwellings
9. Schools or Educational Related Facilities.
10. Commercial nursery or greenhouse operation.
11. Agriculturally related machine shop.
12. Cemetery.

33-3 PERMITTED ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted accessory uses in an RC Religious Colony District:

1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Chapter, subject to applicable regulation of this Resolution.

2. Boarding or renting of rooms to not more than four (4) individuals per principal dwelling.

3. Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling.

4. Fences as regulated by Chapter 4-3-7 of this Resolution.

5. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.

6. Private garages and on-site parking and on-site loading as regulated by Chapter 4-4-4 of this Resolution.

7. Non-commercial recreational vehicles and equipment parking or storage.

8. Accessory antennas and satellites dishes for private use.

9. Signs as regulated by Chapter 11 of this Resolution.

10. Temporary roadside stand for sale of in season agricultural products planted and completely grown on the premises.

11. Sale of agricultural seed accessory to an ongoing farming operation.

33-4 SPECIAL USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are special uses in an RC Religious Colony District and require a special use permit based upon procedures and criteria set forth in and regulated by Chapter 2-4 of this Resolution:

6. Commercial bulk liquid storage having a capacity of ten thousand (10,000) gallons or more of oil, gasoline, liquid fertilizer, chemicals, and similar liquids.

10. Essential services – public utility uses, transmission services, buildings and storage. Where essential services, utility or transmission lines follow a road corridor, the utility or transmission line or support structures shall be located one (1) foot inside the public road right-of-way.

11. Feedlots – new or expanding operations of greater than five hundred (500) animal units, as regulated by Chapter 9 of this Resolution..

12. Group care facility not exempted by State Century Code.

13. Home extended business as regulated by Chapter 8 of this Resolution.

14. Inert Waste Facility.

15. Kennel serving four (4) to twenty-five (25) dogs.

16. Outdoor commercial recreational uses limited to golf courses, driving ranges, shooting and hunting clubs, archery ranges, and skating rinks.

17. Private airport or heliport.

18. Solid Waste Management Facility.

19. Specialized housing identified in Chapter 7 of this Resolution.

20. Tower in excess of thirty-five (35) feet in height, as regulated by Chapter 13 of this Resolution.

21. Wind energy conservation systems (WECS), as regulated by Chapter 12 of this Resolution.

33-5 INTERIM USES

In addition to other uses specifically identified elsewhere in this Resolution, and subject to applicable provisions of this Chapter, the following are interim uses in the RC Religious Colony District, and are further governed by Chapter 2-5 of this Resolution:

1. Commercial/Agricultural Byproduct Land Application, subject to the following conditions:

   a. Applicant must obtain an approved nutrient management plan from the North Dakota State Health Department.

   b. No spreading shall take place within ½ mile of an existing residence without written consent from the land owner.

2. Farm equipment sales, excluding individual farm auctions.

3. Mining as regulated by Chapter 10 of this Resolution.

7. Specialized housing identified in Chapter 7 of this Resolution.

8. Temporary Asphalt Mixing Plant.

9. Temporary Car Crushing Operation.

33-6 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an RC Religious Colony District subject to the additional requirements, exceptions, and modifications set forth in this Resolution:

1. Density: One (1) dwelling unit per fifteen (15) acres.

2. Minimum Lot Area: Fifteen (15) acres.

3. Lot Width: Two hundred fifty (250) feet measured at the front setback line.

4. Front Yard Setback: One hundred forty (140) feet from the centerline of a County or State road or ninety (90) feet from the County or State road right-of-way, whichever is greater, or seventy (70) feet from the centerline of the township road, or thirty-seven (37) feet from the township road right-of-way, whichever is greater.

5. Side Yard Setback: Twenty-five (25) feet. On lots of record less than two (2.5) and one half acres, fifteen (15) feet. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

6. Rear Yard Setback: Forty (40) feet. On lots of record less than two (2.5) and one half acres, twenty (20) feet.

7. Accessory Structure Setbacks:

   a. For lots two (2.5) and one half acres or greater in area, accessory buildings shall meet the principal building setbacks.

   b. For lots less than two (2.5) and one half acres in area, accessory structures shall maintain the following setbacks:

      (1) Interior Side Yard: Five (5) feet.
      (2) Rear Yard: Eight (8) feet.

8. Windbreak setback shall be one hundred forty (140) feet from the centerline of the road unless the State or Township is more restrictive.

9. No structure or trees shall be located within an easement.

10. Principal Building Height Maximum: Thirty-five (35) feet.

11. Lot Coverage – Maximum of 25% impervious lot surface.

CHAPTER 40: Reserved

CHAPTER 41: Reserved

CHAPTER 42: RR-1, RURAL RESIDENTIAL SINGLE FAMILY DISTRICT

42-1 PURPOSE

This District is intended for application in those areas of Grand Forks County identified in the Land Use Plan where vacant land has become subject to increased amounts of single family residential development. An overlay zoning district may apply to this district.

42-2 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted uses in a RR-1, Rural Residential Single Family District:

1. Agricultural uses and buildings as defined by this Resolution.

2. Drainage system, flood control and watershed structure, and erosion control device meeting all County, State and Federal standards.

3. Public parks, public recreation areas, and historic monuments.

4. Railroad right-of-way.

5. Residential care facility serving six (6) or fewer persons in a single family detached dwelling.

6. Single family dwelling.

42-3 PERMITED ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted accessory uses in a RR-1, Rural Residential Single Family District:

1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, special, and interim in this Chapter, subject to applicable regulation of this Resolution.

2. Boarding or renting of rooms to not more than four (4) individuals per principal dwelling.

3. Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling.

4. Fences as regulated by Chapter 4-3-7 of this Resolution.

5. Play facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.

6. Private garages and on-site parking and on-site loading as regulated by this Resolution.

7. Non-commercial recreational vehicles and equipment parking or storage.

8. Accessory use antennas and satellites dishes for private use.

9. Signs as regulated by Chapter 11 of this Resolution.

42-4 SPECIAL USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are special uses within the RR-1, Rural Residential Single Family District and require a special use permit based upon the procedures and criteria set forth in Chapter 2-4 of this Resolution:

1. Cemetery.

2. Church, church related building and parsonage.

3. Essential services, governmental use building and storage.

4. Essential services, public utility uses, transmission services, building and storage.

5. Essential services, public utility uses, transmission services, buildings and storage. Where essential services, utility or transmission lines follow a road corridor, the utility or transmission line or support structures shall be located one (1) foot inside the public road right-of-way.

6. Group care facility not exempted by State Century Code.

7. Golf courses.

8. Public Campground

9. Specialized housing identified in Chapter 7 of this Resolution.

42-5 INTERIM USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are interim uses within the RR-1, Rural Residential Single Family District and require an interim use permit based upon the procedures and criteria set forth in Chapter 2-5 of this Resolution:

1. Home extended businesses subject to the following conditions:

    a. Compliance with Chapter 8 of this Resolution.

    b. Minimum lot area of ten (10) acres.

    c. Outdoor storage is prohibited.

    d. No signs shall be permitted.

    e. Storage of business associated vehicles shall be limited to four (4) vehicles.

2. New or expanding feedlots of five hundred (500) animal units or more on lots of greater than forty (40) acres, and in accordance with Chapter 9 of this resolution.

3. Tower in excess of thirty-five (35) feet in height on lots of greater than forty (40) acres, as regulated by Chapter 13 of this Resolution.

4. Temporary Asphalt Mixing Plant.

5. Temporary Car Crushing Operation.

42-6 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an RR-1, Rural Residential Single Family District, subject to additional requirements, exceptions and modifications set forth in this Resolution:

1. Density: One (1) dwelling unit per two and one half (2½) acres.

2. Minimum Lot Area: Two and one half (2½) acres. The Lot must demonstrate sufficient area to accommodate two independent sewage treatment systems.

3. Lot Width: Two hundred fifty (250) feet measured at the front setback line.

4. Front Yard Setback: One hundred forty (140) feet from the centerline of a County or State road or ninety (90) feet from the County or State road right-of-way, whichever is greater, or seventy (70) feet from the centerline of the township road, or thirty-seven (37) feet from the township road right-of-way, whichever is greater.

5. Side Yard Setback: Twenty-five (25) feet. On lots of record less than two (2.5) and one half acres, fifteen (15) feet. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

6. Rear Yard Setback: Forty (40) feet. On lots of record less than two (2.5) and one half acres, twenty (20) feet.

7. Accessory Structure Setbacks:

    a. For lots two (2.5) and one half acres or greater in area, accessory buildings shall meet the principal building setbacks.

    b. For lots less than two (2.5) and one half acres in area, accessory structures shall maintain the following setbacks:

        (1) Interior Side Yard: Five (5) feet.
        (2) Rear Yard: Eight (8) feet.

8. Windbreak setback shall be one hundred forty (140) feet from the centerline of the road unless the State or Township is more restrictive.

9. No structure or trees shall be located within an easement.

10. Principal Building Height Maximum: Thirty-five (35) feet.

11. Lot Coverage – Maximum of 25% impervious lot surface.

CHAPTER 43: RR-2, RESIDENTIAL RURAL TOWNSITE DISTRICT

43-1 PURPOSE

The purpose of this District is to provide for single family dwelling units on those plats and parcels that were created by an instrument and recorded in the Office of the County Recorder on or prior to August 31, 1977. This district provides standards and regulations consistent with those that were applied at the same time the lots were created. An overlay zoning district may apply to this district.

43-2 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted uses in a RR-2, Residential Rural Townsite District:

1. Agricultural uses and buildings as defined by this Resolution.

2. Drainage system, flood control and watershed structure, and erosion control device meeting all County, State and Federal standards.

3. Public parks, public recreation areas, and historic monuments.

4. Railroad right-of-way.

5. Residential care facilities serving six (6) or fewer persons in a single family detached dwelling.

6. Single family dwellings.

43-3 PERMITTED ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted accessory uses in a RR-2, Residential Rural Townsite District:

1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, special, and interim in this Chapter, subject to applicable regulation of this Resolution.

2. Boarding or renting of rooms to not more than four (4) individuals per principal dwelling.

3. Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling.

4. Fences as regulated by Chapter 4-3-7 of this Resolution.

5. Play facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.

6. Private garages and on-site parking and on-site loading as regulated by this Resolution.

7. Non-commercial recreational vehicles and equipment parking or storage.

8. Accessory antennas and satellites dishes for private use.

9. Signs as regulated by Chapter 11 of this Resolution.

43-4 SPECIAL USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are special uses within the RR-2, Residential Rural Townsite District and require a special use permit based upon the procedures and criteria set forth in Chapter 2-4 of this Resolution:

1. Cemetery.

2. Church, church related building and parsonage.

3. Essential services, governmental use building and storage.

4. Essential services, public utility uses, transmission services, building and storage.

5. Essential services, public utility uses, transmission services, buildings and storage. Where essential services, utility or transmission lines follow a road corridor, the utility or transmission line or support structures shall be located one (1) foot inside the public road right-of-way.

6. Golf courses.

7. Group care facility not exempted by State Century Code.

8. Public Campground.

9. Specialized housing identified in Chapter 7 of this Resolution.

43-5 INTERIM USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are interim uses within the RR-2, Residential Rural Townsite District and require an interim use permit based upon the procedures and criteria set forth in Chapter 2-5 of this Resolution:

1. Home extended businesses subject to the following conditions:

    a. Compliance with Chapter 8 of this Resolution.

    b. Minimum lot area of ten (10) acres.

    c. Outdoor storage is prohibited.

    d. No signs shall be permitted.

    e. Storage of business associated vehicles shall be limited to two (2) vehicles.

2. Temporary Asphalt Mixing Plant.

3. Temporary Car Crushing Operation.

43-6 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an RR-2, Residential Rural Townsite District, subject to additional requirements, exceptions and modifications set forth in this Resolution:

1. Density: One (1) dwelling unit per two and one half (2½) acres.

2. Minimum Lot Area: The Lot must demonstrate sufficient area to accommodate an independent sewage treatment system, if not served by public services.

3. Front Yard Setback: One hundred forty (140) feet from the centerline of a County or State road or ninety (90) feet from the County or State road right-of-way, whichever is greater, or seventy (70) feet from the centerline of the township road, or thirty-seven (37) feet from the township road right-of-way, whichever is greater.

4. Side Yard Setback: Twenty-five (25) feet. On lots of record less than two (2.5) and one half acres, fifteen (15) feet. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

5. Rear Yard Setback: Forty (40) feet. On lots of record less than two (2.5) and one half acres, twenty (20) feet.

6. Accessory Structure Setbacks:

   a. For lots two (2.5) and one half acres or greater in area, accessory buildings shall meet the principal building setbacks.

   b. For lots less than two (2.5) and one half acres in area, accessory structures shall maintain the following setbacks:

      (1) Interior Side Yard: Five (5) feet.
      (2) Rear Yard: Eight (8) feet.

7. Windbreak setback shall be one hundred forty (140) feet from the centerline of the road unless the State or Township is more restrictive.

8. No structure or trees shall be located within an easement.

9. Principal Building Height Maximum: Thirty-five (35) feet.

10. Lot Coverage – Maximum of 25% impervious lot surface.

CHAPTER 50: C-1, GENERAL COMMERCIAL DISTRICT

50-1 PURPOSE

The purpose of this District is to provide an area that will allow general retail service and other commercial uses within available service capabilities and in a manner compatible with the surrounding area.

50-2 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted uses in a C-1, General Commercial District:

1. Agricultural uses and buildings as defined by this Resolution.

2. Drainage system, flood control and watershed structure, and erosion control device meeting all County, State and Federal standards.

3. Railroad right-of-way.

50-3 PERMITTED ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted accessory uses in a C-1, General Commercial District:

1. Commercial accessory buildings shall not exceed thirty (30) percent of the gross floor space of the principal building, except by special use permit. Accessory buildings shall not exceed the height of the principal building.

2. Fences as regulated by Chapter 4-3-7 of this Resolution.

3. On-site loading as regulated by Chapter 5 of this Resolution.

4. On-site parking as regulated by Chapter 5 of this Resolution.

5. Accessory use antennas or satellites and dishes.

6. Signs as regulated by Chapter 11 of this Resolution, except advertising signs/billboards.

50-4 SPECIAL USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are special uses within the C-1, General Commercial District and require a special use permit based upon the procedures and criteria set forth in Chapter 2-4 of this Resolution.

1. Accessory buildings larger than thirty (30) percent of the gross floor space of the principal building provided the accessory building does not exceed seventy (70) percent of the gross floor space of the principal building.

2. Animal hospital.

3. Auction house, second hand store, and flea market.

4. Auto, farm implements, heavy equipment, truck and recreational vehicle sales, rental and/or service. Outdoor sales/rental lot.

5. Billboards as regulated by Chapter 11 of this Resolution.

6. Essential services – governmental uses, building and storage.

7. Essential services – public utility uses, transmission services, building and storage. Where essential services, utility or transmission lines follow a public road corridor, the utility or transmission line and/or support structure shall be located one (1) foot inside the public road right-of-way.

8. Feed mills not to include a grain terminal.

9. Fireworks Sales.

10. Indoor commercial recreation limited to bowling, billiards, and skating rinks.

11. Indoor storage space or garage rental.

12. Lumber yard.

13. Medical Marijuana Distribution Center.

14. Medical Marijuana Manufacturing Center.

15. Motor vehicle fuel sales and service provided that.

16. Offices and professional buildings.

17. Restaurants including fast food establishments.

18. Retail commercial establishment to include, but not be limited to:

    a. Retail establishments such as groceries, hardware, drug, clothing, and furniture stores, eating and drinking places, convenience store and on-sale liquor establishments.

    b. Personal services such as laundry, barber, shoe repair shop, and photography studios.

    c. Professional services such as medical and dental clinics, architects and attorneys offices.

    d. Repair services such as jewelry and radio and television repair shops.

    e. Finance, insurance and real estate services.

19. Truck stop.

20. Wind energy conversion systems (WECS), as regulated by Chapter 12 of this Resolution.

21. Wireless communication antennas, towers and related antenna accessory buildings located upon an existing structure or tower or temporary mobile tower, as regulated by Chapter 13 of this Resolution.

50-5 INTERIM USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are interim uses within the C-1, General Commercial District and require an interim use permit based upon the procedures and criteria set forth in Chapter 2-5 of this Resolution:

1. Mining as regulated by Chapter 10 of this Resolution.

2. Temporary Asphalt Mixing Plant.

3. Temporary Car Crushing Operation.

50-6 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in a C-1, General Commercial District, subject to additional requirements, exceptions and modifications set forth in this Resolution:

1. Platting Required. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Minimum Lot Area: Two and one half (2½) acres. The Lot must demonstrate sufficient area to accommodate two independent sewage treatment systems, if not served by public services.

3. Lot Width: Two hundred fifty (250) feet measured at the front setback line.

4. Front Yard Setback: One hundred forty (140) feet from the centerline of a County or State road or ninety (90) feet from the County or State road right-of-way, whichever is greater, or seventy (70) feet from the centerline of the township road, or thirty-seven (37) feet from the township road right-of-way, whichever is greater.

5. Side Yard Setback: Fifteen (15) feet. One hundred (100) feet from an existing rural residential, residential rural townsite, or airfield reserve district. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

6. Rear Yard Setback: Twenty (20) feet. One hundred (100) feet from an existing rural residential, residential rural townsite, or airfield reserve district.

7. Accessory Structure Setbacks:

    a. For lots two (2.5) and one half acres or greater in area, accessory buildings shall meet the principal building setbacks.

    b. For lots less than two (2.5) and one half acres in area, accessory structures shall maintain the following setbacks:

        (1) Interior Side Yard: Five (5) feet.
        (2) Rear Yard: Eight (8) feet.

8. Windbreak setback shall be one hundred forty (140) feet from the centerline of the road unless the State or Township is more restrictive.

9. No structure or trees shall be located within an easement.

10. Building Height: Forty-five (45) feet.

11. Impervious Lot Coverage: No more than seventy-five (75) percent of the lot.

CHAPTER 60: I-1, RURAL INDUSTRIAL DISTRICT

60-1 PURPOSE

This district is intended to allow industrial uses that are not water intensive and are compatible without municipal services in those areas having access to arterial roadways and/or rail transportation in locations specifically guided by the Grand Forks County Land Use Plan.

60-2 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted uses in an I-1, Rural Industrial District:

1. Agricultural uses and buildings as defined by this Resolution.

2. Drainage system, flood control and watershed structure, and erosion control device meeting all County, State and Federal standards.

3. Railroad right-of-way.

60-3 PERMITTED ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are permitted accessory uses in an I-1, Rural Industrial District:

1. Industrial accessory buildings and structures shall not exceed fifty (50) percent of the gross floor space of the principal building, except by conditional use permit. Accessory buildings shall not exceed the height of the principal building.

2. Fences as regulated by Chapter 4-3-7 of this Resolution.

3. On-site loading as regulated by Chapter 5 of this Resolution.

4. On-site parking as regulated by Chapter 5 of this Resolution.

5. Outdoor parking of semi-tractor trailers.

6. Accessory use antennas and satellite dishes.

7. Signs as regulated by Chapter 11 of this Resolution, except advertising signs/billboards, except advertising signs/billboards.

8. Outdoor storage within the industrial districts shall be an allowed accessory use under the following conditions:

    a. The outdoor storage area occupies space other than a required front yard setback.

    b. The outdoor storage area shall be fenced, screened and/or landscaped according to a plan in compliance with Chapter 4-4-1 of this Resolution and subject to the approval of the Planning Department.

    c. Subject to the approval of the Planning Department, the outdoor storage area is surfaced with crushed rock, crushed concrete, Class V, asphalt or concrete paving or other similar materials approved by the County Planning Department to control surface dust.

    d. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Chapter 4-4-2 of this Resolution.

    e. The outdoor storage area shall not encroach upon required parking space or required loading space as required by this Resolution.

    f. The outdoor storage area shall not encroach into the required rear yard or side yard setback area if abutting a rural residential, residential rural townsite, or airfield district.

60-4 SPECIAL USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are conditional uses within the I-1, Rural Industrial District and require a special use permit based upon the procedures and criteria set forth in Chapter 2-4 of this Resolution:

1. Accessory buildings larger than fifty (50) percent of the gross floor space of the principal building provided the accessory building does not exceed seventy (70) percent of the gross floor space of the principal building.

2. Adult Uses provided that:

a. The Adult Use is located one thousand (1000) feet from any other sensitive receptor.

b. The Adult Use has frontage on an arterial roadway.

3. Auto, truck major repair, body shop.

4. Billboards as regulated by Chapter 11 of this Resolution.

5. Bulk fuel storage.

6. Concrete mixing plant.

7. Contractor yard.

8. Essential services – governmental uses, building and storage.

9. Essential services – public utility uses, transmission services, buildings and storage. Where essential services, utility, or transmission lines follow a public road corridor, the utility or transmission lines and/or support structures shall be located one (1) foot inside the public road right-of-way.

10. Fairs and fairgrounds.

11. Freight transportation terminal.

12. Grain terminal.

13. Inert Waste Facility.

14. Indoor storage or garage rental.

15. Manufacturing, processing, packaging or assembly of products and materials.

16. Medical Marijuana Distribution Center.

17. Medical Marijuana Manufacturing Center.

18. Properties with more than one (1) principal structure provided that:

a. The property shall have a properly designed and sized private well and independent sewage treatment system to accommodate multiple principal structures.

b. Off-street parking and loading shall comply with the performance standards of Chapter 5 of this Resolution.

c. The site shall be under single private ownership. The property owner shall be responsible for site operations and maintenance.

e. Any change of building occupancy or use may be grounds for conditional use permit review to determine if the site remains in compliance with the performance standards of this Resolution.

19. Office and office building.

20. Railroad yard.

21. Recycling center.

22. Sales, rental or display (indoor and outdoor) as an accessory use in association with an allowed principal use provided that:

    a. The area so occupied shall not exceed thirty (30) percent of the principal building.

    b. No storage of display of merchandise shall be permitted in required rear, side or front yards.

    c. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by Chapter 4-4-4 of this Resolution, except as may be exempted for cause by the Planning Department.

23. Salvage yard.

24. Security structure. A dwelling unit for security accessory to the principal use of the site provided the dwelling unit is part of the principal structure and the dwelling unit complies with all applicable building codes.

25. Solid and hazardous waste transfer station.

26. Solid waste Management facility.

27. Warehousing.

28. Wholesaling.

29. Wind energy conversion systems (WECS), as regulated by Chapter 12 of this Resolution.

30. Wireless communication antennas, towers, and related antenna accessory buildings, as regulated by Chapter 13 of this Resolution.

31. Yard and tree waste composting site.

60-5 INTERIM USES

In addition to other uses specifically identified elsewhere in this Resolution, the following are interim uses within the I-1, Rural Industrial District and require an interim use permit based upon the procedures and criteria set forth in Chapter 2-5 of this Resolution.

1. Mining as regulated by Chapter 10 of this Resolution.

2. Temporary Asphalt Mixing Plant.

3. Temporary Car Crushing Operation.

60-6 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an I-1, Rural Industrial District, subject to additional requirements, exceptions and modifications set forth in this Resolution:

1. Platting Required. No building shall be constructed on unplatted, I-1 zoned property, except for the addition of accessory structures or additions to existing buildings.

2. Lot Size: Two and one half (2½) acres. The Lot must demonstrate sufficient area to accommodate two independent sewage treatment systems, if not served by public services.

3. Lot Width: Two hundred (200) feet at the minimum building setback and extending to the location of the principal building.

4. Front Yard Setback: One hundred fifty (150) feet from the centerline of a County road or one hundred (100) feet from the County road right-of-way whichever is greater. One hundred (100) feet from the centerline of a local public street.

5. Side Yard Setback: Twenty (20) feet or the height of the building, whichever is greater, or on corner lot, see Front Yard Setback. One hundred fifty (150) feet from an existing rural residential, residential rural townsite, or airfield reserve district.

6. Rear Yard Setback: Thirty (30) feet. One hundred fifty (150) feet from an existing rural residential, residential rural townsite, or airfield reserve district.

7. Building Height: Forty-five (45) feet.

8. Windbreak setback shall be one hundred forty (140) feet from the centerline of the road unless the State or Township is more restrictive.

9. Impervious Lot Coverage: No more than seventy-five (75) percent of the lot.

10. Service Streets: Uses fronting on a collector or arterial street shall have a paved service street to provide access to the collector or arterial street at specified intersections.

CHAPTER 70: RESERVED

CHAPTER 71: FP, FLOODPLAIN OVERLAY DISTRICT

The Legislature of the State of North Dakota has in North Dakota Century Code, Chapters 40-47, 11-33, and 58-03, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, based on the Model Flood Plain Resolution issued by the North Dakota State Water Commission, the Board of Commissioners of Grand Forks County, North Dakota does ordain that:

- The special flood hazard areas of Grand Forks 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.

- Flood losses caused by the cumulative effect of obstruction 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.

In order to limit and prevent flood damages in Grand Forks County, this Resolution has provisions for restricting, prohibiting, and guiding development activities that can be subject to flood damage.

1. LANDS TO WHICH THIS RESOLUTION APPLY

   This Resolution shall apply to all special flood hazard areas within the zoning jurisdiction of Grand Forks County as identified by the Federal Emergency Management Agency in its latest Flood Insurance Rate Map, dated December 17, 2010, and all subsequent revisions thereto. This map is adopted by reference and declared to be a part of this Resolution. It is on file at the Office of the Flood Plain Administrator in the Grand Forks County Office Building

2. PERMIT PROCEDURES

   a. Permits - Before any construction or development, or placement of any dwelling begins within a special flood hazard area, a permit shall be obtained from the Grand Forks County Flood Plain Administrator, hereinafter referred to as the responsible person. The permit shall include:

(1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all proposed structures;

(2) Elevation in relation to mean sea level to which any structure will be 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 3.2(2); and,

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b. Use of Other Base Flood Data - When base flood elevation data has not been provided in accordance with Subsection 1 (b) Lands to Which This Resolution Applies, the Flood Plain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, (known as best available data) in order to administer this section, Section 3 (a) General Standards, and Section 3 (b) Specific Standards.

c. Permit Review - All permit applications shall be reviewed (using the best available base flood elevation data from any federal, state, or local source) to: a) assure sites are reasonably safe from flooding; b) determine that all necessary permits have been obtained from those federal, state, or local agencies from which prior approval is required; and c) to determine if the proposed development adversely affects the flood carrying capacity of a flood-prone area. For the purposes of this Resolution, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

(1) If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further considerations.

(2) If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional

engineer) for proposed development shall be required.

(3) If the proposed development is a building, then the following provisions of this Resolution shall apply.

3. STANDARDS

a. General Standards - In all special flood hazard areas, the following standards are required:

(1) Anchoring

(a) All new construction and substantial improvements (including additions) shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Park-model trailers located for longer than three hundred and sixty (360) days shall be treated as a manufactured home. 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) Construction Materials and Methods

(a) All new construction and substantial improvements shall be constructed using methods and with materials and utility equipment that resist or minimize flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) 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 and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities

(a) All new and replacement water supply systems and sanitary sewer systems shall be designed to minimize or eliminate infiltration off foodwaters into the system.

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

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

(4) Subdivision Proposals

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(d) 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).

(5) Encroachments - Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway

unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

b. Specific Standards

(1) Residential Construction

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

(b) Manufactured homes shall be placed so that the lowest floor is elevated on fill to at least one foot above the base flood elevation.

(c) Manufactured homes that have incurred substantial damage as the result of a flood shall be elevated on a permanent foundation such that the lowest floor is elevated to at least one foot above the base flood elevation.

(2) Nonresidential Construction - New construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated on fill to at least one foot above the base flood elevation <u>or</u>, together with attendant utility and sanitary facilities shall:

(a) Be adequately floodproofed up to an elevation no lower than two feet above the base flood elevation.

(b) Be floodproofed so that below the two feet above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design methods of construction are in

accordance with accepted standards of practice.

(c) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(d) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the responsible person as set forth in Section 4.1.

(3) For all new construction or substantial improvement of any structure, 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 meet one of the following requirements:

(a) 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 be certified by a registered profession engineer or architect

(b) Have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottoms of such openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Fill.

(a) The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the one-hundred (100) year flood elevation. FEMA's requirements incorporate

specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(b) No fill (including fill for roads and levees), deposit, obstruction, excavation, storage of materials or equipment, or other uses may be allowed that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected. The exception is fill used for the purpose removing structures from the special flood hazard area as provided for in this section.

4. ADMINISTRATIVE REQUIREMENTS

a. Information to be Obtained and Maintained - The Flood Plain Administrator shall:

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, whether or not the structure contains a basement.

(2) For all new or substantially improved floodproofed structures:

(a) Obtain and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.

(b) Maintain the floodproofing certifications required in Section 3.2(2).

(3) Maintain for public inspection all records pertaining to the provisions of this Resolution.

b. Alteration of Watercourses - The Flood Plain Manager shall:

(1) Notify nearby communities, water resource districts and the North Dakota State Engineer, 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.

5, DISCLAIMER

This Chapter shall not create liability on the part of Grand Forks County, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on the Chapter or any administrative decision lawfully made there under.

CHAPTER 72: WF, WINDFARM OVERLAY DISTRICT

72-1 PURPOSE

Grand Forks County acknowledges the legal right of Commercial Windfarms to locate within the County. However, the County wishes to implement its legal authority to adopt zoning requirements which are nondiscriminatory, and not intended to prohibit the power generation service. In order to establish uniform, nondiscriminatory regulations that protect the public health, safety and general welfare of the County, these regulations are intended to:

1. Minimize adverse visual effects of wind towers through careful design, and siting standards.

2. Avoid potential damage to adjacent properties from tower failure and weather related occurrences through structural standards and setback requirements.

3. Maximize the use of land, which through wind studies, have demonstrated the ability to support a commercial wind generation enterprise.

4. Provide for the appropriate location for commercial wind farms that accommodates the needs of the residents and businesses in Grand Forks County and the Region as a whole.

72-2 REQUIRED PERMITS - PERMIT PROCEDURES

1. A wind turbine facility may be permitted in a Wind Farm Overlay District upon approval by the Grand Forks County Board of Commission.

2. Administrative procedures for rezoning and special use permit requests shall be in accordance with Chapter 2 of this resolution.

3. To promote public safety each request will require review and recommendations from the following entities:

   a. Rural Fire District
   b. Grand Forks Air Force Base
   c. County Sheriff's Department
   d. County Highway Department e. County Emergency Management
   f. Townships (In the project area)
   g. UND Aerospace

   Comments and recommendations must be received and addressed prior to being considered for final approval.

72-3 NON-INTERFERENCE

Owner/operator shall not operate the wind turbine facility so as to cause microwave, television, radio, telecommunications or navigation interference contrary to Federal Communications Commission (FCC) regulations or federal, state or local laws. Owner/operator shall be responsible for alleviating any disruption or interference of these services caused by the turbines or any associated facilities. In the event the wind turbine facility or its operations cause such interference, Owner/operator shall take timely measures necessary to correct the problem.

72-4 REMOVAL OF ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS.

1. **Decommissioning Plan and Bonding Required.**
   The decommissioning plan and reclamation bonding shall only be requirements for requests that do not go through the Pubic Service Commission's siting process.

2. **Decommissioning Plan.**
   As part of its permit application, owner/operator must submit a decommissioning plan describing the manner owner/operator plans to restore the land to its original, unaltered condition.

3. **Reclamation Bonding Requirement.**
   The owner/operator shall provide a financial guarantee as assurance that the decommissioning plan is carried out or that abandoned towers are removed. The County shall determine the appropriate type of financial guarantee which shall take one of the following forms.

   a. Letter of Credit.
      The owner/operator may furnish the County with a letter of credit from a financial institution providing authorization and guarantee that the County may draw on the developer's account, amounts not to exceed the required financial guarantee. The required financial guarantee shall be the sum equal to the total cost as estimated by the Planning Department, to restore the land to its original, unaltered condition. The letter of credit shall be irrevocable, and shall provide for thirty (30) days notice to the County and approval of any change, amendment, or termination. The letter of credit shall be accepted as a financial guarantee only after review and approval by the States Attorney.

   b. Bond
      The owner/operator may furnish the County with a surety bond, or other security, in the amount equal to the total cost as estimated by the Planning

Department, to restore the land to its original, unaltered condition. All bonds or other security deposited with the County as required hereby shall continue in effect until the reclamation has been made according to County specifications.

c. Failure to Complete Reclamation or Abandon Towers.
In those cases where a financial guarantee has been posted and required reclamation and tower removal have not occurred within the terms of the decommissioning plan or towers have been deemed abandoned in accordance with this Chapter, the County may declare the financial guarantee to be in default and require all the reclamation and tower removal.

d. Release of Financial Guarantee.
Certification of Satisfactory Completion. The County shall not release a financial guarantee until the terms of the decommissioning plan have been met.

4. Abandoned Towers.

Any wind turbine which has not been in service for a period of ninety (90) continuous days within a twelve month period shall be deemed abandoned. Grand Forks County may issue a notice of abandonment to the owner of the wind energy facility that is deemed to have been abandoned. The owner/operator shall have ninety (90) days in which to respond and provide proof to Grand Forks County that the turbine(s) have not been abandoned. Grand Forks County may withdraw the notice if the owner/operator demonstrates to Grand Forks County that the turbine has not been abandoned.

If Grand Forks County, after the time of notice and consideration of any response by the owner/operator, concludes that the turbine has been abandoned; owner/operator of the wind energy facility must remove the abandoned wind energy facilities at the owner/operator's expense within ninety (90) days of Grand Forks County's final determination of abandonment or be subject to forfeit of any financial guarantee to the County.

5. Insurance Requirement.

The owner/operator of a Wind Turbine Facility must provide proof of liability insurance at the time of application. Grand Forks County shall be listed as a certificate holder. Certificates shall provide not less than 30 days notification to the certificate holder prior to cancellation or material change in coverage.

Throughout the duration of this Agreement, the owner/operator of a Wind Turbine Facility agrees to provide evidence of insurance coverages not less than the types and amounts specified below:

a. Workers' Compensation: Statutory

b. Employer's Liability
   1) Each Accident: $1,000,000
   2) Disease, Policy Limit $1,000,000
   3) Disease, Each Employee: $1,000,000

c. General Liability
   1) General Aggregate: $2,000,000
   2) Each Occurance (Bodily Injury and Property Damage): $1,000,000

d. Excess Umbrella Liability
   1) Each Occurance: $5,000,000
   2) General Aggregate: $5,000,000

e. Automobile Liability
   1) Combined Single Limit (Bodily Injury and Property Damage):
      a) Each Accident $1,000,000

f. Professional Liability
   1) Each claim made: $2,000,000
   2) Annual Aggregate: $4,000,000

g. Other Conditions (specify):
   a) Commercial General Liability policy will be endorsed to add Grand Forks County, its employees, officers, agents and contractors as additional insureds.

   b) Certificates evidencing required insurance shall be provided to Grand Forks County upon approval of the Special Use Permit and prior to commencement of construction.

72-5 LIGHTS AND OTHER ATTACHMENTS.

Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable governmental regulatory authority.

72-6 NEW TOWER REQUIREMENTS.

1. Appearance.
Wind turbines shall be painted with a non-reflective coating and in a uniform, off-white color. Turbines shall not display any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility. Each turbine will be marked with a visible identification number large enough to assist in the identification of the turbine number by emergency services. The design of the buildings and related structures at the wind energy facility sites shall use materials, textures and location that will blend the wind energy facility to the natural setting and existing environment. Turbines shall be installed on tubular, monopole-type towers.

2. Design.
Engineered building plans for the wind turbines that are signed by licensed professional engineer, must be submitted for each request. The owner/operator shall also demonstrate that the wind turbines are designed to function in North Dakota's cold climate.

3. Geo Coding.
The applicant shall provide an electronic file with the Latitude and Longitude Coordinates for each turbine location along with the tower height.

4. 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.

5. Collector Lines.
Owner/operator shall place electrical lines, known as collectors, communication cables, and associated electrical equipment such as junction boxes underground when located on private property. Collectors and cables shall also be placed within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

6. Feeder Lines.

a) Owner/operator shall place overhead or underground electric lines, known as feeders lines, on private land immediately adjacent to public rights-of-way, except as necessary to avoid or minimize human, agricultural, or environmental impacts. Feeder lines may be placed on public rights-of-way only if approval or the required permits have been obtained from the governmental unit responsible for the affected right-of-way. Any guy wires on the structures for feeder lines shall be marked with safety shields.

b) When feeder lines are placed on private property, the owner/operator shall place the feeder lines in accordance with the easement negotiated with the affected landowner(s).

c) All underground feeder lines must be placed at a depth of at least four feet.

72-7 SOUND.

Sound.
In order to reduce the risk of negative health impacts from large wind turbine noise, audible sound limits shall be based on pre-existing background sound levels plus a 5dB allowance for wind turbine noise or SPL not to exceed 50 dBA within 100 feet of any dwelling, business, or place of public gathering, whichever is lower; and a dBC limit not to exceed 20 dB above ambient background levels. The owner/operator shall be responsible for providing documentation that all sound level requirements can be met.

72-8 REQUIRED SETBACKS.

1. Setbacks from Dwellings and Other Structures.
Minimum setbacks from habitable dwellings are necessary to mitigate noise impacts. Wind turbines have also been known to throw ice and debris from the turbine blades and turbine failures present a possible risk to public safety.

The horizontal distance between the center of a turbine monopole and any residence or dwelling, business, school, daycare facility, church, health care facility, transportation facility, park, or other significant recreation area on any non-participating parcel shall not be less than ¼ mile (1320 feet), unless a signed waiver is executed and duly recorded against the subject property at the Office of the County Recorder.

2. Setbacks from Property Lines. (Non-Participating)
Understanding that after wind passes through a turbine location; the wind is disturbed and requires a distance to recover to its optimum usability. To preserve adjacent landowners' opportunities for revenues from future wind turbine facilities, a separation distance not less than 1½ tower heights from the center of the monopole to a non-participating property ownership boundary is required, unless a signed waiver is executed and duly recorded against the subject property at the Office of the County Recorder.

4. Setbacks from Public Roadways

a. Each wind turbine shall be set back not less than 500-feet from federal, state, or county roadways.

b. Each wind turbine shall be set back not less than 1½ tower heights from any township road or right-of-way (whether improved or not), from any rail road right-of-way, or from any overhead utility.

5. Shadow Flicker
Wind turbines shall be sited such that shadows from wind turbine blades do not fall within 100-feet of dwellings, unless a signed waiver is executed and duly recorded against the subject property at the Office of the County Recorder.

72-9 Public Roadway Impacts.

1. Public Roadways

a. Owner/operator shall identify, by map, each public road in Grand Forks County that the owner/operator may or will travel on with a gross weight in excess of 80,000 lbs.

b. Owner/operator will at its own expense, supply to Grand Forks County both a pre and post construction/haul inspection, except for State roads. Reports must be approved by a civil engineer registered as a professional engineer under NDCC chapter 43-19.1. The report shall use objectively verifiable, generally accepted means of testing to catalogue the condition of any public road or bridge in Grand Forks County the owner/operator may or will use to carry, cross, or traverse with a gross weight in excess of 80,000 lbs.

The report will describe the gross weights owner/operator anticipates running for certain classes of jobs; rough estimates of the number of extreme (over 150,000 lbs) gross weight trips; general damage or wear

the engineer expects to see; and locations where the engineer expects to see the pavement entirely fail.

c. Prior to construction, the owner/operator 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. Owner/operator shall notify the permitting authority of such arrangements upon request.

d. Owner/operator is responsible for abiding by the State and local overweight load permitting process. See NDCC chapter 39-12. A special use permit issued under this ordinance to erect a wind turbine facility does not negate a hauler's obligation to obtain overweight load permits prior to hauling.

e. Any road damage caused by owner/operator, its independent contractor, employee, agent, contractor, or subcontractor shall be promptly repaired at owner/operator's expense to current standards set out in the NDDOT's Standard Specifications for Road and Bridge Construction. http://www.dot.nd.gov/dotnet/supplspecs/StandardSpecs.aspx .

f. If it is reasonably foreseeable that continued trips will make prompt repair to this standard unreasonable. In these instances, intermediary measures must be taken by the owner/operator, if approved by the political subdivision in charge of the road, to ensure the public road remains passable and useable as has been the tradition in the community. Final repairs to these standards must be made promptly after the completion of the construction of the wind turbine facility.

CHAPTER 80: Private Sewage Disposal Systems (PSDS)

80-1 PURPOSE

The following Chapter establishes the minimum standards and criteria for the design, location, installation, and use of Private Sewage Disposal Systems (PSDS), within Grand Forks County. The regulations in this Chapter work toward implementing the natural resource goals and policies of the Grand Forks County Land Use Plan, with an emphasis on protecting the surface and ground water resources of the County.

80-2 PERMIT REQUIRED

1. No person shall install, alter, repair, replace or extend any private sewage disposal system within the Grand Forks County zoning jurisdiction without first obtaining a permit from the Inspector for each specific installation, alteration, repair or extension; and, at the time of applying for said permit, shall pay a fee as established by resolution of the Grand Forks County Commission. Such permits shall be valid for a period of 12 months from the date of issuance.

2. No building permit, where any septic system permit is required, shall be issued until after the septic system permit is approved and issued.

3. No more than one dwelling, commercial, business, institutional or industrial unit shall be connected to the same sewage disposal system unless such multiple connection was specified in the application submitted and in the permit issued for the system.

4. A County septic system permit is not required to repair or replace the following: a crushed pipe, a pump, floats or other electrical devices of the pump, baffles in the septic tank or the septic tank cover.

80-3 PROCEDURE

A septic system permit is considered an administrative permit by this resolution. The procedures for obtaining an administrative permit are set forth in Chapter 2-8-4 of this resolution.

80-4 REQUIREMENTS

80-4-1 Technical Standards. The technical standards of the North Dakota State Plumbing Code are hereby adopted by reference. Those standards as encompassed in the Individual Home sewage Treatment Systems Design

Manual published by the NDSU Extension Service, August 2006. Installers/Designers are required to have a current state plumbing license to obtain approval for a septic system permit.

80-4-2 Additional Application Information Requirements.

In addition to the application requirements set forth in Chapter 2-10 of this resolution, the following application information shall be required for a septic system permit.

1. Estimated water usage and water use calculations.

2. Pump selection procedure.

3. One copy of an septic system design, drawn to scale no smaller than 1 inch equals 30 feet, which includes the following:

    a. All existing or future buildings or improvements on the lot, including addition, decks, three-season porches, roads and driveways.

    b. Location and size of existing and proposed septic and pump tanks, distribution devices, and soil absorption area.

    c. Cross section of sewage disposal system.

    d. Proposed or existing well location.

4. Any additional information that may be required by the Inspector to assure compliance with this Chapter.

5. If the Inspector finds that the applicant has failed to submit all of the items required in this Chapter or as otherwise required by the Inspector, the application will be considered incomplete. This may result in a delay in the issuance or denial of the permit application.

80-4-3 Inspection Required.

All sewage disposal systems during construction and before being placed into service, in part or in whole, shall be inspected by a County Inspector. No system shall be covered, in part or in whole, prior to an inspection by the County unless prior verbal approval has been given by the Inspector.

1. It shall be the responsibility of the permittee to notify the Inspector that the job is ready for inspection. A County Inspector shall be notified at least 24 hours prior to the inspection time or the previous working day if the

system will be installed on a Monday. Failure to request an inspection 24 hours prior to the time when the inspection should take place as outlined in this section may result in a scheduled inspection at a time other than requested and/or issuance of a stop work order on all construction.

2. Failure of the Inspector to inspect the private sewage disposal system does not relieve or lessen the responsibility or liability of any person owning, controlling or installing any private sewage disposal system.

3. The Inspector shall make every effort to inspect a private sewage disposal system within one hour of the scheduled inspection time.

4. If upon inspection the Inspector discovers that any part of the system is not constructed in accordance with the minimum standards of this Resolution or State Plumbing Code and the approved design, the Inspector shall give the installer and/or the permittee written notification describing the defects.

5. It shall be the responsibility of the permittee to provide the Inspector with free access to the property at reasonable times for the purpose of making inspections.

6. The permittee shall be responsible for the correction or elimination of all defects. No private sewage disposal system shall be placed or replaced in service until all defects have been corrected or eliminated.

7. The installer and/or the designer of the system shall be present during the inspection.

8. If the Inspector is unable to inspect within twenty-four hours, the installer must:

    a. Have verbal approval from the Inspector before commencing the installation of the system.

    b. The installer shall complete and sign an as-built drawing of the system as installed (a copy of the original design will not be accepted). The as-built include a cross-section of the drainfield and tanks showing the depth the tank(s) was installed, the location of all maintenance holes, the number and height of maintenance hole risers, and size and height of all inspection pipes. In addition, trench depth, trench length, the type of rock or pipe used, the amount of backfill, the dimensions of the rockbed and sand base, the depth of sand below the rock, the size and separation of the pipe, the size and separation of perforations, the size and length of

the pump line, model, size and horsepower of the pump, the type and location the alarm, the well location and any other pertinent information the Inspector may deem necessary to approve the system.

c. At a minimum, the ends of each trench and the distribution device, or the four corners of the sand and rockbed of a mound, shall be left open for inspection.

d. The as-built drawing shall be signed and dated by the installer. The installer shall also have a certified statement on the as-built drawing stating that this system was built in accordance with this Chapter and North Dakota State Plumbing Code.

9. Failure to receive verbal approval from the Inspector to cover an private sewage disposal system prior to completion of an inspection shall be cause to order the system to be exposed for inspection. The amount of the system to be exposed for inspection shall be determined by the inspector at the time of inspection.

80-4-4 Stop Work Order. Whenever any work is being done contrary to the provisions of this Resolution, the Planning Department may order all work stopped by verbal or written notice personally served upon the installer or owner of the land. All installation and construction shall cease and desist until subsequent authorization to proceed is given by the Grand Forks Planning Department.

80-4-5 Additional County Performance Standards. In addition to the requirements spelled out in the State Plumbing Code, Grand Forks County adopts the following standards and requirements.

1. A minimum of one soil boring shall be done within the drain field site. Additional borings may be required if the inspector determines that the initial one has not accurately defined the soil conditions.

2. A soil percolation test may be done within the drain field site for all absorption trench systems. Additional percolation tests may be required if the inspector determines the initial test has not accurately defined the soil conditions.

3. For single family homes, water usage rates of 150 gallons per day per bedroom shall be used for sizing all systems.

4. No gravelless pipe systems are allowed within Grand Forks County.

5. Chamber systems will be permitted, utilizing the trench bottom area requirements set forth in the State Plumbing Code. The depth of the slatted sidewalls should be equivalent to the corresponding depth of the rock below the distribution pipe for sizing purposes.

6. Lagoon systems shall not be allowed to serve as private sewage disposal systems for a single or two family home, within Grand Forks County.

CHAPTER 90: EFFECTIVE DATE

This Resolution shall be adopted after September 19th, 2006.
This Resolution shall be full enacted and enforceable after October 22, 2006.

SIGNED:

By: _____
Chairman of County Board

ATTEST:

By: _____
County Auditor

By: _____
States Attorney