

# Williams County Zoning Ordinance and Subdivision Regulations

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# **Article 1: IN GENERAL**

## **Chapter 1-1: GENERAL PROVISIONS**

### **1-1-1 Title**

This ordinance shall be known as “Zoning Ordinance and Subdivision Regulations – Williams County, North Dakota.” The short citation shall be “this ordinance”.

### **1-1-2 Authority**

This ordinance is adopted under the authority granted by Chapters 11-17.1, 11-33 and 11-33.2 of the North Dakota Century Code (NDCC), and amendments thereto, and the Williams County Home Rule Charter.

### **1-1-3 Purpose and Intent**

This ordinance has been made in accordance with the goals, objectives and policies set forth in the Williams County Comprehensive plan and have been enacted with the following purposes in mind:

1. To protect and guide the development of nonurban, unincorporated areas;
2. To secure safety from fire, flood, and other dangers and to provide for emergency management;
3. To regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes;
4. To lessen governmental expenditures; and
5. To conserve and develop natural resources.

It is not the intent of this ordinance to prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming or ranching.

### **1-1-4 Applicability and Jurisdiction**

1. The zoning regulations, including Articles 1, 2, 3, 5, 6 and 7, apply to all townships within Williams County that have not adopted zoning regulations pursuant to their authority under NDCC Section 58-03-11, and to all townships who formally relinquished their zoning authority to the County as allowed by NDCC Section 11-33-20. The zoning regulations do not apply within the corporate limits of any city, including their exercised legal extraterritorial areas, unless the city formally relinquished its zoning authority to the County as allowed by NDCC Section 11-33-20, or, after August 1, 2015, the city formally transfers its zoning authority to the County as allowed by NDCC Chapter 54-40.5. Any city or township who has previously relinquished or transferred its zoning authority to the County may reacquire that authority as allowed by NDCC Chapter 54-40.5.

2. The subdivision regulations (Article 4) shall apply to all townships within Williams County as expressly provided for under NDCC Chapter 11-33.2. The subdivision regulations shall not apply within the corporate limits of any city or within the area of exercised extraterritorial subdivision regulation jurisdiction as per NDCC Section 11-33.2-03 unless, prior to August 1, 2015, the city, formally relinquished its subdivision regulation authority to the County as allowed by NDCC Section 11-33-20, or, after August 1, 2015, the city formally transfers its subdivision regulation authority to the County as allowed by NDCC Chapter 54-04.5. Any city who has previously relinquished or transferred its authority over subdivision regulations to the County may reacquire that authority as allowed by NDCC Chapter 54-40.5.
3. The County's zoning regulations (Articles 1, 2, 3, 5, 6, and 7) and subdivision regulations (Article 4) shall also apply to areas over which the County has joint jurisdiction with an incorporated city over the exercised extraterritorial jurisdiction of the city as set forth in NDCC Section 47-01-01.1.
4. The use of land or buildings for farming or ranching is specifically excluded from this ordinance.
5. Pipelines and ancillary structures, except for related ancillary above ground structures as outlined in this ordinance, are excluded from and not regulated by this ordinance.
6. When development is exempt from the requirements of this ordinance, this ordinance shall be used as a non-binding guideline.

#### **1-1-5 Minimum Requirements**

The provisions of this ordinance are the minimum requirements necessary to protect the public health, safety, and general welfare, and to implement the comprehensive plan.

#### **1-1-6 Severability**

If any section, provision or portion of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

#### **1-1-7 Repeal**

The August 1987 Zoning Ordinance and Subdivision Regulations – Williams County, North Dakota, including all amendments enacted as of the date of this ordinance, and the Williams County Temporary Housing Regulations adopted on September 12, 2011, and amended November 6, 2012, are repealed with the adoption of this ordinance.

#### **1-1-8 Conflicting Laws and Ordinances**

If the provisions of this ordinance are inconsistent with those of a township or the state or federal government, or if the provisions of this ordinance are inconsistent with one another, the more restrictive shall control.

#### **1-1-9 Vested Rights**

A vested right is the right to proceed with development in compliance with the August 1987 Zoning Ordinance and Subdivision Regulations – Williams County, North Dakota, including all amendments

thereto, and the Temporary Housing Regulations adopted on September 12, 2011, and amended November 6, 2012 (collectively “previous ordinance and regulations”). Such vested rights are established only by:

1. Having obtained a permit from the Board of County Commissioners in compliance with the previous ordinance and regulations. Such vested rights expire with the permit; or
2. For subdivisions in the preliminary plat review stage, if the Planning and Zoning Official has issued a notice that the subdivision application is complete and sufficient for review; the vested right for subdivisions in the preliminary plat review stage are only vested in rights obtained up to that stage, including continuing review under the regulations in effect as of the date the application is complete or sufficient, respectively; or
3. Having obtained approval of a preliminary plat . Such vested rights expire according to the expiration date given with the preliminary approval, unless extended by Williams County; or
4. Having recorded a final plat in compliance with the applicable ordinance and regulations.

Vested rights are established for development only as it was approved. Any material change must be in compliance with this ordinance. Vested rights terminate upon expiration of any approval without completing the project per the county approval(s).

#### **1-1-10 Private Agreements**

This ordinance is not intended to revoke or repeal any easement, covenant or other private agreement. However, where this ordinance is more restrictive or imposes higher standards than such easement, covenant or private agreement, the requirements of this ordinance shall govern. In no case shall Williams County be obligated to enforce the provision of any easement, covenant or agreement between private parties. Williams County may enforce restrictions if it is a party to such restrictions.

#### **1-1-11 Meaning and Intent**

The language of this ordinance must be read literally. This ordinance is no more or less strict than stated. Words and terms expressly defined in this ordinance have specific meanings assigned, unless the context expressly indicates another meaning.

#### **1-1-12 Responsibility for Interpretation**

In the event a question arises concerning any provision or the application of any provision of this ordinance, the Planning and Zoning Official, acting on behalf of Williams County and in consultation with the State’s Attorney for Williams County as may be necessary, shall be responsible for such interpretation and shall look to the Williams County Comprehensive Plan and the overall purpose and intent of this ordinance for guidance. The Planning and Zoning Official shall provide such interpretations in writing upon request and keep a permanent record of said interpretations. Any person who disputes the Planning and Zoning Official’s interpretation may appeal to the Board of County Commissioners (see Chapter 3-7, Appeals).

### **1-1-13 Delegation of Authority**

When a provision of this ordinance requires the Planning and Zoning Official to perform some act or duty, it shall be construed to authorize the Planning and Zoning Official to designate, delegate and authorize professional level subordinates or contractors to perform the act or duty, performed under the Planning and Zoning Official's supervision, unless the terms of the provision specifies otherwise.

### **1-1-14 Land Suitability**

No land shall be developed or subdivided for a use which is held unsuitable by the Board of County Commissioners for reasons of soil limitations, designated flood hazard, incompatible land use or any other condition deemed likely to be harmful to the health, safety and welfare of the future residents of the area or harmful to the community unless the conditions and hazards can be eliminated or overcome by approved construction techniques or other mitigation measures. Subdivisions for building purposes shall not be located within any designated floodplain areas without the expressed approval of the Director of Development Services, or any other person designated by the Board of County Commission.

### **1-1-15 Construction Timing**

Williams County is not bound to accept or approve any improvements that exist prior to approval. Williams County shall not be responsible if improvements must be eradicated, moved or rebuilt due to a applicant making improvements prior to or not in conformance with this ordinance or any condition of approval by Williams County.

### **1-1-16 Burden of Proof**

The responsibility for demonstrating compliance with this ordinance is the applicant's.

### **1-1-17 Computation of Time**

An application is not considered to be officially submitted until it is determined to be complete and sufficient for review, and the application fee has been fully paid. When a time period is specified in this ordinance, the first day shall be the day after the Planning and Zoning Official determines the submittal is sufficient for review.

## **Article 2: ZONING DISTRICTS**

### **Chapter 2-1: ZONING MAP AND DISTRICTS; LAND USES**

#### **2-1-1 Williams County Zoning District Map**

The location and boundaries of the zoning districts are hereby established as shown on the map entitled “Williams County Zoning District Map” (Zoning Map) on file in the office of the Planning & Zoning Division and County Auditor. The Planning and Zoning Official shall regularly update the Zoning Map to show any changes to the zoning district boundaries resulting from amendments to the map. The following rules apply with respect to the boundaries of the zoning districts as shown on the Zoning Map:

1. Where zoning district boundary lines follow highways, streets, roads, alleys, railroad rights-of-way or extensions thereof, the boundary shall be the centerline of said easements unless clearly shown on the Zoning Map to the contrary.
2. Where any uncertainty exists as to the exact location of a zoning district boundary line, the Planning and Zoning Official shall determine the location of such boundary line. Any person who disputes the Planning and Zoning Official’s determination may appeal to the Board of County Commissioners (see Chapter 3-7, Appeals).

#### **2-1-2 Permitted Uses**

Land uses listed as permitted in a zoning district are allowed in compliance with this ordinance upon the verification of zoning compliance as required by Section 3-1-2.

#### **2-1-3 Conditional Uses**

Land uses listed as conditional uses in a zoning district are allowed in compliance with this ordinance upon the application and approval of a conditional use permit (CUP) (see Chapter 3-2, Conditional Use Permits).

#### **2-1-4 Prohibited Uses**

Land uses not listed as a permitted or conditional use in a zoning district are considered prohibited uses and are not allowed within the district. Prohibited uses may be considered through review of a variance request (see Chapter 3-4 Variance) or as a proposed amendment or zone change (see Chapter 3-6 Amendments/Zone Changes) to make the use a permitted or conditional use.

#### **2-1-5 Evaluation of Land Uses**

It is the intent of this ordinance to group similar and compatible land uses into specific districts, either as permitted or conditional uses. Evaluation of whether specific uses not explicitly listed as an approved permitted or conditional use shall be as follows:

1. The Planning and Zoning Official shall determine if a use not listed is materially similar to an approved use within that district. Determinations may be appealed to the Board of County Commissioners (see , Appeals). Materially similar means the use provides similar function, occurs within a similar structure or setting, and has a similar scale to an approved use listed in that district.

2. A land use deemed not to be materially similar to an approved permitted or conditional use shall be considered prohibited, but may be considered through review of a variance request (see Chapter 3-4, Variances) or as a proposed amendment or zone change (see Chapter 3-6, Amendments/Zone Changes) to make the use an approved use permitted or conditional use.

### **2-1-6 Land Uses Preempted by State Law**

Land uses that are under the exclusive authority and jurisdiction of the State of North Dakota or the federal government, and for which a specific state or federal law or regulation preempts this ordinance, shall be permitted only to the extent required by state or federal law whether or not the use is included in this Article.

### **2-1-7 Zoning Districts**

A zoning district is a geographic area within which development of certain uses are allowed upon zoning compliance verification (See Article 3 for permitting procedures) and certain other uses may be allowed upon approval of a conditional use permit (See Chapter 3-2, Conditional Use Permits).

The zoning districts and their boundaries have been made with reasonable consideration to, among other qualities, the character of the districts and their peculiar suitability for particular uses. The following zoning districts, as shown on the Zoning Map, are herein established:

1. Agricultural (AG)
2. Rural Residential (RR)
3. Urban Residential (UR)
4. Rural Commercial (RC)
5. Urban Commercial (UC)
6. Light Industrial (LI)
7. Heavy Industrial (HI)
8. Public (P)
9. Planned Unit Development Overlay (PUD)
10. Existing Small-Lot Residential (ESR)
11. Airport Hazard Area Overlay

Any parcel of land that does not have a specific zoning destination shown on the Zoning Map will be designated as Agricultural.

### **2-1-8 Standards**

The zoning districts include standards such as lot sizes and setbacks. All required lot sizes and setbacks are subject to consideration of recommendations by the Upper Missouri Health District and or the State of North Dakota during project reviews.



### **2-1-9 Recorded Lots**

Existing lots of record at the time of adoption of this ordinance are exempt from the minimum lot size requirements established in this ordinance of the zoning district where the lot is located, but no new lots shall be created that do not comply, and no lots shall be altered to increase the degree of nonconformity with this ordinance.

## **Chapter 2-2: Agricultural District (AG)**

### **2-2-1 Purpose**

The purpose of this district is to preserve and protect agricultural lands and to discourage uses incompatible with agricultural operations or that are detrimental to agricultural lands. This district is intended to allow for rural, low density single-family dwellings served by individual private wells and septic systems. This district is intended to allow for active production and management of livestock, production and storage of commercial and grain crops, and related functions. Cultural and historical features are an integral part of the landscape and in harmony with agricultural uses. Any uses which might jeopardize the significance of these cultural or historical features are prohibited.

### **2-2-2 Permitted Uses**

The following uses are permitted in an Agricultural District, subject to building permit review and approval:

#### **1. Permitted Institutional Uses**

The following institutional uses are permitted in an Agricultural District subject to -Chapter 3-1:

- a. Athletic fields and outdoor sports courts
- b. Cultural and historical features and facilities
- c. Emergency service facilities
- d. Government buildings
- e. Natural resource conservation areas
- f. Private parks and playgrounds
- g. Public parks and playgrounds
- h. Reception halls/centers
- i. Schools
- j. Religious institutions, churches, and related facilities

#### **2. Permitted Agricultural Uses**

The following agricultural uses are permitted in an Agricultural District:

- a. General farming activities including buildings, structures and operations related to farming and/or ranching

- b. Grain elevators, agricultural handling and storage
- c. Plant nurseries, green houses, and roadside stands selling locally grown farm products

**3. Permitted Residential Uses**

The following residential uses are permitted in an Agricultural District subject to Chapter 3-1:

- a. Conservation Developments, Chapter 6-1
- b. Single-family dwellings, mobile or manufactured homes (not to exceed 2 dwellings per lot, as long as the lot is, or over 40 acres and meets all requirements of this Zoning and Subdivision Ordinance and is in compliance with the North Dakota State Building Code, as adopted and amended by Williams County).

**4. Permitted Utility Uses**

The following utility uses are permitted in an Agricultural District subject to Chapter 3-1:

- a. Public utilities, Minor

**5. Permitted Accessory Uses**

The following accessory uses are permitted, subject to building permit review and approval:

- a. Accessory buildings and uses when incidental to a permitted primary use
- b. Home occupations

**2-2-3 Conditional Uses**

The following uses are allowed in an Agricultural District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval:

**1. Conditional Institutional Uses**

The following conditional institutional uses are allowed in an Agricultural District subject to Chapter 3-2:

- a. Cemeteries (with a minimum buffer of 75 feet around the entire site)
- b. Civic clubs
- c. Crematoriums, mortuaries, funeral homes
- d. Libraries
- e. Museums

**2. Conditional Agricultural Uses**

The following conditional agricultural uses are allowed in an Agricultural District subject to Chapter 3-2:

- a. Concentrated animal feeding operations

**3. Conditional Residential Uses**

The following conditional residential uses are allowed in an Agricultural District subject to Chapter 3-2:

- a. More than 1 single family dwelling, mobile or manufactured home on a single parcel that is not in compliance with the minimum lot size requirement for the Agricultural zoning district
- b. Temporary workforce housing facilities

**4. Conditional Recreational Uses**

The following conditional recreational uses are allowed in an Agricultural District subject to Chapter 3-2:

- a. Agri-tourism
- b. Dude ranches
- c. Golf courses
- d. Indoor/outdoor swimming pools
- e. Marinas
- f. Retreats
- g. Skeet, trap, and shooting ranges and archery facilities
- h. Tent camps

**5. Conditional Service Uses**

The following conditional service uses are allowed in Agricultural District subject to Chapter 3-2:

- a. Airports
- b. Animal hospitals and veterinary clinics
- c. Bed and breakfast establishments
- d. Cabinet shops
- e. Child care facilities
- f. Industrial waste sites
- g. Industrial, municipal and/or commercial water reservoirs, storage tanks, pumping stations and sewer facilities
- h. Public utilities, Major
- i. Sanitary landfills
- j. Small engine repair shops
- k. Solid waste management facilities
- l. Solid waste sites

m. Water depots

**6. Wireless communication facilities: maximum height of 300 feet (See Ch. 6-11) Other Conditional Uses**

The following conditional uses are allowed in Agricultural District subject to Chapter 3-2:

- a. Concrete batch plants
- b. Kennels, commercial
- c. Manufacturing and processing of agricultural resources and products
- d. Mineral extraction, including sand, gravel and scoria operations
- e. Planned Unit Developments (Ch. 2-10)
- f. Wind energy facilities (Ch. 6-10)
- g. Compassion Centers for growing and manufacturing medical marijuana (Ch. 6-14)
- h. Mobile food units (Ch. 6-15)

**2-2-4 Density**

Maximum allowable density two (2) dwellings per lot, as long as the lot is, or over 40 acres and meets all requirements of this Zoning and Subdivision Ordinance and is in compliance with the North Dakota State Building Code, as adopted and amended by Williams County)

**2-2-5 Minimum Lot Size**

1. The minimum lot size is 40 acres except as provided below.
2. Minimum Lot Width: 175 feet except as provided below.
3. Conservation Developments. Lots less than 40 acres in size may be created using the Conservation Development provisions of Chapter 6-1.
4. Family Farm Exemption. One lot less than 40 acres in size may be created from each working farm or ranch and be conveyed to each child of the landowner. To qualify for this exemption, the farm or ranch must be 40 acres in size or larger and all other requirements of this ordinance, as well as meet specific conditions listed in 4-1-3.
5. Farmstead Exemption. One lot less than 40 acres in size may be created from each working farm or ranch for the purpose of residing and maintaining an existing farmstead. To qualify for this exemption, the farm or ranch must conform to the "AG" District requirements and all other requirements of this ordinance, as well as meet specific conditions listed in 4-1-3.

**2-2-6 Minimum Setback Requirements**

1. Front: 75 feet, Side: 20 feet, Rear: 20 feet.
2. From any non-public road easement: 75 feet. Setbacks from the right-of-way of a road not designated as a County, State, or Township road, or section line road, shall be determined by the

edge of the property line except when the property line extends into the easement. In such situations, the setback shall be measured from the edge of the easement. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 75 feet from the edge of the easement.

3. Setbacks from a section line or from the center line of the road easement of a designated County, State, or Township road, or section line road: 133 feet. Setbacks from the right-of-way of a designated County, State, or Township road, or section line road, shall be determined by the center line of the road easement. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 133 feet from each County, State, Township road, or section line road, easement center line.
4. The minimum setback for all structures from sensitive areas such as a natural shoreline of streams, rivers, lakes, reservoirs, wetlands or other water areas shall be 100 feet from the furthest edge of the sensitive area unless more restrictive regulations require a larger setback.

### **2-2-7 Maximum Building Height**

Height of structures shall be determined by the Development Services Department in accordance with the North Dakota State Building Code, federal guidelines and recommendations by local fire departments.

## **Chapter 2-3: Rural Residential District (RR)**

### **2-3-1 Purpose**

The purpose of this district is to provide for single-family residential properties that are less than 40 acres in size in rural areas surrounding existing communities or where established residential subdivisions have been legally platted. The intent of this district is to allow for limited agricultural operations and single-family dwellings that may have private on-site wells and septic systems or small community water or sewer services. This district also provides for land uses that compliment or support rural residential areas.

### **2-3-2 Permitted Uses**

The following uses are permitted uses in a Rural Residential District, subject to building permit review and approval.

#### **1. Permitted Institutional Uses**

The following institutional uses are permitted in a Rural Residential District subject to Chapter 3-1:

- a. Athletic fields and outdoor sports courts
- b. Community centers
- c. Emergency service facilities
- d. Government buildings
- e. Schools

- f. Religious institutions, churches, and related facilities

**2. Permitted Agricultural Uses**

The following agricultural uses are permitted in a Rural Residential District:

- a. General farming, or ranching activities including buildings, structures and operations related to farming and/or ranching
- b. Plant nurseries, green houses, and roadside stands selling primarily locally grown farm products

**3. Permitted Residential Uses**

The following residential uses are permitted in a Rural Residential District subject to Chapter 3-1:

- a. Single-family dwellings including mobile/manufactured/modular homes (1 home per lot)

**4. Permitted Utility Uses**

The following utility uses are permitted in a Rural Residential District subject to Chapter 3-1:

- a. Public utilities, Minor

**5. Other Permitted Uses**

The following uses are permitted in a Rural Residential District subject to Chapter 3-1:

- a. Accessory buildings and uses when incidental to a permitted primary use (subject to building permit review and approval)
- b. Home occupations
- c. Natural resource conservation areas
- d. Private parks and playgrounds
- e. Public parks and playgrounds
- f. Reserve Area Developments

**2-3-3 Conditional Uses**

The following conditional uses are allowed in a Rural Residential District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

**1. Conditional Institutional Uses**

The following conditional institutional uses are allowed in a Rural Residential District subject to Chapter 3-2:

- a. Cemeteries
- b. Civic clubs
- c. Group homes

## 2. **Conditional Recreational Uses**

The following conditional recreational uses are allowed in a Rural Residential District subject to Chapter 3-2:

- a. Agri-tourism
- b. Dude Ranches
- c. Golf Courses
- d. Retreat Centers

## 3. **Conditional Service Uses**

The following conditional service uses are allowed in a Rural Residential District subject to Chapter 3-2:

- a. Animal hospitals and veterinary clinics
- b. Bed and breakfast establishments
- c. Cabinet shops
- d. Child care facility
- e. Furniture shops/manufacturing
- f. Massage therapy offices and clinics
- g. Medical offices and clinics
- h. Pet grooming shops
- i. Physical therapy offices and clinics
- j. Print shops
- k. Small engine repair shops
- l. Taxidermists

## 4. **Other Conditional Uses**

The following conditional uses are allowed in a Rural Residential District subject to Chapter 3-1:

- a. Additional single-family home on one lot or parcel
- b. Kennels, commercial
- c. Mobile home parks
- d. Planned Unit Developments

### **2-3-4 Density**

Maximum allowable density is one (1) single-family dwellings including mobile/manufactured/modular homes, unless a conditional use permit allows otherwise.

### **2-3-5 Minimum Lot Size**

1. The minimum lot size is 5 acres except in accordance with the Reserve Area Development (RAD) provisions of Article 6.
2. The minimum lot width is 150 feet except in accordance with the RAD provisions of Article 6.

### **2-3-6 Minimum Setback Requirements:**

1. Front: 50 feet, Side: 20 feet, Rear: 20 feet
2. From any non-public road easement: 50 feet. Setbacks from the right-of-way of a road not designated as a County, State or Township road, or section line road, shall be determined by the edge of the property line except when the property line extends into the right of way. In such situations, the setback shall be measured from the edge of the right-of-way. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 50 feet from the edge of the easement.
3. Setbacks from a section line or from the center line of the road easement of a designated County, State, or Township road, or section line road: 133 feet. Setbacks from the right-of-way of a designated County, State, or Township road, or section line road, shall be determined by the center line of the road easement. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 133 feet from each County, State, Township road, or section line road, easement center line.
4. The minimum setback for all structures from sensitive areas such as a natural shoreline of streams, rivers, lakes, reservoirs, wetlands or other water areas shall be 100 feet from the furthest edge of the sensitive area unless more restrictive regulations require a larger setback.

### **2-3-7 Maximum Building Height**

Height of structures shall be determined by the Development Services Department in accordance with the North Dakota State Building Code, federal guidelines and recommendations by local fire departments.

## **Chapter 2-4: Urban Residential District (UR)**

### **2-4-1 Purpose**

The purpose of this district is to provide for medium to high density residential properties that are less than 5 acres in size and more than 1 acre (per minimum lot size) in size within or adjacent to existing communities. The intent of this district is to allow for residential development and complimentary and supportive land uses that are served by connections to public water and wastewater treatment systems or small community sewer services or are expected to be connected to municipal water and sewer services in the future.

### **2-4-2 Permitted Uses**

The following uses are permitted uses in an Urban Residential District, subject to building permit review and approval.



**1. Permitted Institutional Uses**

The following institutional uses are permitted in Urban Residential District subject to Chapter 3-1:

- a. Athletic fields and outdoor sports courts
- b. Community centers
- c. Emergency service facilities
- d. Government buildings
- e. Libraries
- f. Schools
- g. Religious institutions, churches, and related facilities

**2. Permitted Agricultural Uses**

The following agricultural uses are permitted in an Urban Residential District:

- a. Limited farming or ranching activities including buildings, structures and operations related to farming and/or ranching, which are non-intrusive to other permitted uses in this district.

**3. Permitted Residential Uses**

The following residential uses are permitted in an Urban Residential District subject to Chapter 3-1:

- a. Single-family dwellings including mobile/manufactured/modular homes (1 home per lot)

**4. Permitted Utility Uses**

The following utility uses are permitted in an Urban Residential District subject to Chapter 3-1:

- a. Public utilities, Minor

**5. Other Permitted Uses**

The following uses are permitted in an Urban Residential District subject to Chapter 3-1:

- a. Accessory buildings and uses when incidental to a permitted primary use (subject to building permit review and approval)
- b. Home occupations
- c. Natural resource conservation areas
- d. Private parks and playgrounds
- e. Public parks and playgrounds

### **2-4-3 Conditional Uses**

The following uses are allowed in an Urban Residential District, subject to the issuance of a Conditional Use Permit form the Board of Williams County Commissioners and building permit review and approval.

#### **1. Conditional Institutional Uses**

The following conditional institutional uses are allowed in an Urban Residential District subject to Chapter 3-2:

- a. Cemeteries (with a minimum buffer of 100 feet around the entire site, not including the minimum setbacks required for the zoning district)
- b. Civic clubs
- c. Group homes
- d. Indoor/outdoor swimming pools
- e. Mortuaries/funeral homes/crematoriums

#### **2. Conditional Residential Uses**

The following conditional residential uses are allowed in an Urban Residential District subject to Chapter 3-2:

- a. Additional single-family home on one lot or parcel
- b. Duplexes/two family dwellings
- c. Mobile home parks
- d. Multiple family dwellings
- e. Residence halls and dormitories
- f. Retirement homes
- g. Townhomes

#### **3. Conditional Recreational Uses**

The following conditional recreational uses are permitted in Urban Residential District subject to Chapter 3-2:

- a. Agri-tourism
- b. Dude ranches
- c. Golf courses
- d. Retreat Centers

#### **4. Conditional Service Uses**

The following conditional service uses are allowed in Urban Residential District subject to Chapter 3-2:

- a. Animal hospitals and veterinary clinics
  - b. Bed and breakfast establishments
  - c. Cabinet shops
  - d. Child care facility
  - e. Furniture shops/manufacturing
  - f. Massage therapy offices and clinics
  - g. Medical offices and clinics
  - h. Pet grooming shops
  - i. Physical therapy offices and clinics
  - j. Plant nurseries, green houses, and roadside stands selling primarily locally grown farm products
  - k. Print shops
  - l. Small engine repair shops
  - m. Taxidermists
5. **Other Conditional Uses**

The following conditional uses are allowed in an Urban Residential District subject to Chapter 3-2:

- a. Kennels, commercial
- b. Planned Unit Developments

#### **2-4-4 Density**

Maximum allowable density is one (1) single-family dwellings including mobile/manufactured/modular homes, unless a conditional use permit allows otherwise.

#### **2-4-5 Minimum Lot Size**

1. The minimum lot size is 2 acres for lots served by wells and 1 acre for lots served by private septic systems and wells. The minimum lot width is 75 feet for all lots.
2. The minimum lot size is 1 acre for lots served by private septic systems and public water supplies. The minimum lot width is 75 feet.
3. The minimum lot size for single-family residential lots served by public water supplies and public sewage systems is 10,890 square feet with a minimum average lot width of 50 feet.
4. The minimum lot size for any lot to be developed with a duplex served by a public water supply and public sewage system is 10,890 square feet per living unit (21,780 square feet total) with a minimum average lot width of 50 feet per unit (100 feet total average lot width).

5. The minimum lot size for any lot to be developed with a 3- or 4-unit multiple family dwelling served by a public water supply and public sewage system is 32,670 square feet. The minimum lot width is 100 feet.
6. The minimum lot size for any lot to be developed with a multiple family dwelling with 5-units or more served by a public water supply and public sewage system is 1 acre. The minimum lot width is 100 feet.

#### **2-4-6 Minimum Setback Requirements:**

1. Front: 50 feet, Side: 10 feet, Rear: 10 feet
2. From any non-public road easement: 50 feet. Setbacks from the right-of-way of a road not designated as a County, State or Township road, or section line road, shall be determined by the edge of the property line except when the property line extends into the right of way. In such situations, the setback shall be measured from the edge of the right-of-way. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 50 feet from the edge of the easement.
3. Setbacks from a section line or from the center line of the road easement of a designated County, State, or Township road, or section line road: 133 feet. Setbacks from the right-of-way of a designated County, State, or Township road, or section line road, shall be determined by the center line of the road easement. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 133 feet from each County, State, Township road, or section line road, easement center line.
4. The minimum setback for all structures from sensitive areas such as a natural shoreline of streams, rivers, lakes, reservoirs, wetlands or other water areas shall be 100 feet from the furthest edge of the sensitive area unless more restrictive regulations require a larger setback.

#### **2-4-7 Maximum Building Height:**

Height of Structures shall be determined by the Development Services Department in accordance with the North Dakota State Building Code, federal guidelines and recommendations by local fire departments.

## **Chapter 2-5: Rural Commercial (RC)**

### **2-5-1 Purpose**

The purpose of this district is to provide locations for limited retail and service uses to satisfy the common and frequent needs of residents in rural residential areas and small-scale communities.

### **2-5-2 Permitted Uses**

The following uses are permitted uses in a Rural Commercial District, subject to building permit review and approval.

1. **Permitted Institutional Uses**

The following institutional uses are permitted in a Rural Commercial District subject to Chapter 3-1:

- a. Cemeteries (with a minimum buffer of 100 feet around the entire site, not including the minimum setbacks required for the zoning district)
- b. Emergency service facilities
- c. Government buildings
- d. Institutional care
- e. Libraries
- f. Public safety/service buildings
- g. Cultural and historical features and facilities
- h. Religious institutions, churches, and related facilities

**2. Permitted Agricultural Uses**

The following agricultural uses are permitted in a Rural Commercial District:

- a. General farming or ranching activities including buildings, structures and operations related to farming and/or ranching
- b. Grain elevators, agricultural handling and storage
- c. Plant nurseries, green houses, and roadside stands selling primarily locally grown farm products

**3. Permitted Commercial Uses**

The following commercial uses when less than two thousand (2,000) square feet per business are permitted in a Rural Commercial District subject to Chapter 3-1:

- a. Bed and breakfast establishments
- b. Gas stations, convenience stores, and light automotive repair and service stations
- c. Lodging, commercial
- d. Offices
- e. Restaurants
- f. Garden supply stores
- g. Construction related businesses
- h. Building/General contractors, operations and storage
- i. Pet grooming shops
- j. Commercial parking lots and facilities

#### 4. **Permitted Utility Uses**

The following utility uses are permitted in a Rural Commercial District subject to Chapter 3-1:

- a. Public utilities, Minor

#### 5. **Permitted Accessory Uses**

The following utility uses are permitted in a Rural Commercial District subject to Chapter 3-1:

- a. Accessory buildings and uses when incidental to a permitted primary use ~~are permitted~~, subject to building permit review and approval.
- b. The storage capacity for 250 gallons or more of fuel, oil, gasoline, and/or petroleum products that is incidental to a permitted or conditionally approved primary use. The storage of any of these products as stated in this paragraph requires approval from the Williams County Fire Inspector, and a permit for “Flammable/Combustible Bulk Storage”, prior to installation.

### **2-5-3 Conditional Uses**

The following uses are allowed in a Rural Commercial District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

#### 1. **Conditional Institutional Uses**

The following conditional institutional uses are allowed in a Rural Commercial District subject to Chapter 3-2:

- a. Animal hospital and veterinary clinics with outdoor facilities
- b. Athletic fields, swimming pools and outdoor sports courts
- c. Civic clubs
- d. Funeral homes, mortuaries, crematoriums
- e. Medical offices, clinics
- f. Beauty salons
- g. Theaters
- h. Museums
- i. Universities, schools and other educational facilities

#### 2. **Conditional Residential Uses**

The following conditional residential uses are allowed in a Rural Commercial District subject to Chapter 3-2:

- a. Single-family dwelling units used as a part of a commercial establishment provided said occupancy is that of the owner or caretaker of the commercial establishment.

#### 3. **Conditional Commercial Uses**

The following conditional commercial uses are allowed in a Rural Commercial District subject to Chapter 3-2:

- a. Automobile dealers
- b. Campgrounds, commercial
- c. Commercial retail in excess of two thousand (2, 000) square feet per business
- d. Wireless communication facilities: maximum height of 150 feet (Ch. 6-11)
- e. Convenience store in excess of two thousand (2, 000) square feet per business
- f. Drive-In establishments
- g. Golf courses /driving range, commercial
- h. Heavy automotive repair and maintenance shops, small engine repair shops
- i. Indoor commercial recreation/entertainment
- j. Kennels, commercial
- k. Lodging, commercial in excess of two thousand (2,000) square feet per business
- l. Offices in excess of two thousand (2,000) square feet per business
- m. Outdoor commercial recreation
- n. Restaurants in excess of two thousand (2,000) square feet per business
- o. Services in excess of two thousand (2,000) square feet per business
- p. Truck stops, service stations, parking facilities and maintenance
- q. Mobile food units (See Ch. 6-15)

**4. Conditional Industrial Uses**

The following conditional industrial uses are allowed in a Rural Commercial District subject to Chapter 3-2:

- a. The storage capacity for 250 gallons or more of fuel, oil, gasoline, and/or petroleum products for sale or stored for sale. This does not apply to permitted uses already allowed in this zoning district.

**5. Other Conditional Uses**

The following conditional uses are allowed in a Rural Commercial District as subject to Chapter 3-2:

- a. Public utilities, Major
- b. Planned Unit Developments

#### **2-5-4 Minimum Lot Size**

1. The minimum lot size is 2 acres for lots served by private septic systems and wells. The minimum lot width is 125 feet.
2. The minimum lot size is 1.5 acres for lots served by private septic systems and public water supplies. The minimum lot width is 100 feet.
3. The minimum lot size is 32,670 square feet for lots served by public water supplies and public sewer systems. The minimum lot width is 75 feet.

#### **2-5-5 Minimum Setback Requirements**

1. Front: 50 feet, Side: 10 feet, Rear: 10 feet
2. From any non-public road right-of-way: 50 feet. Setbacks from the easement of a road not designated as a County, State or Township road, or section line road, shall be determined by the edge of the property line except when the property line extends into the right of way. In such situations, the setback shall be measured from the edge of the right-of-way. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 50 feet from the edge of the easement.
3. Setbacks from a section line or from the center line of the road easement of a designated County, State, or Township road, or section line road: 133 feet. Setbacks from the right-of-way of a designated County, State, or Township road, or section line road, shall be determined by the center line of the road easement. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 133 feet from each County, State, Township road, or section line road, easement center line.
4. The minimum setback for all structures from sensitive areas such as a natural shoreline of streams, rivers, lakes, reservoirs, wetlands or other water areas shall be 100 feet from the furthest edge of the sensitive area unless more restrictive regulations require a larger setback.

### **Chapter 2-6: Urban Commercial (UC)**

#### **2-6-1 Purpose**

The purpose of this district is to encompass the commercial core within existing communities and provide for the development of mixed commercial businesses, professional and institutional activities, and other compatible land uses that depend upon a central location. The intent of this district is to allow for commercial uses that are served by connections to public water and wastewater treatment systems or small community sewer services or are expected to be connected to municipal water and sewer services in the future.

#### **2-6-2 Permitted Uses**

The following uses are permitted uses in an Urban Commercial District, subject to building permit review and approval.



### **1. Permitted Institutional Uses**

The following institutional uses are permitted in an Urban Commercial District subject to Chapter 3-1:

- a. Institutional care
- b. Cemeteries (with a minimum buffer of 100 feet around the entire site)
- c. Theatres and museums
- d. Government buildings
- e. Public safety/service buildings
- f. Libraries
- g. Reception halls
- h. Emergency service facilities
- i. Cultural and historical features and facilities
- j. Religious institutions, churches, and related facilities

### **2. Permitted Agricultural Uses**

The following agricultural uses are permitted in an Urban Commercial District subject to Chapter 3-1:

- a. General farming activities including buildings, structures and operations related to farming and/or ranching
- b. Grain elevators, agricultural handling and storage
- c. Plant nurseries, green houses, and roadside stands selling primarily locally grown farm products

### **3. Permitted Commercial Uses**

The following commercial uses when less than two thousand (2,000) square feet per business are permitted in an Urban Commercial District subject to Chapter 3-1:

- a. Animal hospital (with no outdoor facility)
- b. Bed and breakfast establishments
- c. Commercial retail
- d. Gas stations, convenience stores
- e. Lodging, commercial
- f. Offices
- g. Restaurants, nightclubs, bars

- h. Medical offices, drug stores, pharmacies, hospitals, clinics
- i. Beauty salons
- j. Pet grooming shops
- k. Grocery and liquor stores
- l. Hardware stores
- m. Automobile, RV, watercraft, bicycle and accessory sales
- n. Manufactured home sales, storage and services
- o. Light automotive repair, service and maintenance shops/stations
- p. Laundry and dry-cleaning establishments
- q. Car washes and maintenance
- r. Commercial parking lots and facilities
- s. Garden supply stores
- t. Athletic clubs
- u. Recreational centers and clubs
- v. Technical and trade schools
- w. Garden supply stores
- x. Construction related businesses
- y. Building/general contractors, operations and storage
- z. Drive-In establishments

**4. Permitted Utility Uses**

The following utility uses are permitted in an Urban Commercial District subject to Chapter 3-1:

- a. Public utilities, Minor

**5. Permitted Accessory Uses**

- a. Accessory buildings and uses when incidental to a permitted primary use are permitted, subject to building permit review and approval.
- b. The storage capacity for 250 gallons or more of fuel, oil, gasoline, and/or petroleum products that is incidental to a permitted or conditionally approved primary use. The storage of any of these products as stated in this paragraph requires approval from the Williams County Fire Inspector, and a permit for “Flammable/Combustible Bulk Storage”, prior to installation.

### **2-6-3 Conditional Uses**

The following uses are allowed in an Urban Commercial District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

#### **1. Conditional Institutional Uses**

The following conditional commercial uses are allowed in an Urban Commercial District subject to Chapter 3-2:

- a. Animal hospital and veterinary clinics with outdoor facilities
- b. Athletic fields, swimming pools and outdoor sports courts
- c. Funeral homes/mortuaries/crematoriums
- d. Residence halls, dormitories, retirement homes
- e. Universities, schools and other educational facilities

#### **2. Conditional Residential Uses**

The following conditional residential uses are allowed in an Urban Commercial District subject to Chapter 3-2:

- a. Single-family dwelling units used as part of a commercial establishment provided said occupancy is that of the owner or caretaker of the commercial establishment.

#### **3. Conditional Commercial Uses**

The following conditional commercial uses are allowed in an Urban Commercial District subject to Chapter 3-2:

- a. Automobile Dealers
- b. Communication facilities: maximum height of 150 feet
- c. Commercial retail in excess of two thousand (2,000) square feet per business
- d. Convenience store in excess of two thousand (2,000) square feet per business
- e. Golf courses /driving range, commercial
- f. Lodging, commercial in excess of two thousand (2,000) square feet per business
- g. Offices in excess of two thousand (2,000) square feet per business
- h. Services in excess of two thousand (2,000) square feet per business
- i. Kennels, commercial
- j. Auction yards
- k. Scientific and technical services
- l. Cabinet shops

- m. Furniture shops/manufacturing
- n. Print shops
- o. Carpenter shops
- p. Sheet metal shops
- q. Sign manufacturing
- r. Coal sales
- s. Lumber yards and building supply outlet
- t. Retail outside storage
- u. Warehouses without outdoor storage
- v. Wholesale trade and warehouses
- w. Truck stops, service stations, parking facilities and maintenance
- x. Heavy automotive repair and maintenance shops, small engine repair shops
- y. Machine shops
- z. Compassion Centers for dispensing medical marijuana
- aa. Mobile food units (See Ch. 6-15)

#### **4. Conditional Industrial Uses**

The following conditional industrial uses are permitted in an Urban Commercial District subject to Chapter 3-2:

- a. Business park uses
- b. Extraction and disposal uses,
- c. The storage capacity for 250 gallons or more of fuel, oil, gasoline, and/or petroleum products used for sale or stored for sale. This does not apply to permitted uses already allowed in this zoning district.
- d. Major energy facilities
- e. Manufacturing

#### **5. Other Conditional Uses**

The following conditional uses are allowed in an Urban Commercial District as subject to Chapter 3-2:

- a. Public utilities, Major
- b. Planned Unit Developments

#### **2-6-4 Minimum Lot Size**

1. The minimum lot size is 2 acres for lots served by private septic systems and wells. The minimum lot width is 150 feet.
2. The minimum lot size is 1.5 acres for lots served by private septic systems and public water supplies. The minimum lot width is 125 feet.
3. The minimum lot size is 1 acre for lots served by public water supplies and public sewer systems. The minimum lot width is 100 feet.

#### **2-6-5 Minimum Setback Requirements**

1. Front: 50 feet, Side: 10 feet, Rear: 10 feet
2. From any non-public road easement: 50 feet. Setbacks from the right-of-way of a road not designated as a County, State or Township road, or a section line road, shall be determined by the edge of the property line except when the property line extends into the right of way. In such situations, the setback shall be measured from the edge of the easement. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 50 feet from the edge of the easement.
3. Setbacks from a section line or from the center line of the road easement of a designated County, State, or Township road, or section line road: 133 feet. Setbacks from the right-of-way of a designated County, State, or Township road, or section line road, shall be determined by the center line of the road easement. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 133 feet from each County, State, Township road, or section line road, easement center line.
4. The minimum setback for all structures from sensitive areas such as a natural shoreline of streams, rivers, lakes, reservoirs, wetlands or other water areas shall be 100 feet from the furthest edge of the sensitive area unless more restrictive regulations require a larger setback.

#### **2-6-6 Maximum Building Height**

Height of Structures shall be determined by the Development Services Department in accordance with the North Dakota State Building Code, federal guidelines and recommendations by local fire departments.

### **Chapter 2-7: Light Industrial (LI)**

#### **2-7-1 Purpose**

The purpose of this district is to provide for the development of industrial and manufacturing uses that do not produce, store or handle hazardous wastes. This district is intended to accommodate manufacturing, processing, fabrication, repairing, and assembly of products or materials, warehousing and storage, transportation facilities, and commercial uses with larger land requirements than typically found in commercial districts. This district is typically located along specified highway corridors with minimal access permitted, in areas of existing similar uses, and in employment areas identified in the Williams County Comprehensive Plan.

## **2-7-2 Permitted Uses**

The following uses are permitted uses in a Light Industrial District, subject to building permit review and approval.

### **1. Permitted Institutional Uses**

The following institutional uses are permitted in an Industrial District subject to Chapter 3-1:

- a. Emergency service facilities
- b. Government buildings
- c. Public safety/service buildings

### **2. Permitted Agricultural Uses**

The following agricultural uses are permitted in a Light Industrial District:

- a. Agricultural businesses and services
- b. Farm implement and heavy equipment sales, rental stores and services
- c. General farming activities including buildings, structures and operations related to farming and/or ranching
- d. Grain elevators, agricultural handling and storage
- e. Manufacturing and processing of agricultural resources and products

### **3. Permitted Commercial Uses**

The following commercial uses are permitted in a Light Industrial District subject to Chapter 3-1:

- a. Adult oriented businesses
- b. Animal hospitals and veterinary clinics
- c. Automobile service stations
- d. Automobile, RV, watercraft and accessory sales
- e. Cabinet shops
- f. Car washes
- g. Carpenter shops
- h. Commercial parking lots and facilities
- i. Commercial retail
- j. Construction related businesses
- k. Convenience stores and gas stations
- l. Garden supply stores
- m. General office uses

- n. Hardware stores
- o. Indoor commercial recreation/entertainment
- p. Landscape materials wholesale and retail
- q. Light automotive repair
- r. Machine shops
- s. Monument works and sales
- t. Retail outside storage
- u. Roofing shops
- v. Sheet metal shops
- w. Taxidermists
- x. Warehouses without outdoor storage
- y. Wholesale trade and warehouses

**4. Permitted Industrial Uses**

The following commercial uses are permitted in a Light Industrial District subject to Chapter 3-1:

- a. Accessory Outdoor Storage (up to 25% of the building square footage)
- b. Auction yards
- c. Bottle and distribution plants
- d. Contractors storage yards
- e. Earth moving construction equipment storage
- f. Heavy automotive repair and maintenance shops
- g. Manufacturing and processing
- h. Lumber yards and building supply outlets
- i. Manufactured home service
- j. Sign manufacturing
- k. Truck service stations
- l. Truck stops, parking facilities and maintenance

**5. Permitted Utility Uses**

The following utility uses are permitted in a Light Industrial District subject to Chapter 3-1:

- a. Public utilities, Minor

**6. Permitted Accessory Uses**

- a. Accessory buildings and uses when incidental to a permitted primary use are permitted, subject to building permit review and approval.
- b. The storage capacity for 250 gallons or more of fuel, oil, gasoline, and/or petroleum products that is incidental to a permitted or conditionally approved primary use. The storage of any of these products as stated in this paragraph requires approval from the Williams County Fire Inspector, and a permit for “Flammable/Combustible Bulk Storage”, prior to installation.

### **2-7-3 Conditional Uses**

The following uses are allowed in a Light Industrial District, subject to the issuance of a conditional Use Permit from the Board of County Commissioners and building permit review and approval

#### **1. Conditional Institutional Uses**

The following conditional institutional uses are allowed in a Light Industrial District subject to Chapter 3-2:

- a. Financial institutions
- b. Jails and prisons
- c. Public uses
- d. Universities

#### **2. Conditional Commercial Uses**

The following conditional commercial uses are allowed in a Light Industrial District subject to Chapter 3-2:

- a. Airports, landing strips and helicopters
- b. Barber shops
- c. Beauty salons
- d. Concentrated animal feeding operations
- e. Kennels, commercial
- f. Laundry and dry-cleaning establishments
- g. Leather and leather product manufacturing
- h. Manufactured home sales
- i. Nail salons
- j. Professional offices
- k. Racing facilities
- l. Recreational centers
- m. Research and development laboratories or facilities



- n. Wireless communication facilities: maximum height of 150 feet (See Ch. 6-11)
- o. Compassion Centers for dispensing medical marijuana (See Ch. 6-14) Mobile food units (See Ch. 6-15)

**3. Conditional Industrial Uses**

The following conditional industrial uses are allowed in a Light Industrial District subject to Chapter 3-2:

- a. Appliance manufacturing
- b. Automobile wrecking yards, junkyards, salvage yards
- c. Concrete Batch plants
- d. Coal sales
- e. Computer manufacturing
- f. Electrical equipment manufacturing
- g. Food textile and production
- h. Industrial, municipal and/or commercial water reservoirs, storage tanks, pumping stations and sewer facilities
- i. Pharmaceutical products manufacturing
- j. Rubber and miscellaneous plastics manufacturing
- k. Sawmills
- l. Sediment ponds
- m. Solid waste management facilities/transfer stations
- n. Storage and warehousing such as mini-storage, boat and vehicle storage
- o. Storage of oil drilling rigs and related equipment
- p. Water depots
- q. Wind energy facilities
- r. Compassion Centers for growing and manufacturing medical marijuana
- s. The storage capacity for 250 gallons or more of fuel, oil, gasoline, and/or petroleum products used for sale or stored for sale. This does not apply to permitted uses already allowed in this zoning district

**4. Other Conditional Uses**

The following conditional uses are allowed in a Light Industrial District as subject to Chapter 3-2:

- a. Public utilities, Major

b. Planned Unit Developments

**2-7-4 Minimum Lot Size**

1. The minimum lot size is 2 acres for lots served by private septic systems and wells. The minimum lot width is 125 feet.
2. The minimum lot size is 1.5 acres for lots served by private septic systems and public water supplies. The minimum lot width is 100 feet.
3. The minimum lot size is 32,670 square feet for lots served by public water supplies and public sewer systems. The minimum lot width is 75 feet.

**2-7-5 Minimum Setback Requirements**

1. Front: 75 feet, Side: 10 feet, Rear: 10 feet
2. From any non-public road right-of-way: 75 feet. Setbacks from the easement of a road not designated as a County, State or Township road, or section line road, shall be determined by the edge of the property line except when the property line extends into the right of way. In such situations, the setback shall be measured from the edge of the right-of-way. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 75 feet from the edge of the right of way.
3. Setbacks from a section line or from the center line of the road easement of a designated County, State, or Township road, or section line road: 133 feet. Setbacks from the right-of-way of a designated County, State, or Township road, or section line road, shall be determined by the center line of the road easement. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 133 feet from each County, State, Township road, or section line road, easement center line.
4. The minimum setback for all structures from sensitive areas such as a natural shoreline of streams, rivers, lakes, reservoirs, wetlands or other water areas shall be 100 feet from the furthest edge of the sensitive area unless more restrictive regulations require a larger setback.

**2-7-6 Maximum Building Height**

Height of Structures shall be determined by the Development Services Department the North Dakota State Building Code, federal guidelines and recommendations by local fire departments

**2-7-7 Performance Standards**

1. Buffer Strip: A buffer strip, approved by the Planning and Zoning Official for permitted uses, and reviewed by the Planning and Zoning Commission and approved by the Board of County Commissioners for conditional uses, shall provide a sight and sound barrier when a permitted or conditional use abuts the Rural Residential (RR) or Urban Residential (UR) Districts, a Rural Commercial (RC) or Urban Commercial (UC) District, a Public (P) District or Planned Unit Development (PUD) Overlay District. The buffer shall be comprised of a combination of living and mature berms, trees, stones, shrubs, and fences made of natural looking materials. Landscaping

shall be indigenous to the area, require minimal irrigation, and be maintained throughout the life of the project/development/use.

2. Storage: For conditional uses, the open storage of materials and equipment may be permitted when located at least 100 feet from any residential district and at least 50 feet from any street easement and lot line. All materials shall be handled to effectively control dust. All combustible materials shall be stored in accordance with State law and in such a way as to provide access to fire and other emergency service providers.
3. Loading Requirements: Adequate ingress, egress, parking and turn-around space shall be provided in accordance to county standards.
4. Off-street parking: All developments shall demonstrate adequate parking for the proposed use will be provided on-site and not on public roads or right of ways.

## **Chapter 2-8: Heavy Industrial (HI)**

### **2-8-1 Purpose**

The purpose of this district is to provide for areas containing land uses that may create undesirable conditions or impacts or which are not compatible with residential or certain types of commercial uses. This district is intended to provide for the production, storage and handling of hazardous wastes, heavy manufacturing, heavy equipment usage, and extractive industries. This district's uses may be acceptable along specified highway corridors with minimum access permitted along such highways and in areas of existing similar uses.

### **2-8-2 Permitted Uses**

The following uses are permitted uses in a Heavy Industrial District, subject to building permit review and approval.

#### **1. Permitted Institutional Uses**

The following institutional uses are permitted in a Heavy Industrial District subject to Chapter 3-1:

- a. Emergency service facilities
- b. Government buildings
- c. Public safety/service buildings

#### **2. Permitted Agricultural Uses**

The following agricultural uses are permitted in a Heavy Industrial District subject to Chapter 3-1:

- a. Agricultural businesses and services
- b. Farm implement and heavy equipment sales, rental stores and services
- c. General farming activities including buildings, structures and operations related to farming and/or ranching

- d. Grain elevators, agricultural handling and storage
- e. Manufacturing and processing of agricultural resources and products

**3. Permitted Commercial Uses**

The following commercial uses are permitted in a Heavy Industrial District subject to Chapter 3-1:

- a. Adult oriented businesses
- b. Animal hospitals and veterinary clinics
- c. Automobile service stations
- d. Automobile, RV, watercraft and accessory sales and repair
- e. Cabinet shops
- f. Car washes
- g. Carpenter shops
- h. Coal sales
- i. Commercial parking lots and Facilities
- j. Commercial retail
- k. Computer manufacturing
- l. Concentrated animal feeding operations (see NDCC)
- m. Construction related businesses
- n. Contractors storage yards
- o. Crematoriums/funeral homes/mortuaries
- p. Garden supply store
- q. Gas stations and convenience stores
- r. General office uses
- s. Indoor commercial recreation/entertainment
- t. Landscape materials wholesale and retail
- u. Monument works and sales
- v. Research and development
- w. Retail outdoor storage
- x. Roofing shops
- y. Storage and warehousing such as mini-storage, boat and vehicle storage
- z. Wholesale trade and warehouses

#### 4. **Permitted Industrial Uses**

The following commercial uses are permitted in a Heavy Industrial District subject to Chapter 3-1:

- a. Appliance manufacturing
- b. Auction yard
- c. Automobile wrecking yard, junkyard, salvage yard
- d. Bottle and distribution plants
- e. Concrete and asphalt batch plants and clay product plants
- f. Earth moving construction equipment storage
- g. Electrical equipment manufacturing
- h. Energy conversion facilities
- i. Food textile and production
- j. Heavy automotive repair and maintenance shops
- k. Heavy industrial (excluding solid waste transfer station, scrap tire recycling facilities and solid waste recycling facilities)
- l. Heavy manufacturing and processing
- m. Leather and leather products manufacturing
- n. Light automotive repair and service stations
- o. Light manufacturing or processing
- p. Lumber yards and building supply outlets
- q. Manufactured home service
- r. Mineral extraction, including sand, gravel and scoria operations
- s. Outdoor storage
- t. Pharmaceutical products manufacturing
- u. Rubber and miscellaneous plastics manufacturing
- v. Sawmills
- w. Sign manufacturing
- x. Storage of oil drilling rigs and related equipment
- y. Truck service stations, truck stops, truck parking facilities and maintenance yards
- z. Warehouses

#### 5. **Permitted Utility Uses**

The following utility uses are permitted in a Heavy Industrial District subject to Chapter 3-1:

- a. Public utilities, Minor
- b. Public utilities, Major

**6. Permitted Accessory Uses**

- a. Accessory buildings and uses when incidental to a permitted primary use are permitted, subject to building permit review and approval.
- b. The storage capacity for 250 gallons or more of fuel, oil, gasoline, and/or petroleum products that is incidental to a permitted or conditionally approved primary use. The storage of any of these products as stated in this paragraph requires approval from the Williams County Fire Inspector, and a permit for “Flammable/Combustible Bulk Storage”, prior to installation.

**2-8-3 Conditional Uses**

The following uses are allowed in a Heavy Industrial District, subject to the issuance of a conditional Use Permit from the Board of County Commissioners and building permit review and approval

**1. Conditional Institutional Uses**

The following conditional institutional uses are allowed in a Heavy Industrial District subject to Chapter 3-2:

- a. Jails and prisons
- b. Public uses
- c. Universities

**2. Conditional Commercial Uses**

The following conditional commercial uses are allowed in a Heavy Industrial District subject to Chapter 3-2:

- a. Airports, landing strips and helicopter pads
- b. Barber shops
- c. Kennel, commercial
- d. Laundry and dry-cleaning establishments
- e. Meteorological towers
- f. Racing facilities
- g. Recreational centers
- h. Taxidermists
- i. Water depots
- j. Wireless communication facilities: maximum height of 300 feet

### 3. **Conditional Industrial Uses**

The following conditional industrial uses are allowed in a Heavy Industrial District subject to Chapter 3-2:

- a. Concrete Batch plants
- b. Electrical power generating plants, transmission lines and access structures
- c. Excavation and mining of coal
- d. The storage capacity for 250 gallons or more of fuel, oil, gasoline, and/or petroleum products used for sale or stored for sale. This does not apply to permitted uses already allowed in this zoning district.
- e. Gas plants/ coal gasification and liquefaction plants
- f. Hazardous waste disposal site
- g. Hazardous products manufacturing
- h. High voltage electrical lines
- i. Industrial waste sites, sanitary landfills
- j. Industrial, municipal and/or commercial water reservoirs, storage tanks, pumping stations and sewer facilities
- k. Explosives and other hazardous material storage
- l. Oil refineries/petrochemical plants
- m. Oil tanks
- n. Oil transfer facilities
- o. Railroad freight and/or bulk terminals, tracks and spurs
- p. Salvage and junk yards
- q. Sediment ponds
- r. Seismographic exploration
- s. Solid waste management facilities/transfer stations
- t. Water depots
- u. Wind energy facilities
- v. Compassion Centers for growing and manufacturing medical marijuana

### 4. **Other Conditional Uses**

The following conditional uses are allowed in a Heavy Industrial District as subject to Chapter 3-2:

a. Planned Unit Developments

**2-8-4 Minimum Lot Size**

1. The minimum lot size is 2 acres for lots served by private septic systems and wells. The minimum lot width is 150 feet.
2. The minimum lot size is 1.5 acres for lots served by private septic systems and public water supplies. The minimum lot width is 125 feet.
3. The minimum lot size is 1 acre for lots served by public water supplies and public sewer systems. The minimum lot width is 100 feet.

**2-8-5 Minimum Setback Requirements**

1. Front: 75 feet, Side: 10 feet, Rear: 10 feet
2. From any non-public road right-of-way: 75 feet. Setbacks from the easement of a road not designated as a County, State or Township road, or a section line road, shall be determined by the edge of the property line except when the property line extends into the right of way. In such situations, the setback shall be measured from the edge of the right-of-way. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 75 feet from the edge of the right of way.
3. Setbacks from a section line or from the center line of the road easement of a designated County, State, or Township road, or section line road: 133 feet. Setbacks from the right-of-way of a designated County, State, or Township road, or section line road, shall be determined by the center line of the road easement. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 133 feet from each County, State, Township road, or section line road, easement center line.
4. The minimum setback for all structures from sensitive areas such as a natural shoreline of streams, rivers, lakes, reservoirs, wetlands or other water areas shall be 100 feet from the furthest edge of the sensitive area unless more restrictive regulations require a larger setback.

**2-8-6 Maximum Building Height**

Height of Structures shall be determined by the Development Services Department in accordance with the North Dakota State Building Code, federal guidelines and recommendations by local fire departments

**2-8-7 Performance Standards**

1. Buffer Strip: A buffer strip, approved by the Planning and Zoning Official for permitted uses, and reviewed by the Planning and Zoning Commission and approved by the Board of County Commissioners for conditional uses, shall provide a sight and sound barrier when a permitted or conditional use abuts the Rural Residential (RR) or Urban Residential (UR) Districts, a Rural Commercial (RC) or Urban Commercial (UC) District, a Public (P) District or Planned Unit Development (PUD) Overlay District. The buffer shall be comprised of a combination of live mature berms, trees, stones, shrubs, and fences made of natural looking materials. Landscaping



shall be indigenous to the area, require minimal irrigation, and be maintained throughout the life of the project/development/use.

2. Storage: The open storage of material, including waste products or salvage, is prohibited within 300 feet of any residence. Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of way. All combustible materials shall be stored in accordance with State Law and in such a way as to provide access to fire and other emergency service providers.
3. Dust, fumes, odors, smoke, vapor, noise, lights, and vibrations from any industrial or manufacturing operations shall be contained within the HI district.
4. Loading Requirements: Adequate ingress, egress, parking and turn-around space shall be provided in accordance to county highway standards.
5. Off-street parking: All developments shall demonstrate adequate parking for the propose use will be provided on-site and not on public roads or right of ways.

## **Chapter 2-9: Public District (P)**

### **2-9-1 Purpose**

The purpose of this district is to provide for orderly development of general recreation areas, governmental, civic or institutional uses and major public facilities. This district is not intended to allow for permanent living facilities or for temporary workforce housing facilities.

### **2-9-2 Permitted Uses**

The following uses are permitted uses in a Public District, subject to building permit review and approval.

#### **1. Permitted Institutional Uses**

The following institutional uses are permitted in a Public District subject to Chapter 3-1:

- a. Athletic fields and outdoor sports courts
- b. Community centers
- c. Cultural and historical features and facilities
- d. Emergency service facilities
- e. Government buildings
- f. Museums
- g. Schools
- h. Religious institutions, churches, and related facilities

#### **2. Permitted Utility Uses**

The following utility uses are permitted in a Public District subject to Chapter 3-1:

- a. Public utilities, Minor

### 3. **Other Permitted Uses**

The following uses are permitted in a Public District subject to Chapter 3-1:

- a. Accessory buildings and uses when incidental to a permitted primary use
- b. Golf courses
- c. Marinas
- d. Natural resource conservation areas
- e. Public or private parks and playgrounds
- f. Recreational vehicle campgrounds
- g. Reserve Area Developments (RAD)
- h. Tent campgrounds

### 4. **Permitted Accessory Uses**

Accessory buildings and uses when incidental to a permitted primary use are permitted, subject to building permit review and approval.

## 2-9-3 **Conditional Uses**

The following uses are allowed in a Public District, subject to the issuance of a conditional Use Permit from the Board of County Commissioners and building permit review and approval

### 1. **Conditional Agricultural Uses**

The following conditional agricultural uses are allowed in a Public District:

- a. Agricultural handling and storage
- b. Grain elevators

### 2. **Conditional Recreational Uses**

The following conditional recreational uses are allowed in a Public District subject to Chapter 3-2:

- a. Hunting lodges
- b. Indoor/outdoor swimming pools
- c. Retreat centers
- d. Skeet, trap, and shooting ranges and archery facilities
- e. Youth camps
- f. Motocross/ATV tracks

### 3. **Other Conditional Uses**

The following conditional uses are allowed in a Public District subject to Chapter 3-2:

- a. Public Utilities, Major

- b. Mobile food units (See Ch. 6-15)

#### **2-9-4 Minimum Lot Size**

1. The minimum lot size is 2 acres for lots served by private septic systems and wells. The minimum lot width is 125 feet.
2. The minimum lot size is 1.5 acres for lots served by private septic systems and public water supplies. The minimum lot width is 100 feet.
3. The minimum lot size is 1 acre for lots served by public water supplies and public sewer systems. The minimum lot width is 75 feet.

#### **2-9-5 Minimum Setback Requirements**

1. Front: 50 feet, Side: 10 feet, Rear: 10 feet
2. From any non-public road easement: 50 feet. Setbacks from the right-of-way of a road not designated as a County, State or Township road, or a section line road, shall be determined by the edge of the property line except when the property line extends into the right of way. In such situations, the setback shall be measured from the edge of the right-of-way. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 50 feet from the edge of the right of way.
3. Setbacks from a section line or from the center line of the road easement of a designated County, State, or Township road, or section line road: 133 feet. Setbacks from the right-of-way of a designated County, State, or Township road, or section line road, shall be determined by the center line of the road easement. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 133 feet from each County, State, Township road, or section line road, easement center line.
4. The minimum setback for all structures from sensitive areas such as a natural shoreline of streams, rivers, lakes, reservoirs, wetlands or other water areas shall be 100 feet from the furthest edge of the sensitive area unless more restrictive regulations require a larger setback.

#### **2-9-6 Maximum Building Height**

Height of Structures shall be determined by the Development Services Department in accordance with the North Dakota State Building Code, federal guidelines and recommendations by local fire departments

## **Chapter 2-10: Planned Unit Development Overlay (PUD)**

### **2-10-1 Purpose**

The purpose of the Planned Unit Development (PUD) Overlay District is to:

1. Provide flexibility in lot design, land use and development standards in exchange for community benefits and innovative, quality design;

2. Encourage a complementary mixture of uses, developed in accordance with an approved plan that protects adjacent properties;
3. Encourage the preservation and enhancement of natural amenities, cultural resources and open space;
4. Provide for a more efficient arrangement of land uses, buildings, circulation systems and infrastructure; and
5. Encourage infill development, traditional neighborhood development, affordable and workforce housing, energy efficient and innovative projects, and a variety of housing types and sizes to accommodate households of all ages, sizes and income levels.

### **2-10-2 Applicable Districts**

PUD Overlay District designation is allowed in the RR, UR, RC, UC, LI and HI districts.

### **2-10-3 Requirements**

1. The minimum land area required is 5 acres, except for infill development, which may be 2 acres.
2. The land proposed for PUD designation must be under single ownership.
3. The proposal must include a mixture of land uses and housing types.
4. The proposal must include pedestrian and bicycle facilities throughout the PUD and connecting to adjacent facilities.
5. The proposal must include interconnected roads, lots and blocks with alleys.
6. The proposal must include architectural design standards to be implemented by a private party or entity such as a unit owners association.
7. The proposal must include a coordinated landscape and signage plan(s).
8. The proposal must include significant open spaces such as playground or park areas designed for active and passive users with the scale, type and natural features depending on the projected needs of the future users of the site.
9. The proposal must include community facilities in common ownership and use.
10. Large-scale projects must include:
  - a. A functional neighborhood center that is the focal point of the neighborhood with indoor and outdoor spaces and a mixture of uses; and
  - b. The majority of the dwellings within 2,000 feet of the neighborhood center.

### **2-10-4 Standards Eligible for Modification**

1. Allowed uses. Regardless of the underlying zoning, the Board of County Commissioners may approve a mixture of use types as a means of accommodating mixed use developments and developments with a broader range of housing types. A list of use types must be approved by the Board of County Commissioners.

2. Minimum lot size, contingent upon lot sizes being sufficient to accommodate water, sewer, drainage and other site development necessities.
3. Setback requirements.
4. Building height.
5. Street and non-motorized transportation standards.
6. Parking and loading requirements.

### **2-10-5 Application**

The application for a PUD Overlay District shall include the following:

1. An application for a zoning district map amendment and an application for preliminary subdivision approval.
2. A site plan, which may also be a preliminary plat, showing site boundaries, lot and block lines, easements, buildings, transportation facilities, parks, open spaces, community facilities, open spaces and cultural features, utilities, proposed dedications and vacations, and other pertinent features. If development is proposed in phases, the site plan shall indicate the different phases, including the infrastructure that will be installed per phase, as well as a phasing time schedule.
3. A land use plan designating specific uses or range of uses for the site and establishing site development standards, including setbacks, building heights, lot coverage, floor area ratio and other requirements as appropriate.
4. A list of the specific standards in this ordinance that are requested to be modified.
5. A transportation plan, showing circulation patterns and proposed cross sections.
6. A written description of the community benefits of the proposed development and how it would provide greater benefits to Williams County than would development in full compliance with this ordinance.
7. Architectural standards and plans sufficient to indicate a building height, bulk, materials, and design.
8. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.
9. A description and draft documents indicating how common areas and facilities will be managed.

### **2-10-6 Review of Application**

Upon submission of the application and preliminary PUD plan, the review process will follow the requirements of Article Chapter 3-6, Amendments/Zone Changes. The PUD application shall be reviewed based on the following:

1. The zoning amendment criteria;

2. The subdivision review criteria (if applicable);
3. Compliance with adopted plans for the area;
4. The nature and extent of the common open space and facilities in the development project, the reliability of the proposals for maintenance and of the common open space and the adequacy or inadequacy of the amount and function of the open space in terms of the land use, densities and dwelling types proposed in the plan;
5. The relationship, beneficial or adverse, of the planned development project upon the neighborhood in which it is proposed to be established; and
6. Whether the PUD would result in a greater benefit to Williams County than would development under the conventional standards. Such greater benefit may include implementation of adopted plans and policies, natural or cultural resource preservation, innovative design, low impact or energy efficient design, affordable, workforce or senior housing, neighborhood or community amenities or an overall level of quality development.

### **2-10-7 Approval of a PUD Overlay District**

1. If the PUD is approved by the Board of County Commissioners, the applicant shall submit a Development Agreement, in a form acceptable to the County, and a final plan in accordance with Article 4 and Article 5 for approval of the Board of County Commissioners.
2. When the Board of County Commissioners approves the Development Agreement and final plan, the area of land involved shall be re-designated as a PUD district on the Zoning District Map.
3. The final plan as approved, together with all conditions and restrictions, shall constitute the zoning for the district. No permit shall be issued for any building or structure within the district unless such building or structure conforms to the provisions of the approved final plan.

## **Chapter 2-11: Existing Small-Lot Residential District (ESR)**

### **2-11-1 Purpose**

The purpose of this district is to encourage the development of existing small lot subdivisions by placing very narrow restrictions on their use and further development. To qualify for the ESR classification a subdivision shall have been approved prior to the adoption of this ordinance, lots in the subdivision do not generally exceed 0.5 acres in size, and the "UR" District designation is not otherwise appropriate for the subdivision. No new "small-lot subdivisions" are contemplated under the provisions of this chapter; only fill-in type development of existing "small-lot subdivisions" with low intensity uses is intended. Where available, ESR District properties shall be required to connect to public water and wastewater systems or small community sewer services.

### **2-11-2 Permitted Uses**

The following uses are permitted uses in an ESR District, subject to building permit review and approval and Chapter 3-1.

1. Single-family dwellings including mobile/manufactured/modular homes (1 dwelling per lot or parcel)
2. Limited farming or ranching activities including buildings, structures and operations related to farming and/or ranching, which are non-offensive to other permitted uses in this district
3. Accessory buildings and uses when incidental to a permitted primary use (subject to building permit review and approval)
4. Home occupations
5. Religious institutions, churches, and related facilities
6. Public utilities, Minor

### **2-11-3 Conditional Uses**

The following uses are allowed in an ESR District, subject to the issuance of a Conditional Use Permit from the Board of Williams County Commissioners per Chapter 3-2 and building permit review and approval per Chapter 3-1:

1. Bed and breakfast establishments
2. Child care facilities
3. Duplexes/two family dwellings
4. Group homes
5. Medical offices and clinics
6. Retirement homes
7. Townhomes

### **2-11-4 Density**

Maximum allowable density is one (1) single-family dwellings including mobile/manufactured/modular homes, unless a Conditional Use Permit allows otherwise.

### **2-11-5 Minimum Lot Size**

No minimum lot area is established, however, it is expected that sufficient area will be provided to meet the requirements established herein and provide for the proper provision for safe water and the sanitary disposal of sewage in accordance with applicable Environmental or Sanitary Code. Documentation of compliance to any such codes shall be submitted with the building permit.

### **2-11-6 Minimum Setback Requirements**

The minimum setbacks for ESR District lots are as follows:

1. Front: 15 feet for dwellings.
2. Side: 5 feet.

3. Rear: 5 feet
4. Garages: When fronting on a street or alley must maintain a 25-foot setback to prevent obstruction of public easements otherwise standard front and rear setbacks apply.
5. From any non-public road easement setbacks shall be determined by the edge of the property line except when the property line extends into the roadway easement. In such situations, the setback shall be measured from the easement line. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 15 feet from the edge of the easement for dwellings and 25 feet for garages (attached or detached).
6. Setbacks from a section line or from the center line of the road easement of a designated County, State, or Township road, or section line road: 25 feet from property line for all structures or 65 feet from the centerline of the easement, whichever is greater. In such cases where a parcel of land has frontage on multiple roads, the setback from each road shall be 25 feet from property line for all structures or 65 feet from the centerline of the easement, whichever is greater, from each County, State, Township road, or section line road.
7. The minimum setback for all structures from sensitive areas such as a natural shoreline of streams, rivers, lakes, reservoirs, wetlands or other water areas shall be 30 feet from the furthest edge of the sensitive area unless more restrictive regulations require a larger setback.

## Chapter 2-12: Airport Hazard Area Overlay

### 2-12-1 Intent and Purpose

The Airport Hazard Area Overlay (“AHA Overlay”) offers supplemental regulations for development and/or use in conjunction with base districts to determine land use compatibility and additional design requirements for areas of the County which are near Williston Basin International Airport (XWA) and designated as the Airport Hazard Area (AHA) and land outside the AHA but within the areas subject to height restrictions as set forth in this Chapter 2-12. Properties within the AHA Overlay are subject to the Williams County Zoning Ordinance, effective September 15, 2015, and amendments thereto, except as modified by this Chapter 2-12 and the provisions of the Joint Powers Agreement between the City of Williston and Williams County (“Airport JPA”), including the establishment of the Joint Powers Board for the AHA, attached and incorporated into this ordinance (see Appendix D).

Within the AHA Overlay, the area designated as Airport Lands (also referred to as “Ultimate Airport Property”) on the zoning map attached as Exhibit A to the Airport JPA (see Appendix D) is within the exclusive jurisdiction of the City of Williston for all planning and zoning, subdivision and platting, storm water management, building requests, reviews, applications, inspections, approvals, permits, fire code, and other matters. The area designated as AHA on the zoning map attached as Exhibit A to the Airport JPA is within the jurisdiction of the Joint Powers Board. The area designated as

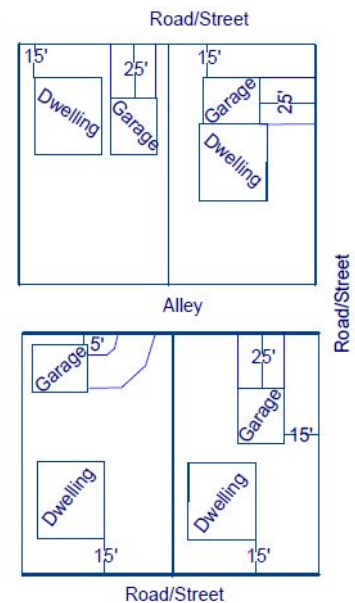


Figure 2-11-6.1



County-Controlled Area on the zoning map attached as Exhibit A to the Airport JPA remain within the jurisdiction of Williams County.

## **2-12-2 Definitions**

Airport Hazard: This term shall have the meaning set forth in N.D.C.C. § 2-04-01, or amendments thereto.

Airport Hazard Area: This term shall have the meaning set forth in N.D.C.C. 2-04-01, or amendments thereto, and is depicted in the map marked as “Exhibit A” attached to the Joint Powers Agreement in Appendix D to this ordinance and specifically excludes property within and upon the Airport Lands (also referred to as Ultimate Airport Property) and the County-Controlled Area.

Airport Lands: Those lands identified as the "Ultimate Airport Property" depicted in the map marked as “Exhibit A” attached to the Joint Powers Agreement in Appendix D to this ordinance, and which specifically excludes property within and upon County-Controlled Area and an Airport Hazard Area.

Base Zoning Districts: The zoning districts of Williams County as shown on the Zoning District Map, or as amended.

County-Controlled Area: Those lands identified as "County-Controlled Area" depicted in the map marked as “Exhibit A” attached to the Joint Powers Agreement in Appendix D to this ordinance, and which specifically excludes property within and upon Airport Lands (also referred to as Ultimate Airport Property) and an Airport Hazard Area.

Joint Powers Agreement: The agreement entered into between the City of Williston and Williams County, dated May 21, 2019, and any amendments thereto, in Appendix D pursuant to N.D.C.C. Section 54-40.3-01 to establish the duties, responsibilities, and obligations related to the relocation, planning, zoning, establishment, construction, development, operating, equipping, and regulating the City's new Williston Basin International Airport and the real property adjacent to and surrounding the new Williston Basin International Airport covered by the agreement.

Joint Powers Board: The board established by the City of Williston and Williams County under the Joint Powers Agreement in Appendix D having the authority and powers set forth in said agreement with regard to the Airport Hazard Area.

## **2-12-3 Airport Hazard Area Overlay Surfaces**

The AHA Overlay consists of the following surfaces identified in the Williams County Airport Hazard Area Overlay Map, attached and incorporated into this ordinance (see Appendix E), which are hereby established and defined as follows:

### 2-12-3-1 Precision Instrument Approach Surface

A precision instrument approach surface is established at each end of the instrument runway for instrument landings and takeoff. This approach surface shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, its center line being the continuation of the center line of the runway.

#### 2-12-3-2 Non-precision Instrument Approach Surface

A non-precision instrument approach surface is established longitudinally centered on the extended runway center line and extending outward and upward from each end of the primary surface. This approach surface has a width of 500 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 3,500 feet at a distance of 10,200 feet beyond each end of the runway.

#### 2-12-3-3 Primary Surface

A primary surface is longitudinally centered on a runway and extending 200 feet beyond the end of each hard surface runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line. The width of the primary surface is 500 feet for non-precision instrument runways having visibility minimums greater than 0.75 statute miles and 1,000 feet for precision instrument runways.

#### 2-12-3-4 Transitional Surface

A transitional surface extends outward and upward at right angles to the runway center line and the runway center line extended at a slope of seven to one (7 to 1) from the sides of the primary surface and from the sides of the precision and/or non-precision instrument approach surfaces. Transitional surfaces for those portions of the precision and/or non-precision instrument approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the precision and/or non-precision instrument approach surface and at right angles to the runway center line.

#### 2-12-3-5 Horizontal Surface

A horizontal surface is established 150 feet above the established airport elevations, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

#### 2-12-3-6 Conical Surfaces

A conical surface is established extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20 to 1) for horizontal distance of 4,000 feet.

### **2-12-4 Height Limits**

Unless otherwise specifically provided in this Section 2-12-4, no structure or tree may be erected, altered, allowed to grow, or maintained on property identified on, and subject to, the Williams County Airport Hazard Area Land Use Map, attached and incorporated into this ordinance (see Appendix E), to the height in excess of the maximum height limit established for such zone. These provisions shall not be constructed as prohibiting the growth, construction, alteration, or maintenance of any tree or structure to a height of up to 35 feet above the surface of the land.

#### 2-12-4-1 Precision Instrument Approach Surfaces

One foot in height for each 50 feet in horizontal distance beginning at point 200 feet from and at the center line elevation of the end of the precision instrument runway and extending a distance of 10,200 feet from the end of the runway; thence one (1) foot in height for each 40 feet in horizontal distance to point 50,200 feet from the end of the runway.

#### 2-12-4-2 Non-Precision Instrument Approach Surfaces

One (1) foot in height for each 34 feet in horizontal distance beginning at the end of the primary surface of the non-precision instrument runway and extending to a point 10,200 feet from the end of the runway.

#### 2-12-4-3 Transitional Surfaces

One (1) foot in height for each seven (7) feet in horizontal distance beginning at the edge and normal to the primary surface, extending to a height of 150 feet above the airport elevation as determined by the FAA. In addition, there are established height limits of one (1) foot vertical height for each seven (7) feet of horizontal distance measured from the edges of all precision and/or non-precision instrument approach surfaces for the entire length of the affected approach surface and extending upward and outward to the points where they intersect the horizontal surface or the conical surface. Further, where the precision instrument approach surface projects through and beyond the conical surface, a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the precision and/or non-precision instrument approach surface and extending a distance of 5,000 feet from the edge of the precision instrument approach surface measured normal to the center line of the runway extended.

#### 2-12-4-4 Horizontal Surfaces

This is determined to be 150 feet above the airport elevation. A 10,000-foot horizontal arc swung from the center of each end of each primary surface and connecting the adjacent arcs by lines tangent to these arcs make up the perimeter of the horizontal surface.

#### 2-12-4-5 Conical Surfaces

One (1) foot in height for each 20 feet of horizontal distance beginning at the periphery of the horizontal surface, extending to a height of 350 feet above the airport elevation.

### **2-12-5 Airport Hazard Area Land Use Zones**

AHA Land Use Zones are depicted on the Williams County Airport Hazard Area Land Use Map (see Appendix E) and maintained by the Development Services Department. The Williston Basin International Airport property (identified on the map as “Airport Land” or “Ultimate Airport Property”) is exempt from the requirements of this Chapter and is under the exclusive jurisdiction of the City of Williston.

#### AHA Overlay Land Use Zone Descriptions

1. Zone 1 – Runway Protection Zone

- a. Runway 14-32: 1000 feet (start width) x 1750 feet (end width) x 2500 feet (length) trapezoid beginning 200 feet beyond either runway end.
  - b. Runway 4-22: 250 feet (start width) x 450 feet (end width) x 1000 feet (length) trapezoid beginning 200 feet beyond either runway end.
2. Zone 2 – Inner Approach/Departure Zone
- a. Runway 14-32: 1,500 feet wide x 6,000 feet long, beginning and centered on the end of the runway.
  - b. Runway 4-22: 1,500 feet wide x 4,000 feet long, beginning and centered on the end of the runway.
3. Zone 3 – Inner Turning Zone
- a. The outer boundary of the Inner Turning Zone is constructed by arcs of a 3,500-foot radius from runway ends and connecting the adjacent arcs. The Inner Turning Zone for each runway end is described in the below sections b and c.
  - b. Runway 14-32: Begins at a point on the runway centerline located 3,100 feet prior to the Runway 14-32 end, then extending outward 30 degrees on either side of the centerline until intersecting the outer boundary described above.
  - c. Runway 4-22: Begins at points on the runway centerlines located 1,500 feet prior to the runway end, then extending outward 30 degrees on either side of the centerline until intersecting the outer boundary described above.
4. Zone 4 – Outer Approach/Departure Zone
- a. Runway 14-32: 1,000 feet wide x 4,000 feet long, beginning and centered on the end of Zone 2.
  - b. Runway 4-22: 1,000 feet wide x 3,000 feet long, beginning and centered on the end of Zone 2.
5. Zone 5 –Traffic Pattern Zone
- a. The perimeter of this zone is constructed by arcs of a 6,000-foot radius centered on points 4,000 feet from the center of either end of Runway 14-32 and arcs of a 6,000-foot radius centered on points 1,000 feet from the center of either end of Runway 4-22 and connecting the adjacent arcs.

### **2-12-6 Permitted Uses and Structures**

A list of permitted (P) and conditional (C) uses for the AHA Land Use Zones are provided below followed by a list of uses prohibited in all districts.

**Table 2-1** Uses allowed by AHA Land Use Zones and zoning district

Use Types	<b>P = Permitted Use</b> <b>C = Conditional Use</b> <b>No entry = Prohibited</b>					<b>AG = Agricultural District</b> <b>RR = Rural Residential District</b> <b>UR = Urban Residential District</b> <b>RC = Rural Commercial District</b> <b>UC = Urban Commercial District</b> <b>LI = Light Industrial District</b> <b>HI = Heavy Industrial District</b> <b>P = Public District</b> <b>ESR??? PUD?</b>
	1	2	3	4	5	Zoning Districts
General farming activities including buildings, structures, and operations related to farming and/or ranching	P	P	P	P	P	AG, RR
Plant nurseries, greenhouses, and roadside stands selling locally grown farm products		P	P	P	P	AG, RR
Livestock auction facilities				P	P	AG
Non-commercial golf courses, country clubs and other private recreational clubs				P	P	AG, RR
Livestock transfer, commercial feedlots, and feeding operations					C	AG, RR
Agricultural Equipment Storage		C	C	C	C	AG, RR
Gravel pits, crushing and stockpiling		C	C	C	C	AG, RR
Coal mining		C	C	C	C	AG, RR
Mineral and other substance excavation and mining		C	C	C	C	AG, RR

Commercial stables					C	AG, RR
On site storage of equipment and material related to oil exploration and production		C	C	C	C	AG, I
Temporary Uses				C	C	AG, RR, UC, RC, LI, HI
Nurseries, greenhouses, commercial gardens		P	P	P	P	UC, RC, LI, HI
Accessory structures (commercial and industrial uses)		P	P	P	P	UC, RC, LI, HI
Open Storage		C	C	C	C	LI, HI
Mini-warehouses		C	C	C	C	RC, LI, HI
Water Depots			C	C	C	AG, LI, HI
Single-family residences with accessory structures			P	P	P	AG, RR
Bed and breakfast inns					C	AG, RR
Home occupations			P	P	P	AG, RR
Childcare facility					P	AG, RR
Manufacturing and processing of agricultural resources and products indigenous to the county but does not include rendering plants, fertilizer plants and the like				C	C	AG, RR
Outdoor skeet, trap, and shooting ranges and archery facilities				C	C	AG
Lumberyards				P	P	UC, RC, LI, HI
Restaurants				P	P	UC, RC, LI, HI
Retail and services use				P	P	UC, RC, LI, HI
Sales and service of farm implements				P	P	UC, RC, LI, HI
Wholesale establishments				P	P	UC, RC, LI, HI
Dry cleaning, pressing, tailor shops and Laundromats.				P	P	UC, RC, LI, HI
Electrical and plumbing shops				P	P	UC, RC, LI, HI
Professional Offices					P	UC, RC, LI, HI
Contractor's yard and operations				C	C	UC, RC, LI, HI
Hotels and motels					C	UC, RC, LI, HI
Amusement places					C	UC, RC, LI, HI
Golf driving range, miniature golf, go-cart truck, or race track					C	UC, RC, LI, HI
Hospital and medical centers					C	UC, RC, LI, HI
Automobile Dealerships					C	UC, RC, LI, HI

Radio, television and microwave towers			C	C	C	UC, RC, LI, HI
Radio and television transmitting and receiving facility			C	C	C	UC, RC, LI, HI
Wireless Communication Facilities			C	C	C	AG, UC, RC, LI, HI
Public parks and recreational facilities			P	P	P	AG, RR, P
Public Golf Courses					C	P
Hunting, fishing and trapping					P	AG, RR, P
Sports facilities and fields				C	C	AG, RR, P
Raising of game animals, waterfowl and fish					C	AG, RR, P
Harvesting of any natural crops					P	AG, RR, P
Accessory buildings or structures to any permitted uses					P	AG, RR, LI, HI, P
Communications and power transmission lines and other public utility lines					P	AG, RR, LI, HI, P
Restaurants that are accessory to a public park.				P	P	P
Retail accessory to a park.				P	P	P
Religious institutions, churches, and related facilities					P	AG, RR, UR, RC, UC, P, and ESR
Processing and packaging of materials				C	C	RC, LI, HI
Cemeteries			P	P	P	AG, RR
Commercial, vocational and business schools					C	UR, RC, LI, HI
Trade schools					C	UR, RC, LI, HI
Membership organizations/private membership clubs					C	UR, RC, LI, HI
Research activities				P	P	UR, RC, LI, HI
Warehouses and wholesale dealerships				C	C	UR, RC, LI, HI
Dairies, locker plants				C	C	LI, HI
Firing ranges, indoor, small arms				C	C	UR, RC, LI, HI
Vehicle parts sales				C	C	UR, RC, LI, HI
Small animal veterinary hospitals				C	C	UR, RC, LI, HI
Animal Hospitals and Clinics				C	C	AG, LI, HI
Kennels, Commercial				C	C	AG, RR, UR, RC, LI, HI
Fire and police stations			C	P	P	AG, UR, RC, LI, HI
Airports	C	C	C	C	C	AG
Wastewater Plants and systems				C	C	AG, UR, RC, LI, HI

Components of large-scale water and wastewater systems				C	C	AG
Manufacturing of clay and concrete materials				P	P	HI
Electrical substations, high voltage		C	C	C	C	AG, LI, HI, P
Repair and storage of heavy equipment and machinery				P	P	LI, HI
Warehouses				P	P	LI, HI
Cement and ready-mix facilities				P	P	LI, HI
Large scale printing plant				P	P	LI, HI
Oilfield services and industries				P	P	LI, HI
Industrial or manufacturing uses not already listed				P	P	LI, HI
Public utility buildings		C	P	P	P	AG, LI, HI, P
Industrial laundry, industrial dry-cleaning plants				P	P	LI, HI
Vehicle auction-wholesale				P	P	LI, HI
Salvage and junk yards				C	C	LI, HI
Adult Entertainment				C	C	LI, HI
Truck or freight terminal				C	C	LI, HI

Prohibited Uses	
Use Type	Zoning Districts
Petroleum storage facilities	I
Garbage haulers	I
Power plants	I
Rail switching and classification yards	I
Rail yards and terminals	I
Coal gasification and liquefaction plants	I
Transmission lines and accessory structures that do not directly serve the County	AG, RR, C, I
The storage capacity for 250 gallons or more of fuel, oil, gasoline, and/or petroleum products used for sale. This does not apply to permitted uses already allowed in this zoning district.	I
Oil refineries and petrochemical plants	I
Noxious waste disposal sites	I
Wind energy generation	I
Wind energy facilities	AG
Workforce temporary housing	AG, RR



Solid waste landfills	I
Special waste disposal sites (industrial waste)	I
Grain elevators	AG, C, I
Commercial grain bins, grain elevators or related activity	C, I
Motion picture theaters	C, I
Colleges and universities	AG, RR, C, I
Second story residential dwelling units	UR
Child care and child nurseries	A, RR, C, I,
Adult care centers	A, RR, C, I
Truck stops	C, I
Drive-in theaters	C, I
Correctional facilities	RR, C, I
Water and ski slides and resorts	P
Public, private, and parochial schools	A, RR
Libraries	A, RR
Solid waste landfills	I
Solid waste disposal facilities subject to the provisions of the Code	A, I
Sports arenas	P

### **2-12-7 Hazard Markers and Lighting**

Any permit or variance granted as allowed by this ordinance shall, if deemed appropriate by the proper granting body to effectuate the purpose of this Chapter 2-12, include as a condition of granting such permit or variance a requirement that the owner and/or tenant of the structure or tree in question, at the owner's and/or tenant's own expense, to install, upgrade, alter, operate, and/or maintain thereon such markers and/or lighting as the proper granting body deems necessary to alert and caution pilots to the presence of an Airport Hazard. The proper granting body shall determine the form, size, extent, and placement of any such markers and/or lighting.

### **2-12-8 Minimum Lot, Yard, Lot Coverage and Maximum Building Height Requirements**

Minimum Lot, Yard, Lot Coverage and Maximum Building Height Requirements as stated in this ordinance for the Base Zoning District shall apply, unless otherwise stated in this Chapter (Chapter 2-12).

### **2-12-9 Sign Limitations**

Sign Requirements as stated in this ordinance for the Base Zoning District shall apply, subject to the height restrictions of this chapter (2-12).

### **2-12-10 Off-Street Parking Requirements**

Off-Street Parking Requirements stated in this ordinance for the Base Zoning District shall apply.

## Ordinance Exceptions & Exemptions

The AHA shall be under the jurisdiction of the Joint Powers Board, established by and as set forth in the Airport JPA (see Appendix D). The provisions of this ordinance shall apply to property within the AHA, with the following exceptions (reference has been made to each Article, Chapter, or Section of this ordinance being modified by this Section 2-12-11):

1. Land suitability (Section 1-1-4). Land suitability for purposes of development or subdivision within the AHA shall be determined by and/or with the express approval of the Director of Development Services, or any other person designated by the Joint Powers Board and shall be exempt from review or decision by the Board of County Commissioners.
2. Performance standards (Article 2). Buffer strips approved by the Planning and Zoning Official for permitted uses within the AHA shall be reviewed and approved by the Joint Powers Board and are exempt from review, recommendation, or approval by the Planning and Zoning Commission or the Board of County Commissioners.
3. Planned Unit Development Overlay (Chapter 2-10). Planned Unit Developments (PUDs), final plans, Development Agreements, allowed uses, and a list of use types within the AHA shall be reviewed and subject to approval by the Joint Powers Board and are exempt from review or approval by the Board of County Commissioners.
4. Approvals Required (Chapter 3-1). Approvals required under this ordinance related to property within the AHA shall include administrative approval as allowed by this ordinance, or approval by the Joint Powers Board, and are exempt from approval by the Board of County Commissioners. Any State regulated activity within the AHA approved by the Joint Powers Board shall be exempt from the regulations of this ordinance and shall not be subject to review or approval by the Board of County Commissioners.
5. Conditional use permits (Article 2 and Chapter 3-2). The following shall apply to Conditional Use Permits (CUPs) for property within the AHA:
  - a. CUPs shall be issued by the Joint Powers Board and are exempt from review or approval by the Board of County Commissioners.
  - b. Applications for CUPs shall be heard by the Joint Powers Board at a public hearing and shall be approved, conditionally approved, or denied by the Joint Powers Board based on the application procedures and evaluation criteria set forth in Chapter 3-2.
  - c. Applications for CUPs shall be subject to the requirements for notice to and timely recommendations from the affected township(s) as set forth in Chapter 3-2.
  - d. Applications and CUPs are exempt from the provisions of Chapter 3-2 requiring or allowing hearing, notice, evaluation, review, recommendation, action, or decision by or to the Planning and Zoning Commission or the Board of County Commissioners.
  - e. The Joint Powers Board shall have the sole authority to transfer, revoke, or renew CUPs pursuant to Sections 3-2-3, 3-2-4, and 3-2-5 and any such transfer, revocation, or renewal is

exempt from hearing, notice, review, recommendation, action, or decision by the Planning and Zoning Commission or the Board of County Commissioners.

6. Temporary Use Permits (Chapter 3-3). Applications for Temporary Use Permits (TUPs) for property within the AHA, except those that may be administratively reviewed, issued, or renewed as allowed by Section 3-3-2, shall be heard, evaluated, and granted, if appropriate, by the Joint Powers Board pursuant to the allowed activities, application procedure, and evaluation criteria set forth in Chapter 3-3 and are exempt from review or approval by the Planning and Zoning Commission. The Joint Powers Board, along with the Planning and Zoning Official, shall have the authority to revoke a TUP pursuant to the procedures set forth in Section 3-3-4.
7. Variance (Chapter 3-5). Applications for a Variance for property with the AHA, except those that may be administratively reviewed and granted as allowed by Chapter 3-5, shall be reviewed, evaluated, and granted, if appropriate, by the Joint Powers Board pursuant to the application procedures and evaluation criteria set forth in Chapter 3-4 and are exempt from review, evaluation, recommendation, or approval by the Planning and Zoning Commission or the Board of County Commissioners.
8. Amendments/Zone Changes (Chapter 3-6). Applications by one or more property owners or their representatives to amend, supplement, repeal, or revise the Zoning District Map with regard to property within the AHA shall be heard, reviewed, evaluated, and granted, if appropriate, by the Joint Powers Board pursuant to the application procedures and evaluation criteria set forth in Sections 3-6-1.1, 3-6-1.2, and 3-6-2 and shall be exempt from review, evaluation, recommendation, or approval by the Planning and Zoning Commission or the Board of County Commissioners.
9. Appeals (Chapter 3-7). The following shall apply to appeals related to property within the AHA:
  - a. The Joint Powers Board shall hear appeals from the following actions or decisions:
    - (1) A decision or ruling of the Development Services Director, the Planning and Zoning Official, or the Building Official regarding the interpretation of any provision of this ordinance pursuant to Section 1-1-12;
    - (2) A determination by the Planning and Zoning Official regarding the exact location of the boundary lines pursuant to Section 2-1-1;
    - (3) A determination by the Planning and Zoning Official whether a land use is materially similar to an approved use pursuant to Section 2-1-5;
    - (4) A decision by the Planning and Zoning Official of a zoning violation pursuant to Section 3-8-6;
    - (5) A decision by the Development Services Director regarding civil penalties pursuant to Section 3-8-6; or

- (6) A determination by the Planning and Zoning Official whether a use not listed in Section 5-5-6-1 is materially similar to a listed use for the purposes of buffer dimensions.
  - b. The appeals listed above are exempt from review or appeal to the Board of County Commissioners.
  - c. No appeals from the Planning and Zoning Commission are allowed under this Chapter.
  - d. Appeals to the Joint Powers Board shall comply with the procedures set forth in Chapter 3-7, or other application procedures in this ordinance, with the exception that any hearing, publication, certification, action, or decision required to be done by, to, or for the Board of County Commissioners under Chapter 3-7 shall be the done by, to, or for the Joint Powers Board, and appeal hereunder is exempt from hearing, publication, certification, action, or decision by the Board of County Commissioners.
  - e. Appeals from a decision by the Joint Powers Board shall be to the district court in the manner provided in NDCC Section 28-34-01. Once the Joint Powers Board makes a decision, no rehearing shall be allowed unless the Joint Powers Board is specifically ordered to do so by a court of record.
10. Violations and Penalties (Chapter 3-8). The investigation of complaints of violations within the AHA shall be investigated by the Planning and Zoning Official in consultation with the State's Attorney and/or the Joint Powers Board for appropriate action pursuant to the penalties, remedies, enforcement, enforcement procedures, decision, action, and waiver, reduction, or collection of penalties as set forth in Chapter 3-8, and shall be exempt from consultation, review, or action, decision, waiver, reduction, or collection of penalties by the Planning and Zoning Commission or the Board of County Commissioners.
11. Nonconforming Uses Abandoned or Destroyed (Chapter 3-9). In addition to the provisions of Chapter 3-9 for Nonconforming Uses and Nonconforming Lots, the following applies to property within the AHA: Uses, structures and trees allowed by this ordinance in the AHA must be maintained and remain in compliance with the Federal Aviation Administration and its rules, regulations, rulings, orders, or decisions.
12. Subdivision Regulation (Article 4). The following shall apply to subdivisions and plats regarding property within the AHA:
  - a. Purpose (Article 4). The purpose of this Chapter, and in particular this section, is to enable the Joint Powers Board, for the purpose of reviewing subdivisions and plats for property within the AHA, to exercise its authority granted by the Airport JPA, to ensure compliance with FAA regulations regarding the development and/use of property located within the AHA and in close proximity to XWA.
  - b. Compliance, Procedures, Major Subdivisions, and Minor Subdivisions (Article 4). Any requirement or provision set forth in Article 4 concerning notice, hearing, review, recommendation, inquiry, findings, decision, action, agreement, condition, acceptance, or

consent, as it relates to property within the AHA, shall be by, to, or from the Joint Powers Board, and any similar requirement or provision involving the Planning and Zoning Commission or the Board of County Commissioners, as it relates to property with the AHA, is exempt from this ordinance.

c. Appeals (Article 4). Appeals from a decision by the Joint Powers Board under Article 4, as it relates to property within the AHA, shall be to the district court in the manner provided in NDCC Section 28-34-01. Once the Joint Powers Board makes a decision, no rehearing shall be allowed unless the Joint Powers Board is specifically ordered to do so by a court of record.

13. Development Standards (Article 5). Any requirement or provision set forth in Article 5 concerning decision, discretion, authorization, recommendation, approval, determinations, review, action, findings, waiver, as it relates to property within the AHA, shall be made or done by, to, or from the Joint Powers Board, and any similar requirement or provision involving the Planning and Zoning Commission or the Board of County Commissioners, as it relates to property with the AHA, is exempt from this ordinance.

14. Savings Clause. No provision in this ordinance requiring the review, recommendation, discretion, determination, decision, findings, authorization, approval, and/or other action of the Planning and Zoning Commission and/or the Board of County Commissioners shall apply to property within the AHA. The Joint Powers Board shall have sole authority and jurisdiction with regard to any review, recommendation, discretion, determination, decision, findings, authorization, approval, and/or other action required by this ordinance in connection with property within the AHA.

## **2-12-12 Township Notice & Right to Make Recommendation Not Affected**

As set forth in the Airport JPA, nothing in this Chapter 2-12 is meant to alter or revoke the right of any affected township(s) to notice of, and the right to make a recommendation regarding, any zoning application under this ordinance as it relates to property with the AHA, except that any such recommendation shall be made to the Joint Powers Board, and not the Planning and Zoning Commission and/or the Board of County Commissioners.

## **Article 3: ZONING ADMINISTRATION**

### **Chapter 3-1: General Administration**

#### **3-1-1 Approvals Required**

1. It shall be unlawful for any person to commence any development, without first obtaining approval from the Development Services Department, except buildings and activities directly used in connection with agriculture when approved by the Building Division of Development Services and in accordance with State Law.
2. Approval under this ordinance may include one or all of the following: plat approval, subdivision, certificate of occupancy, building permit, variance either, administrative or BOCC approved, or other action having the effect of authorizing development approved by the Board of County Commissioners.
3. Approvals or permits may not be transferred to other parties or properties regardless of ownership.
4. The following activities shall constitute development that is regulated under this ordinance:
  - a. A change in the type or intensity that may impact the use of land, building or structure, or the layout of a development project;
  - b. Construction or demolition of a building or structure, or the reconstruction or alteration of the size of a building or structure;
  - c. Commencement of extraction or excavation, clearing or grading on a parcel of land other than landscaping around a structure as outlined in the stormwater regulations of the County; and
  - d. Commercial deposit of refuse, solid or liquid waste or fill on a parcel of land.
5. The following activities or uses are aspects of development that are not regulated under this ordinance:
  - a. The maintenance or improvement of a public road, public easement or railroad track if the work is carried out by a local, state or federal government agency;
  - b. Work by any utility agency for the purpose of inspection, repair, renewal or construction on established rights-of-way of any pipes, cables, power lines, towers, poles, tracks or similar facilities;
  - c. The transfer of title to land not involving the division of land into separate parcels; and
  - d. Any State regulated activity that is approved by the Board of County Commissioners as exempt.

#### **3-1-2 Zoning Compliance Verification (ZCV)**

The purpose of the zoning compliance verification (ZCV) is to ensure that routine use activities, which are listed as permitted uses in each zoning district, comply with this ordinance.

1. ZCV is required to be obtained prior to all development except normal agricultural uses as exempted in 3-1-1-1 and activities identified in 3-1-1-5, above.
2. ZCV may be combined and processed concurrently with other reviews required by the Development Services Department. However, the development's conformance with this ordinance shall be required.
3. Failure to obtain ZCV shall constitute a violation of this ordinance.

### **3-1-3 Pre-Application Process**

Zoning-related pre-applications are required prior to formal review of applications for conditional use permits, temporary use permits, zoning amendments/zone changes variances, certificates of survey, and/or minor subdivisions/major subdivisions reviews. The purpose of the pre-application process is to help the Planning and Zoning Division understand the land uses, timeline and scale of the project, and to provide the applicant information as to how the project does or does not comply with this ordinance and how the project may be altered to bring it into compliance. The purpose of the pre-application meeting is not to gain pre-approval of any project.

Materials submitted or discussed during the pre-application meeting shall not satisfy the required documentation of any required application. Any advice or assistance given by County staff shall not be considered the County's final response or bind the County in any manner. The following is the process for zoning-related pre-applications:

1. The pre-application form must be completed and submitted to the Planning and Zoning Division in order to get on the pre-application meeting schedule. No application will be processed or reviewed if it is incomplete. The completed pre-application form must be accompanied by the following:
  - a. Location map;
  - b. Plat or survey documenting current legal description, (if applicable);
  - c. Plan of proposed plans drawn approximately to scale;
  - d. Copies of state permits (if applicable);
  - e. Any information necessary to help the Planning and Zoning Division better understand the land uses, timeline and scale of the project; and
  - f. Any additional information that may be requested by the Planning and Zoning Division.
2. Applicants will be notified by a phone call or email of the date of the pre-application meeting unless notice is provided at the time the completed application form and required accompanying documents are submitted.
3. The Pre-application meeting will be held at the Planning and Zoning Division offices as soon as possible but not later than 30 days after submittal of the completed pre-application form and the required accompanying documents.

4. At the pre-application meeting, the applicants/owners/agents and Planning and Zoning Division staff will discuss the project, its location, surrounding land uses, potential impacts, and measures to be taken to mitigate the impacts to surrounding landowners and public facilities within the district. The applicants/owners/agents will be provided information as to how the project does or does not comply with this ordinance and how the project may be altered to bring it into compliance.
5. After the pre-application meeting, and in order to proceed further, the applicant must submit the required formal application to begin the respective review process. The submission must occur within one year of the pre-application meeting. The Planning and Zoning Official, upon request of the applicant, has the discretion to extend this time period for up to one additional year if he/she determines the information provided by the applicant at the pre-application meeting would be the same based on site and area specific conditions and the ordinances and regulations in effect at the time of the request.

## **Chapter 3-2: Conditional Use Permits (CUPs)**

The conditional use permit (CUP) procedure implements the comprehensive plan and this ordinance by requiring public review of developments that may have significant impacts on public facilities or neighboring land uses, but that could be made compatible if measures are taken to minimize the impacts. A CUP application may be submitted along with other land use applications so that review may take place concurrently. Applications for approval of a CUP shall be submitted to the Planning and Zoning Official using the following procedure.

### **3-2-1 Application Procedure for CUPs**

1. The applicant shall first submit a pre-application form and follow the pre-application process as noted above in Section 3-1-3.
2. Following the pre-application meeting, and within one year of that meeting, unless extended by the Planning and Zoning Official, the applicant shall submit a properly completed CUP application form, preliminary plat or site plan, narrative describing the project in light of the evaluation criteria below, any supporting materials necessary to demonstrate compliance with the comprehensive plan and this ordinance, and the required application fee.
3. After receiving the application, supporting materials and fee, the Planning and Zoning Official shall determine whether the application is complete and sufficient. When an application is determined incomplete or insufficient, the Planning and Zoning Official shall immediately provide written notice to the applicant indicating what information must be submitted for review to proceed. The Planning and Zoning Official will not take any additional action on the application until the required information is submitted. If all of the required information is not submitted within sixty (60) days, the Planning and Zoning Official shall return the application and any supporting materials to the applicant. Application fees are not transferrable or refundable.
4. The Planning and Zoning Official shall forward a copy of the application materials and a request for comment to the township in which the proposed conditional use is located. The township



shall have thirty (30) calendar days to supply comments and recommendations during which time no action shall be taken on the application.

5. After receiving the township's comments and recommendation or after the thirty (30) days set forth in section 4 have lapsed, whichever occurs first, the Planning and Zoning Official shall place a public hearing on the proposed conditional use on the agenda of the next regular Planning and Zoning Commission meeting for which the notice requirements below can be met, and at which time will allow for its proper consideration.
6. Notice of the public hearing shall be mailed, by regular U.S. mail, by the Planning and Zoning Division at least fourteen (14) days prior to the hearing to all landowners whose properties are within a 1-mile radius to the subject property. Notice shall contain the information described in 7 below.
7. Notice of the date, time, place and purpose of the public hearing shall be published once each week for two consecutive weeks in the official newspaper of the county, and in such other newspapers published in the county as the Planning and Zoning Official may deem necessary. Notice shall describe the nature, scope and purpose of the proposed conditional use, and shall state the times at which the application and materials will be available for public inspection. A copy of the public notice and application and materials shall be accessible at the office of the Planning and Zoning Division.
8. The Planning and Zoning Official shall prepare a staff report that provides a detailed overview of the proposed conditional use, its site, context and its compliance with the comprehensive plan and this ordinance. In preparation of the report, the Planning and Zoning Official shall, when applicable, seek input from the County Engineer, Sherriff's Office, police, fire, North Dakota Department of Transportation, and other departments as well as other agencies and service providers. In the report the Planning and Zoning Official shall propose findings of fact and may propose a recommendation of approval, approval with conditions or denial of the proposal from the Planning and Zoning Official and all other applicable departments or agencies for the Planning and Zoning Commission's consideration.
9. The Planning and Zoning Commission shall conduct a public hearing on the proposed conditional use. At that hearing, the Commission shall review the particular facts and circumstances of the proposed use and develop findings and conclusions in support of its recommendation. If the Commission finds that it complies with the evaluation criteria listed below, it shall recommend approval of the application. If the Commission finds the proposed conditional use fails to comply with such criteria, it shall recommend denial of the application or conditionally approve the request with additional stipulations.
10. The Planning Commission, on its own motion for purposes of gathering additional information or at the request of the applicant, or for any reason it deems necessary, may table consideration of a Conditional Use Permit application. Any information requested of the applicant by the Planning Commission must be submitted to the Planning and Zoning Official according to any timeframes

set by the Planning Commission. The applicant may table consideration of an application for no more than six (6) months; otherwise the applicant must submit a new application.

11. Following the public hearing, unless tabled by the Planning and Zoning Commission and in any case after the Planning and Zoning Commission makes its recommendation, the Planning and Zoning Official shall forward the comments and recommendations of the township, if any, and the recommendations of the Planning and Zoning Commission to the Board of County Commissioners.
12. The Board of County Commissioners shall conduct a hearing on the proposed conditional use. At that hearing, the Board of County Commissioners shall review the particular facts and circumstances of the proposed use. If the Board of County Commissioners finds the request complies with the evaluation criteria listed in 3-2-2 below or any other factors the Board of County Commissioners deems necessary, it shall approve or conditionally approve the application. If the Board of County Commissioners finds the proposed conditional use fails to comply with such criteria or any other factors it considers, it shall deny the application or conditionally approve the request with additional or reduced and/or modified stipulations.
13. The Board of County Commissioners, on its own motion for purposes of gathering additional information or at the request of the applicant, or for any reason it deems necessary, may table consideration of a Conditional Use Permit application. Any information requested of the applicant by the Board of County Commissioners must be submitted to the Planning and Zoning Official according to any timeframes set by the Board of County Commissioners. The Board of County Commissioners may also remand the Conditional Use Permit application back to the Planning Commission for further information, clarification, or other reason stated by the Board of County Commissioners. The applicant may table consideration of an application for no more than 6 (six) months, otherwise the applicant must submit a new application.
14. Conditions and restrictions may be attached to an approval that are intended to reduce or minimize any potential adverse impacts upon other property in the area, or to carry out the purpose and intent of the comprehensive plan and or this ordinance. Such conditions and restrictions may address the establishment, location, construction and operation of the proposed use in order to promote and protect the public health, safety and general welfare. All conditions and restrictions shall be directly related to the impacts of the proposed use and shall be roughly proportional in both nature and extent to the anticipated impacts of the use.
15. The Board of County Commissioners, or its designee, shall notify in writing the applicant and the applicable township board of supervisors of the Board of County Commissioners' decision within 30 (thirty) calendar days of the decision being made.
16. Construction related to an approved CUP shall start within eighteen (18) months after approval, but may be extended for one additional year by the Planning and Zoning Official if so requested in writing by the applicant no less than thirty (30) calendar days prior to expiration of the CUP.

### **3-2-2 Evaluation Criteria**

The Planning and Zoning Commission and the Board of County Commissioners shall base their decisions upon reports, information, materials, and evidence presented to them, and no CUP shall be granted unless the Board of County Commissioners finds all of the following:

1. The use complies with all applicable regulations of the district in which it is located, or a variance has been granted;
2. The use complies with the applicable development standards and performance standards of this ordinance (Article 5 and Article 6
3. The establishment, maintenance, and operation of the use shall not be detrimental to or endanger the public health, safety or general welfare;
4. The use will not impede the normal and orderly development or impair or diminish the value and enjoyment of other property within the district;
5. The physical conditions of the site, including topography, drainage, size and shape are suitable for the proposed development;
6. Adequate utilities, access roads, drainage and other necessary site improvements have been provided or will be provided prior to the conditional use being initiated; and
7. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion, road dust and impacts to adjoining properties.

The above-enumerated criteria do not prevent the Planning and Zoning Commission and the Board of County Commissioners from considering any other factor it deems necessary in order to provide and promote the public health, safety, and welfare. Findings on the above-enumerated criterion do not need to be in writing, nor does the Planning and Zoning Commission and the Board of County Commissioners need to make a specific finding on each criterion.

### **3-2-3 Transferability**

A CUP is a non-transferable permit that is issued to a specific owner/entity and need to be reevaluated by Planning and Zoning Division, Planning and Zoning Commission and Board of County Commissioner, for approval, if ownership changes.

1. A conditional use permit is not transferable from one (1) parcel of land to another;
2. A conditional use permit is not transferable from one (1) owner/entity to another.

If ownership changes between relatives and or business partners, the Director of Development Services shall evaluate and process the request for the transfer of the CUP administratively.

### **3-2-4 CUP Revocation and Violations**

The Board of County Commissioners may revoke a CUP when:

1. The conditions or restrictions set forth for approval of a CUP are not being complied with; or

2. Construction related to an approved CUP did not start within eighteen (18) months of approval and no extension has been granted; or
3. The use for which a CUP was issued ceases or is abandoned within six (6) months of approval and no extension has been granted. In such cases, the CUP shall be deemed terminated and any future use of the building or lot shall be in conformance with this ordinance.

### **3-2-5 CUP Renewal**

A conditional use permit may be time-conditioned, as appropriate, by the Board of County Commissioners.

1. The Planning and Zoning Official and Director of Development Services shall have the authority to administratively review and renew a time-conditioned conditional use permit.
2. If the use authorized by the conditional use permit is discontinued for a period of six (6) months, the conditional use permit will expire, and the conditional use permit will no longer be in effect.

#### **3-2-5-1 Renewal**

- a. The permit holder may seek renewal of a time-conditioned conditional use permit by filing a timely renewal application on the form provided by Williams County Development Services, Planning and Zoning Division.
- b. An application for renewal must be filed more than forty-five (45) calendar days but less than sixty (60) calendar days prior to the expiration of the conditional use permit.
- c. Once a renewal application has been filed in a timely manner, the expiration date of the conditional use permit is automatically extended until either the issuance or denial of the application for renewal has become final.
- d. Any application filed after the renewal filing period has expired shall be deemed to be an application for a new conditional use permit. If a new conditional use permit is not issued prior to the expiration of the conditional use permit, the continuation of any use which requires such permit shall be in violation of this ordinance and subject to the remedies herein.
- e. The procedures set forth in this chapter for the processing of an application for a conditional use permit shall equally apply to a renewal application except as hereinafter expressly set forth.

#### **3-2-5-2 Renewal Findings**

- a. Consideration of a renewal application shall be based on a rebuttable presumption that the use as permitted by the conditional use permit meets the findings of this part.
- b. The presumption shall be rebutted by any evidence of noncompliance with any condition of any other or prior permit or law or ordinance, or by evidence of any changed condition in the surrounding area, or by evidence that the continued use creates a nuisance as defined by NDCC Chapter 42, or an impairment of public peace, health, safety, morals or welfare.

- c. Once the presumption has been rebutted, the conditional use permit shall not be renewed unless the findings required by this Article have been made and the Board of County Commissioners, after recommendation by the Planning and Zoning Commission, is satisfied that full compliance with all conditions, laws and ordinances is assured.

### 3-2-5-3 Amendment Findings

- a. An amendment to a conditional use permit may be granted by Board of County Commissioners, upon a finding that the amendment does not negate any findings required by this Article or other factors considered by the Board of County Commissioners.
- b. Nothing in this section shall preclude the Planning and Zoning Commission or the Board of County Commissioners from modifying, adding or deleting any condition in order to protect the public peace, health, safety, morals or welfare.

### 3-2-5-4 Appeal

The appeal of any action taken under this Article shall be governed by the procedures set forth in Chapter 3-7.

## Chapter 3-3: Temporary Use Permits (TUPs)

### 3-3-1 Intent

The intent of TUPs is to provide for 1) temporary land uses that benefit the public, and 2) occasional large public gatherings, special occasions or specific events where public or private gathering facilities are necessary for a period not to exceed two consecutive weeks, with only four events per calendar year. Activities sponsored by churches, schools and political subdivisions of Williams County are exempt from TUP review. Temporary housing requests will not qualify for a TUP. Activities Requiring A Temporary Use Permit

A temporary use permit may be issued in any zoning district. Activities requiring temporary use permits shall include, but not be limited to, the following:

1. Bazaars, carnivals, or fairs
2. Musical events
3. Racing events
4. Political rallies
5. Rodeos
6. Firework stands
7. Parking lots for special events
8. Public gatherings for a single-purpose event
9. Temporary buildings or storage yard for equipment and material incidental and necessary for the period of an event

10. Mobile food units (See Ch. 6-15)

11. Transient Merchant

### **3-3-2 Application Procedure for TUP**

The Director of Development Services shall have the authority to administratively review, issue, or deny temporary use permits through the Temporary Use Permit Application. These activities shall be regulated to avoid incompatibility between uses in the surrounding area and control the types of temporary uses which occur on private property or parking lots throughout the County.

### **3-3-3 Evaluation Criteria**

The Planning and Zoning Staff or the Director of Development Services shall base their decision to grant a TUP upon reports, information, materials, and evidence presented to them and no TUP shall be granted unless Planning and Zoning Staff or the Director of Development Services finds or is provided all of the following:

1. A complete Williams County Temporary Use Application;
2. The use complies with all applicable regulations of the district in which it is located;
3. The use will not be detrimental to or endanger the public health, safety or general welfare;
4. Existing uses in the area will not be substantially impaired or diminished by the use;
5. Adequate public services, vehicular access, sanitary services and other necessary site improvements have been provided or will be provided prior to the TUP being initiated;
6. All applicable State and Federal contracts and/or permits are obtained and provided to Williams County Development Services; and
7. Form of financial guarantee is provided to Williams County Development Services (if applicable).

The above-enumerated criterion does not prevent the Planning and Zoning Division or the Director of Development Services from considering any other factor it deems necessary in order to provide and promote the public health, safety, and welfare.

### **3-3-4 TUP Revocation**

If at any time the Planning and Zoning Official finds the terms of the TUP or any conditions or restrictions have been violated or that the use is not in compliance with this ordinance, the Planning and Zoning Official may revoke the TUP immediately by issuing a cease and desist order. Such an order shall state the terms being violated and require immediate remedy.

## **Chapter 3-4: Variance – General Standards**

A variance is an easing of the provisions of this ordinance that will not be contrary to the purpose and intent of this ordinance or the public interest and where, owing to conditions specific to the property and not the result of the actions of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. The following procedure shall be used for the administration of variance requests.

### **3-4-1 Application Procedure**

1. Unless waived by the Planning and Zoning Official during another permit process, such as during review of a Zoning Verification Process (ZVP) application, the applicant shall first submit a pre-application form and follow the pre-application process in Section 3-2-1 above. At or following the pre-application meeting or during ZVP review, the Planning and Zoning Official may grant an administrative variance pursuant to Chapter 3-5 below or notify the applicant that the variance will require review under this entire Chapter 3-4.
2. For those variances that do not qualify for an administrative variance under Chapter 3-5, within one year of the Planning and Zoning Official's determination of such, unless extended by the Planning and Zoning Official, the applicant shall submit the properly completed variance application form, site plan, narrative description the variance request in light of the evaluation criteria below and supporting materials explaining why the variance is necessary as well as the nature of hardship, and the required application fee. The application procedure shall be the same as for CUPs, Section 3-2-1 above, with the exception of Evaluation Criteria; Evaluation Criteria for Variances are listed under Section 3-4-2 below.

### **3-4-2 Evaluation Criteria**

The Planning and Zoning Commission and the Board of County Commissioners shall base their decision to grant a variance upon reports, information, material, and other evidence presented to them and shall only grant a variance when all the following criteria are met:

1. A literal enforcement of this ordinance would result in unnecessary and undue hardship, great practical difficulty or injustice;
2. Special conditions and circumstances exist which are peculiar to the land (e.g., size, shape topography, existing easements), structure, or building involved and do not generally apply to other lands, structures, or buildings in the same district;
3. That granting the variance will not be detrimental to the public health, safety, and welfare or injurious to other properties in the area;
4. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

5. Special conditions and circumstances do not result from the actions of the applicant or any person presently having an interest in the property;
6. Granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
7. The variance would be the minimum necessary to allow for the reasonable use of the land; and
8. The variance shall not be contrary to the purpose and intent of this ordinance.

The above-enumerated criteria do not prevent the Planning and Zoning Commission or the Board of County Commissioners from considering any other factor it deems necessary in order to provide and promote the public health, safety, and welfare.

## **Chapter 3-5: Administrative Variance**

The Director of Development Services and/or Planning and Zoning Official shall have the authority to reduce specific design and development standards of this ordinance where the purpose and intent of this ordinance can be achieved, and similar performance obtained by granting a waiver of such standards. This type of variance does not require a public hearing.

### **3-5-1 Applicability**

At the discretion of the Director of Development Services and/or the Planning and Zoning Official, and in collaboration with the Building Official, an administrative variance may be granted for the following:

1. A reduction in the minimum front, side or rear setbacks on a single lot;
2. A reduction in the amount of required parking spaces, with exception to the required amount of handicap spaces;
3. Landscape, architecture, sign standards; or
4. The creation of lots with irregular shapes. Lots with irregular shapes such as those with narrow necks, points (created by acute angles of less than 30 degrees), and flag shapes shall be permitted only when the subdivider can demonstrate the proposed lot designs are necessary due to unique topography or other constraints. The minimum width for a flag shaped lot must meet the minimum width listed under that zoning district.

### **3-5-2 Limitations**

1. The authority to grant an administrative variance shall generally be limited to that necessary to overcome development issues arising from natural, geological and/or topographical conditions and where the size of a pre-existing, nonconforming lot makes development of that lot in compliance with the district regulations impractical.
2. The allowed reduction in standards for an administrative variance is limited to a maximum of 25% of the minimum standards. For example, if the required setback is 20 feet, an administrative variance may only reduce the allowed setback to 15 feet.



3. The allowed reduction in standards for an administrative variance is the minimum necessary to make possible the legal use of the lot, building or structure.
4. An administrative variance shall not be granted to permit a use of a lot, building or structure, which is not a permitted use in the applicable zoning district.
5. Variance requests deemed inappropriate for administrative approval under this chapter may be submitted for review under Chapter 3-4.

## **Chapter 3-6: Amendments/Zone Changes**

The Board of County Commissioners may from time to time on its own motion, or on the recommendation of the Planning and Zoning Commission or the Planning and Zoning Official, or upon application by one or more property owners or their representative, amend, supplement, repeal or revise any provision of this ordinance, including the Zoning District Map. Proposed amendments will not be considered on the basis of speculation of development.

### **3-6-1 Application Procedure**

1. If the requested amendment/zone change is upon application of one or more property owners, or their representatives, the applicant(s) shall first submit a pre-application form and follow the pre-application process as noted above in 3-1-3.
2. Following the pre-application meeting, within one year, unless extended by the Planning and Zoning Official, the applicant(s) shall submit a properly completed Amendment/Zone change application form, site plan, and narrative describing the project in light of the evaluation criteria below, any supporting materials necessary to demonstrate compliance with the comprehensive plan and this ordinance, and the required application fee. The application procedure shall be the same as for CUPs, Section 3-2-1 above, with the exception of Evaluation Criteria; Evaluation Criteria for Amendments/Zone Changes are listed under 3-6-2 below.
3. Where the amendment/zone change is initiated by the Board of County Commissioners, Planning and Zoning Commission, or the Planning and Zoning Official, steps 1 and 2 of this procedure are not required.

### **3-6-2 Evaluation criteria**

In order to approve an amendment/zone change to this ordinance, the Board of County Commissioners shall find the amendment/zone change substantially complies with the comprehensive plan and furthers the purpose and intent of this ordinance (Article 1). The amendment/zone change may also be designed to correct an inconsistency or error in this ordinance, address changing conditions, or address a specific public challenge such as the need for affordable housing or redevelopment of a blighted area.

### **3-6-3 Effectiveness**

Upon the effective date of an approved zone change or amendment, the changes will be incorporated into the officially adopted text and/or Zoning District Map, as appropriate.

### **3-6-4 Zone Change Revocation**

1. If construction related to an approved zone change did not start within eighteen months (18) of approval and no extension has been granted, the zoning will revert to the parcels previous designated zone; or
2. The construction/infrastructure ceases or is abandoned within thirty-six months (36) after the approved zone change and no extension has been granted, the zoning will revert to the parcels previous designated zone and any future use of the building or lot shall be in conformance with this ordinance.

## **Chapter 3-7: Appeals**

### **3-7-1 Appeal of the Planning and Zoning Official's or Planning and Zoning Commission decision to the Board of County Commissioners.**

1. The Board of County Commissioners shall hear the appeal of any person, firm or organization aggrieved by a decision or ruling of the Development Services Director, the Planning and Zoning Official, the Building Official, or the Planning and Zoning Commission when there are alleged errors in the administration of this ordinance.
2. The appellant must file with the County Auditor a letter of appeal within 30 (thirty) days of the date of written notice of the decision sought to be appealed. The letter shall cite the decision made and state the alleged error. If no appeal is filed in the time and manner provided by this Chapter, the decision shall be deemed final and no further appeal shall be allowed from that decision.
3. Upon receipt of a timely letter of appeal by the County Auditor, the Board of County Commissioners shall hold the appeal hearing no sooner than seven days and no later than 30 (thirty) days after the letter of appeal is filed. After consultation with the Development Services Director the County Auditor shall notify the appellant of the date, time and place of the hearing.
4. The Board of County Commissioners shall publish notice of the appeal hearing in the official newspaper at least seven days prior to the hearing and notice shall be mailed, by regular U.S. mail, to all landowners whose property is within 1 (one) mile to the subject property at least 7 (seven) days prior to the hearing.
5. The Planning and Zoning Official shall transmit to the County Auditor for consideration by the Board of County Commissioners a copy of all papers constituting the record for the appealed decision.
6. An appeal stays all proceedings in furtherance of the appealed decision unless the Planning and Zoning Official certifies to the Board of County Commissioners that the stay would cause imminent peril to life or property. In such a case, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of County Commissioners or by a court of record.

7. At the hearing, the Board of County Commissioners shall give the appellant the opportunity to be heard and shall review the particular facts and circumstances of the appeal and develop findings and conclusions in support of its decision.
8. The Board of County Commissioners may reverse or affirm, in whole or in part, or may modify, the decision appealed from, and shall make such a decision as in its opinion ought to be made so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.
9. The Board of County Commissioners, or its designee, shall mail to the appellant, by U.S. regular mail, a copy of its decision, findings and conclusions within 30 (thirty) days after the hearing.

### **3-7-2 Appeal of a decision of the Board of County Commissioners**

Any person or persons, jointly or severally, aggrieved by a decision of the Board of County Commissioners under this ordinance, may appeal to the district court in the manner provided in NDCC Section 28-34-01. Once the Board of County Commissioners makes a decision, no rehearing shall be allowed, unless the Board of County Commissioners is specifically ordered to do so by a court of record.

## **Chapter 3-8: Violations and Penalties**

### **3-8-1 General Provisions**

It shall be unlawful for any person or organization, whether as owner, lessor, agent, manager, employee, lessee or occupant, to violate any provision of these regulations. In addition, it shall be unlawful for any such person or organization to cause or, with knowledge, permit such violation. A violation of any provision of this ordinance shall constitute the maintenance of a public nuisance.

### **3-8-2 Criminal Penalties**

1. Any person, whether as an owner, lessor, agent, manager, employee, lessee or occupant, who violates, causes or, with knowledge, permits a violation of any provision of this ordinance shall be guilty of a class B misdemeanor and, upon conviction, shall be subject to a criminal penalty of one thousand dollars (\$1,000.00) per violation or subject to imprisonment not to exceed thirty (30) days, or both criminal penalty and imprisonment.
2. Any organization, whether as an owner, lessor, agent, manager, employee, lessee or occupant, who violates, causes or, with knowledge, permits a violation of any provision of these regulations shall be guilty of a class B misdemeanor and, upon conviction, shall be subject to a criminal penalty of ten thousand dollars (\$10,000.00) per violation.

### **3-8-3 Civil Penalties**

Violations of any provision of this ordinance may be enforced through a civil proceeding by the State's Attorney or other proper county authorities, or in any other manner allowed by law. Any person or organization, whether as an owner, lessor, agent, manager, employee, lessee or occupant, who violates, causes or, with knowledge, permits a violation of any provision of this ordinance shall be subject to a civil penalty of one thousand dollars (\$1,000.00) per violation.

### **3-8-4 Separate Violations**

Any person or organization shall be deemed to have committed a separate violation for each and every day during any portion of which any violation of any provision of this ordinance is committed, permitted, or continued by such person or organization and shall be subject to the remedies as provided in this chapter, or other law. In addition, each single building, structure, vehicle, machinery, equipment, or temporary housing unit in violation of this ordinance or in violation of the conditions of any CUP or TUP shall constitute a separate violation.

### **3-8-5 Additional remedies**

Nothing in this Chapter prohibits the use of other remedies as provided by law.

### **3-8-6 Enforcement**

Whenever a violation of this ordinance has occurred, any person may file a written complaint in regards to such violation. All such complaints shall be filed with the Planning and Zoning Official who shall investigate all complaints and shall consult with the State's Attorney, Planning and Zoning Commission and/or Board of County Commissioners for appropriate action. (NDCC 11-33-06 Investigations and 11-33-16 Enforcement)

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any structure or land is used in violation of this ordinance, Williams County in addition to other remedies, may institute any appropriate action or proceedings to (NDCC 11-33-17):

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

### **3-8-7 Enforcement Procedures**

The process for enforcement of this ordinance shall be as follows:

1. Upon receiving information or a complaint of a violation of this ordinance, the Planning and Zoning Official shall investigate the alleged violation. The Planning and Zoning Official may take photos or gather any necessary information as is deemed necessary to determine if a violation has occurred. Upon the determination that a violation has occurred, the Planning and Zoning Official shall notify in writing the landowner, occupant, and/or other person or party who is suspected of a violation of this ordinance of the details of the violation, sent by certified mail and may also post notice on the site. The notice shall describe the violation and cite the section of this ordinance being violated.
2. In the written notification, the Planning and Zoning Official shall provide a time for the party who is in violation of any part of this ordinance to come into compliance with this ordinance.

3. The notice may include a “stop work order” issued by the Building Official that requires all non-compliant development or use to cease, states the specific development or use to be stopped, the specific reasons for the ordered stoppage, and the conditions under which development or use may resume. If the activity does not cease, the Planning and Zoning Official or the Building Official may refer the matter to the Williams County State’s Attorney for further action.
4. While a “stop work order” is in effect or until a violation is corrected to the satisfaction of the Planning and Zoning Official, no permits or development approvals shall be granted for the property.
5. Any person who receives a notice of violation may request inspection by the Development Services Department to show that compliance has been attained within the required period of time allowed to correct such violation(s); or appeal the Planning and Zoning Official’s decision to the Board of County Commissioners (see “Appeals”, Chapter 3-7 above).
6. If voluntary compliance is not attained or an appeal is not filed within the time required, the Planning and Zoning Official and/or the Building Official may request that further action be taken by the Board of County Commissioners and State’s Attorney for Williams County.
7. This enforcement process may be accelerated where the Planning and Zoning Official and/or the Director of Development Services finds that public health and safety are endangered by a violation.
8. Civil penalties shall begin at the time the Planning and Zoning Official and/or Building Official identifies any violation and may be retroactive if such violation(s) is known to have existed prior to the initial notice or investigation of the violation. Civil penalties shall continue to accrue until such time as the violation is corrected and/or until such time as the Board of County Commissioners takes action on such violation.
9. Only the Director of Development Services and the Board of County Commissioners shall have the right to waive, reduce, and/or collect such civil penalties. Any decision by the Development Services Director regarding civil penalties may be appealed to the Board of County Commissioners under Chapter 3-7.

### **Chapter 3-9: Nonconforming Uses and Nonconforming Lots**

1. The lawful use of land or structure existing at the time of adoption or amendment of this ordinance that is no longer a permitted or conditional use may be continued, although such use or structure does not conform to the provisions of this ordinance.
2. It is the intent of this ordinance to allow such nonconformities to continue until they are removed or discontinued. Such uses shall not be permitted to expand, nor be used as grounds for adding structures or uses prohibited elsewhere in the same district.
3. There shall be no limit on the maintenance and repair of nonconforming uses or buildings, provided that no such activity increases the size of the nonconforming structure or the degree of nonconformity and the structure has not been deemed as unsafe by the Building Official. The

degree of nonconformity is the measured extent to which a use of land or building fails to comply with the standards of this ordinance.

4. If a nonconforming use is discontinued and/or abandoned for a period of, 6 months any future use of that land or structure shall be required to conform to this ordinance.
5. A nonconforming use that is superseded by a permitted or approved conditional use in a structure or on a lot shall not be resumed. Thereafter, the use of the structure or lot must be in conformance with this ordinance.
6. A structure damaged or destroyed by any means to an extent greater than 50% of the physical structure (as determined by the Director of Development Services) shall be reconstructed only in conformity with the standards of this ordinance and the applicable building codes.
7. A nonconforming structure or a structure containing a nonconforming use that is deemed by the Williams County Development Services Building Division to be unsafe shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the zoning district in which it is located and in accordance with all applicable building codes.
8. A structure and any permissible accessory structures may be constructed on a preexisting nonconforming lot of record through an administrative variance granted by the Planning and Zoning Official. In such circumstances, the resulting development must comply with this ordinance to the maximum extent possible while still allowing a reasonable use of the lot. Decisions of the Planning and Zoning Official may be appealed.
9. When an applicant owns more than one contiguous lot and where the reversion of at least one nonconforming lot would allow development to conform to this ordinance where it otherwise would not conform, the applicant shall be required to revert the lots prior to approval for development.

## **Article 4: SUBDIVISION REGULATIONS**

Because each new subdivision becomes a permanent component in the basic structure of Williams County which affects public costs in providing services, and because unplanned and non-orderly development patterns may have adverse impacts on traffic circulation and on existing developments, facilities and services, all subdivisions of land hereafter must be submitted to the county<sup>1</sup> for review and approval and shall, in all aspects, fully comply with the regulations hereinafter set forth.

### **Chapter 4-1: General Provisions**

#### **4-1-1 Purpose**

These regulations are hereby adopted for the following purposes:

1. To promote the public health, safety, convenience, welfare and general prosperity;
2. To establish standard procedures, requirements and conditions for the preparation, submission and approval of plats for the subdivision of land, as provided in Chapter 11-33.2 and 40-50.1 of the North Dakota Century Code (NDCC) and this Ordinance;
3. To enable the Board of County Commissioners and County Planning and Zoning Commission (herein "Planning Commission" for purposes of reviewing subdivisions) to exercise their authorities granted by state law;
4. To require that such plats conform satisfactorily to the Williams County Comprehensive Plan and this ordinance;
5. To provide for certain exemptions from subdivision review in the interest of landowners who can benefit from savings in time and cost in circumstances where there is little public benefit in public subdivision review;
6. To provide for safe and adequate transportation systems, utilities and other facilities for the public and future private property owners; and
7. To assist the applicant in harmonizing private interests with those of Williams County and the public.

#### **4-1-2 Compliance Required, Penalty, Civil Action**

Within all of Williams County outside of any municipal or extra territorial boundary, no subdivision of any lot, tract, or parcel of land shall be made; no street, road easement, sanitary sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with a plat as finally approved by the Board of County Commissioners (NDCC 11-33.2-12(1)).

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<sup>1</sup> All subdivision-related applications are submitted to the Planning & Zoning Division, referred to as "Planning Division" in these subdivision regulations. Other applications, reports and specifications may be required by the County Highway Department or others.

Any person, partnership, corporation, or limited liability company who or which, being the owner or agent of the owner of any lot, tract, or parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or who or which sells, transfers, or agrees or enters into an agreement to sell or transfer any land in a subdivision or engages in the subdivision of land or erects any buildings thereon, unless and until a plat has been finally approved in full compliance with Article 4, shall be guilty of a class B misdemeanor. Each lot, tract, or parcel created or transferred, and each building erected in a subdivision in violation of the resolutions adopted hereunder shall constitute a separate offense. (NDCC 11-33.2-15 and 40-50.1)

If any lot, tract, or parcel of land is subdivided in violation of this Article 4 or any resolution or amendments thereto adopted pursuant to this ordinance, the proper county authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceedings (NDCC 11-33.2-15):

1. To prevent such unlawful subdivision;
2. To restrain, correct, or abate such violations;
3. To prevent the occupancy or use of the land which has been unlawfully subdivided; and
4. To vacate and nullify any recorded plat of such unlawful subdivision.

#### **4-1-3 Exemptions From Subdivision Review**

1. As described below, boundary line adjustments, reversionary maps, family farm exemptions, farmstead exemptions, agriculture exemptions, court/arbitrator ordered divisions and any divisions exempt from subdivision review by North Dakota law may be executed so long as the following requirements are met:
  - a. All applications that are exempt from subdivision review shall be reviewed and approved by the following Williams County departments administratively prior to transfer of title: Development Services, Auditor, Recorder, Assessor, State's Attorney and County Highway Department/Surveyor. These departments will require a commitment of title or an attorney's opinion of title and written consent from all property owners and lienholders prior to approving the use of an exemption.
  - b. All lots created through the use of an exemption shall have letters of review from the U.S. Postal Service, stating that mail services can be provided and what if any on-site facilities will be required.
  - c. All lots created through the use of an exemption shall comply with the zoning district requirements (Article 2) of this ordinance.
  - d. All development on lots created through the use of an exemption shall comply with the development standards (Article 5) and performance standards (Article 6) of this ordinance.
2. Exemptions used under this section shall be executed via a certificate of survey and a deed of transfer filed with the Recorder's Office.



3. Exemptions that do not meet all of the additional standards specific to the exemption (below) shall be reviewed as subdivisions and subject to Chapter 4-2.
4. Boundary line adjustments: Boundary line adjustments are exempt from subdivision review, as long as they meet the following criteria:
  - a. Boundary line adjustment does not involve lots with more than one zoning classification;
  - b. The lots, having interior adjacent lines adjusted, must be contiguous;
  - c. The adjustments of interior lots, are existing platted lots;
  - d. Boundary line adjustment is not one in a series of interior lot line adjustments individually performed within one year of one another made as a way to circumvent the subdivision review process;
  - e. All of the resulting parcels conform to the minimum lot area and width for zoning purposes, or the degree of nonconformity is not expanded;
  - f. Boundary line adjustment does not require or create any part of one or more new streets, public easements or any other rights of way, whether public or private, for access to or from any such lot, tract, or parcel and which would not require the creation of new or enlarged parks, playgrounds or open spaces; and
  - g. Boundary line adjustments in subdivisions must occur within the same platted subdivision, unless it is demonstrated the boundary line adjustment will not create nonconformance with any restrictions applicable to either subdivision.
5. Reversionary maps: Reversionary maps are exempt from subdivision review, as long as they meet the following criteria:
  - a. Reversionary map does not relinquish the existing easements;
  - b. Reversionary map does not involve lots with more than one zoning classification;
  - c. Reversionary map is not one in a series made as a way to circumvent the subdivision review process;
  - d. All the resulting parcels conform to the minimum lot area and width for zoning purposes, or the degree of nonconformity is not expanded; and
  - e. Reversionary map does not require or create any part of one or more new streets, public easements or any other rights of way, whether public or private, for access to or from any such lot, tract, or parcel and which would not require the creation of new or enlarged parks, playgrounds or open spaces.
6. Family Farm Exemption: A family farm exemption is the division of one parcel of land from a working farm or ranch to be conveyed to a child (by blood, marriage or adoption) of the farm or ranch family meeting the following criteria:
  - a. The parent parcel is located in the Agricultural zoning district (AG);

- b. The parent parcel is at least 40 acres in size;
  - c. The new parcel is exempt from the minimum lot size requirement of the AG zoning district;
  - d. The parent parcel and the new parcel can both be described by the aliquot quarter section after the division;
  - e. The new parcel shall conform to either an Agricultural (AG) or a Rural Residential (RR) district;
  - f. Subdivision does not require or create any part of one or more new streets, public easements or any other rights of way, whether public or private, for access to or from any such lot, tract, or parcel and which would not require the creation of new or enlarged parks, playgrounds or open spaces;
  - g. All future divisions of either parcel shall be reviewed as subdivisions and subject to Chapter 4-2;
  - h. Roadway Easement form shall be executed, as determined by County Engineer.
  - i. Only one new parcel can be created.
7. Agriculture Exemption: An Agriculture exemption is the division of one parcel of land from a working farm or ranch for the agricultural purpose only meeting the following criteria:
- a. The parent parcel is located in the Agricultural zoning district (AG);
  - b. The new parcel is at least 40 acres in size;
  - c. All future divisions of either parcel shall be reviewed as subdivisions and subject to Chapter 4-2;.
  - d. The new parcel shall be used for agricultural purposes only;
  - e. The parent parcel and the new parcel can both be described by the aliquot quarter section after the division;
  - f. The new parcel will not require any improvements not related to agricultural uses;
  - g. Subdivision does not create of any part of one or more new streets, public easements or any other rights of way, whether public or private, for access to or from any such lot, tract, or parcel and which would not require the creation of new or enlarged parks, playgrounds or open spaces;
  - h. Roadway Easement form shall be executed, as determined by County Engineer.; and
  - i. Only one new parcel can be created.
9. Farmstead Exemption: A farmstead exemption is the division of one parcel of land on which is located the farmstead from a working farm or ranch for the purpose of residing in and maintenance of an existing farmstead meeting the following criteria:
- a. Only one new parcel can be created;
  - b. The parent parcel is located in the Agricultural zoning district (AG);

- c. The parent parcel is at least 40 acres in size and is described by the aliquot quarter section or as a Government Lot;
  - d. The new parcel is exempt from the minimum lot size requirement of the AG zoning district;
  - e. The parent parcel and the new parcel can both be described by the aliquot quarter section after the division;
  - f. The new parcel shall conform to either an Agricultural (AG) or a Rural Residential (RR) district;
  - g. The subdivision does not require or create any part of one or more new streets, public easements or any other rights of way, whether public or private, for access to or from any such lot, tract, or parcel and which would not require the creation of new or enlarged parks, playgrounds or open spaces;
  - h. All future divisions of either parcel shall be reviewed as subdivisions and subject to Chapter 4-2; and
8. Roadway Easement form shall be executed, as determined by County Engineer. Divisions Established by Judgments in Court Action or by Final Decisions in Arbitration Proceedings, Additional Standard. Divisions of land in Williams County ordered by a court or arbitrator of competent jurisdiction , in the State of North Dakota shall meet the following criterion:
- a. A certified copy of the judgment of the court or the final decision of the arbitrator ordering the division of land or changing the existing boundaries of land shall be submitted, along with a Certificate of Survey, for review by the Development Services, Auditor, Recorder’s Office, State’s Attorney and County Highway Surveyor.
  - b. A court or arbitrator ordered division does not allow any use or development of the parent parcel or the new parcel(s) which does not conform to Article 4 or any provision of this ordinance.

## **Chapter 4-2: Procedures for Subdivision Approval**

### **4-2-1 Pre-Application Process**

Subdivision pre-applications are required prior to formal preliminary plat review of all subdivisions except those exempted under Section 4-1-3. The purpose of the pre-application process is to help the Planning Division understand the land uses, timeline and scale of the project and to provide the applicant information as to how the project does or does not comply with this ordinance and how the project may be altered to bring it into compliance. The purpose of the pre-application meeting is not to gain pre-approval of any project.

Materials submitted or discussed during the pre-application meeting shall not satisfy the required documentation of any required application. Any advice or assistance given by County staff shall not be considered the County’s final response or bind the County in any manner. The following is the process for subdivision pre-applications:

1. The pre-application form must be completed and submitted to the Planning Division in order to get on the pre-application meeting schedule. No pre-application will be processed or reviewed if it is incomplete. The completed pre-application form must be accompanied by the following:
  - a. Location map;
  - b. Copy of instrument identifying recorded legal description;
  - c. Sketch plan of proposed subdivision;
  - d. Copies of state permits (if applicable);
  - e. Any information that may help the Planning Division better understand the land uses, timeline and scale of the project; and
  - f. Any additional information requested by the Planning and Zoning Official.
2. Applicants will be notified by a phone call or email of the date of the pre-application meeting unless notice is provided at the time the completed application form and required accompanying documents are submitted.
3. The pre-application meeting will be held at the Planning Division offices within 15 days after submittal of the completed pre-application form and required accompanying documents.
4. At the pre-application meeting, the applicants/owners/agents and Planning and Zoning Official and Development Services staff will discuss the project, its location, surrounding land uses, potential impacts, and measures to be taken to mitigate the impacts to surrounding landowners and public facilities within the district. The applicants/owners/agents will be provided information as to how the project may or may not comply with this ordinance and how the project may be altered to bring it into compliance. At or within 10 working days after the pre-application meeting, the Planning and Zoning Official will identify in writing what information will be required in the preliminary plat application. (See Section 4-3-4 below for the information the Planning and Zoning Official *may* require for preliminary plat review and Section 4-3-3 below for what information may be required to be shown on the preliminary plat or supplemental plats.)
5. After the pre-application meeting, in order to proceed further, the applicant must submit the required formal application to begin the preliminary plat review process. The submission must occur within six (6) months of the pre-application meeting. The Planning and Zoning Official has the discretion to extend this time period for up to one additional year if he/she determines the information required for preliminary plat review following the pre-application meeting would be the same based on site and area specific conditions and the ordinances and regulations in effect at the time of the request. A request for extension must be made in writing 30 days prior to the expiration date. This application will either be approved or denied within 30 days.

## Chapter 4-3: Major Subdivision: Preliminary Plat

### 4-3-1 Preliminary Plat Decision, Review Criteria

1. In reviewing a preliminary plat submitted for approval, the Planning and Zoning Official, Planning Commission, Township, and Board of County Commissioners, as applicable, shall inquire into the public use and interest proposed to be served by the subdivision.
2. They shall determine whether the preliminary plat, application, and other required documents, conform to the following:
  - a. The subdivision regulations (Article 4);
  - b. Design standards in Chapter 5-1;
  - c. The comprehensive plan; and
  - d. This ordinance.
3. Whether appropriate provisions are made for the following:
  - a. Public health, safety and general welfare;
  - b. Open spaces, parks and playgrounds;
  - c. Drainage ways;
  - d. Streets, alleys and other public ways;
  - e. Sites for schools and school grounds; and
  - f. Other relevant factors.
4. Action of the Board of County Commissioners shall be noted on at least 3 copies of the approved preliminary plat, which shall be referenced and attached to any conditions of preliminary plat approval. One copy of the preliminary plat shall be returned to the applicant, one shall be retained by the Board of County Commissioners and one by the Planning and Zoning Division.
5. After preliminary plat approval, the applicant shall meet and demonstrate compliance with any conditions of that approval and must apply for final plat approval.
6. The preliminary plat approval for all subdivisions is valid for 18 months from the date of approval by the Board of County Commissioners, and the applicant must satisfy all of the conditions of preliminary plat approval and obtain final plat approval during that time period, unless the subdivision is part of a Phased Development (then Section 4-3-7-5, below, applies), or the applicant submits an extension request that is approved by the Board of County Commissioners prior to expiration of the 18-month period.
7. If the applicant fails to obtain an extension from the Board of County Commissioners, fails to demonstrate compliance with all conditions of preliminary plat approval, or fails to obtain final plat approval within the 18-month period set out above, the applicant will be required to re-apply for preliminary plat approval subject to the ordinances and regulations then in effect.

#### **4-3-2 Information Required For A Major Subdivision Preliminary Plat Application**

The Planning and Zoning Official shall require the following information to be included in a preliminary plat application package:

1. Preliminary plat application form completed and signed by the applicant and all property owners (if different from the applicant).
2. Preliminary plat review fees.
3. A current (issued within 6 months of application submittal) title insurance policy or attorney's opinion of title, running to the benefit of the Board of County Commissioners, showing proof of ownership, easements, and lienholders or claimants of record.
4. Written consent or acknowledgement of subdivision from pipeline companies when a pipeline easement encumbers the subject property (if applicable). If roadway is designed to cross a pipeline easement, the location of the easement will dictate the layout of the lots.
5. Copies of all correspondences with public and private agencies and service providers regarding the subdivision.
6. Documentation of legal and physical access to the subdivision. All lots created shall have access, either public or private.
7. Draft development agreement in conformity with the County's standards (Section 4-3-6).
8. A copy of existing (if applicable) and/or proposed covenants, conditions & restrictions and deed restrictions, if any.
9. Draft road maintenance and owners' association governing documents.
10. Letters of intent to serve from the utility companies and letters of review from the following agencies:
  - a. Rural Fire District;
  - b. School District;
  - c. Rural Water Districts;
  - d. Law enforcement;
  - e. North Dakota Department of Health regarding review of the proposed water and sewer systems; and
  - f. U.S. Postal Service, stating that mail services can be provided and what if any on-site facilities will be required.
11. Such additional relevant information as identified by the Planning and Zoning Official or other Development Services Department staff that is pertinent to the review of the subdivision proposal.

12. Proposed preliminary plat prepared by a North Dakota registered land surveyor or civil engineer, (3 paper copies 24" by 36" and a PDF file). The plat may consist of one or more sheets, and shall show correctly on its face the following information:
- a. Name of the proposed subdivision (names cannot be duplicated).
  - b. Location/vicinity map of the proposed subdivision by government lot, quarter section, section, township, range and county.
  - c. The name, address and telephone number of the person to be contacted regarding the preliminary plat. The names of all owners of record of the land and the name and address of the applicant(s) (if different).
  - d. The surveyors' and/or engineer's name, address and North Dakota registration number and date of preparation of the preliminary plat.
  - e. North arrow, parent parcel legal description, abbreviations and graphic scale suitable to read and interpret all aspects of the preliminary plat.
  - f. Radii and length of all curves.
  - g. Bold exterior boundaries of the proposed subdivision referencing two section corners established in the US Public Land Survey System.
  - h. Total gross and net (less road easements) areas and acreage of the parent parcel being subdivided.
  - i. Names and locations of adjacent subdivisions. For adjacent platted subdivisions refer to subdivision plat by name, recordation date, and number, as applicable. Names of adjacent landowners (dotted text).
  - j. Lot layout and approximate dimensions of all lots with proposed lot and block numbers along with setback data.
  - k. Site data, including number of lots, typical lot size, lot gross acres, lot net acres (less road easements) and acreage in easements, parks, designated public areas and non-buildable areas, building setback lines, either proposed or as required by zoning.
  - l. Proposed pad sites. For lots less than 1 acre in size, the preliminary plat shall be required to indicate proposed finish floor grades.
  - m. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, landscaping, open space, drainage ways or other public uses.
  - n. Sites, if any, for multi-family dwellings, shopping centers, churches, commercial or industrial, or other non-public uses excluding single-family dwellings.
  - o. Location, widths, and names of any existing or proposed easements for streets, alleys or other public ways, railroad and utility rights-of-ways or easements, included within or adjacent to the proposed subdivision.

- p. Any and all utilities, within 500 feet, on and adjacent to the parent parcel – locations, sizes, invert elevations of sanitary and storm sewers; locations and sizes of water mains; locations of oil and gas lines across the property; location of fire hydrants, electric and telephone lines, poles and street lights, and railroad lines. If water mains and sewers are not on or adjacent to the tract, indicate the directions and distances to, and sizes of the nearest ones, and invert elevations of sewers (if within 500 feet).
- q. Proposed public and private improvements. Highways or other major improvements planned by public authorities, or private parties, for future construction on or adjacent to the subdivision.
- r. Preliminary location of existing and proposed sidewalks, paths, roads, stormwater facilities, curbs, gutters, culverts and other improvements on and adjacent to the parent parcel, including the dimensions.
- s. Subsurface conditions for the parent parcel. If required by the Planning and Zoning Official and/or County Engineer, location and results of tests made to ascertain subsurface soil, rock, and groundwater conditions including depth to groundwater if less than 6 feet during high groundwater season.
- t. Conditions on adjacent lands such as, but not limited to: approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers; and other nearby nonresidential land uses or adverse influences that are within 100 feet of the proposed subdivision.
- u. Preliminary grades and gradients, including natural drainage flows and drainage flows per the preliminary grading and drainage plan.
- v. Existing and proposed land uses and zoning included within and adjacent to the proposed subdivision.
- w. Utility providers, garbage collection, and method of sanitary sewer shall be noted.
- x. Plan view with grades as necessary to demonstrate compliance with current Williams County Road Standards.
- y. Master plan and phasing plan (if applicable). Each additional phase will require a separate final plat review subject to approval by the Board of County Commissioners.
- z. Development guidelines and standards (open space, common facilities, parking areas, garbage collection areas, etc.).
- aa. Any proposed or recorded easements.
- bb. Location of existing buildings, lakes, floodplains, rivers or streams, including a contour line denoting the present shoreline, water elevation, and the date of the survey, marshes or wetlands, rock outcrops, wooded areas, isolated preservable trees one foot or more in diameter, and other similar significant features within the subdivision on a topographic map. Contour lines of the entire subdivision, having the following intervals:



- (1) Two-foot contour intervals for ground slopes between level and 40%
- (2) Five-foot contour intervals for ground slopes between 40% and 80%
- (3) Ten-foot contour intervals for ground slopes exceeding 80%

#### **4-3-3 Major Subdivision: Procedure for Preliminary Plat**

The applicant shall first submit a pre-application form and follow the pre-application process in Section 4-3-2 above.

1. The applicant shall submit a properly completed preliminary plat application package as set out in Section 4-3-2 and any other information identified by the Planning and Zoning Division at the pre-application meeting or through a follow-up correspondence. If any items required by the Planning and Zoning Division are not submitted, the applicant shall provide a written explanation why each item is not provided.
2. After receiving the preliminary plat application package, the proposed preliminary plat, supporting materials, and other information required by the Planning and Zoning Official, and the proper fee (collectively “application materials”), the Planning and Zoning Official shall decide whether the application materials are complete and sufficient for review. This decision shall occur within five (5) business days of receipt of the application documents, and the Planning and Zoning Division shall mail, by U.S. regular mail, or e-mail notice of the decision to the applicant within that timeframe. Complete means the application materials contain all the required elements and sufficient means the information provided is at a level of detail allowing for Williams County and the public to evaluate whether all items required have been submitted.
  - a. When the Planning and Zoning Division has determined an application “incomplete” or “insufficient”, they shall not proceed with reviewing the application (and associated materials).
  - b. The ordinances and regulations in effect at the time of submittal determine if the application materials are complete and sufficient and shall be the ordinances and regulations applied to the subdivision.
3. After the application materials are determined complete and sufficient, the Planning and Zoning Office shall within five (5) business days send by certified mail a copy of the preliminary plat application materials and a request for a recommendation to the Chairman of the Board of Township Supervisors of the township in which the proposed subdivision is located. This mailing shall contain the following notice: “An application for preliminary plat approval has been initiated before the Planning Commission for a recommendation, subject to a final decision by the Board of County Commissioners. The Township Board of Township Supervisors is requested to make a recommendation on the application.” If the Planning and Zoning Division does not receive a recommendation from the Board of Township Supervisors within sixty (60) days of the date of notification, the Board of County Commissioners may take final action on the application for preliminary plat approval without the township’s recommendation. The Planning and Zoning Office shall set a date for the public hearing on the proposed preliminary plat and place it on the

agenda of the next regular Planning Commission meeting for which the notice requirements below can be met, and at which time will allow for its proper consideration.

4. Notice of the public hearing shall be mailed, by U.S. regular mail, at least fourteen (14) calendar days prior to the public hearing to all landowners whose properties are located within a one (1) mile radius of the subject property. Notice shall contain the information described in Section 4-3-3-5 below.
5. Notice of the date, time, place and purpose of the public hearing shall be published once each week for two consecutive weeks in the official newspaper of the county, and in such other newspapers published as the Planning and Zoning Official may deem necessary. Notice shall describe the proposed subdivision and shall state the times at which the application materials will be available for public inspection. A copy of the public notice and application materials shall be accessible at the Planning Division Office.
6. At least fourteen (14) calendar days prior to the public hearing, the applicant shall post notice of the public hearing on the property in at least one conspicuous location. Notices shall be made to withstand inclement weather; include a site plan; indicate the time, date and location of the public hearing; include the contact information of the Williams County Development Services, Planning Division, and the notice shall be reasonably legible from the nearest road open to public travel.
7. The Planning and Zoning Official shall prepare a staff report for the Planning Commission that provides a detailed overview of the proposed preliminary plat, its site, context and its compliance with the comprehensive plan and this ordinance. In preparation of the report, the Planning and Zoning Official may seek input from other departments. In the report, the Planning and Zoning Official shall propose findings of fact and a recommendation of approval, approval with conditions, or denial of the proposal for the Planning Commission's consideration.
8. The Planning Commission shall conduct a public hearing on the preliminary plat application. At the public hearing, the Planning Commission shall review the particular facts and circumstances of the proposed subdivision and develop findings and conclusions in support of its recommendation. If the Planning Commission finds that the preliminary plat application complies with the review criteria listed in Section 4-3-3 below or any other factors deemed necessary by the Planning Commission, it may recommend approval of the application. If the Planning Commission finds the preliminary plat application fails to comply with such criteria or other factors it considers, it may recommend denial of the application or it may conditionally approve the request with additional stipulations. The Planning Commission shall state the grounds upon which any preliminary plat is approved or disapproved, and written findings upon which the decision is based must be included in the Planning Commission's record.
9. The Planning Commission, on its own motion for purposes of gathering additional information or at the request of the applicant, or for any reason it deems necessary, may table consideration of a preliminary plat application. Any information requested of the applicant by the Planning Commission must be submitted to the Planning and Zoning Official according to any timeframes set by the Planning Commission. The Planning Commission may table consideration of an

application for no more than six (6) months; otherwise the applicant must submit a new application.

10. Within seven (7) calendar days after the Planning Commission makes its recommendation, the Planning and Zoning Official shall notify the applicant in writing or by email of the Planning Commission's decision. The applicant shall be advised of the date that the Board of County Commissioners shall consider and make a final decision on the proposed preliminary plat application materials.
11. Following the public hearing, unless tabled by the Planning Commission and in any case after the Planning Commission makes its recommendation, the Planning and Zoning Official shall prepare a staff report that provides a detailed overview of the proposed preliminary plat, its site, context and its compliance with the comprehensive plan and this ordinance. In the report, the Planning and Zoning Official shall include the recommendations of the Board of Township Supervisors, if any have been received as required by Section 4-3-3-3 above, and the findings and recommendations of the Planning Commission.
12. The Board of County Commissioners shall conduct a hearing on the preliminary plat application. At that hearing, the Board of County Commissioners shall review the particular facts and circumstances of the proposed subdivision and develop findings in support of its decision. If the Board of County Commissioners finds the request complies with the review criteria listed in Section 4-3-1 or any other factor deemed necessary, it may approve or conditionally approve the application. If the Board of County Commissioners finds the proposed subdivision fails to comply with such criteria or other factors considered, it may deny the application or conditionally approve the request with additional stipulations. The Board of County Commissioners may attach any conditions to a preliminary plat approval intended to ensure compliance with this ordinance, and purpose of this ordinance or NDCC Chapters 11-33 and 11-33.2, and/or to mitigate the anticipated impacts of the subdivision. The Board of County Commissioners shall state the grounds upon which any preliminary plat is approved or disapproved, and written findings upon which the decision is based must be included in the Board of County Commissioner's record.
13. The Board of County Commissioners, on its own motion for purposes of gathering additional information or at the request of the applicant, or for any reason it deems necessary, may table consideration of a preliminary plat application. Any information requested of the applicant by the Board of County Commissioners must be submitted to the Planning and Zoning Official according to any timeframes set by the Board of County Commissioners. The Board of County Commissioners may also remand the preliminary plat application back to the Planning Commission for further information, clarification, or other reason stated by the Board of County Commissioners. The Board of County Commissioners may table consideration of an application for no more than 6 (six) months, otherwise the applicant must submit a new application.
14. The Board of County Commissioners shall notify in writing the applicant and the affected Board of Township Supervisors of the Board of County Commissioners' decision on a preliminary plat application within two (2) weeks of the decision of the Board of County Commissioners.

#### **4-3-4 Effect of Preliminary Plat Approval**

1. Approval of the preliminary plat is not an acceptance of the subdivision plat for record but is rather an expression of approval of the general plat as a guide to preparation of the subdivision for final approval and recording upon fulfillment of the requirements of these regulations and any conditions of approval.
2. No development may proceed on property with preliminary plat approval until a final plat is approved by the Board of County Commissioners and recorded in the Office of the Williams County Recorder, and all public improvements plans are installed by the applicant and approved by the County, subject to the terms agreed to by the parties in the Development Agreement

#### **4-3-5 Review of Improvement Plans and Specifications**

1. After preliminary plat approval but prior to expiration of the 18-month period set forth in Section 4-3-1, and after obtaining Storm Water Management Plan approval (at minimum conditional approval), the applicant shall submit the appropriate review fee and the following information to the County Highway Department for review:
  - a. Approved copy of the preliminary plat;
  - b. Draft final plat;
  - c. Civil plans showing all proposed and approved conditions;
  - d. County road approach permit applications; and
  - e. Cost estimates of construction.
2. The County Highway Department shall review the applicant's plat and improvement plans and approve, approve with modifications, or deny. Any approval or conditional approval by the County Highway Department does not bind the Board of County Commissioners in any way with regard to its decision on the final plat.
3. The applicant shall modify the proposed final plat and plans as necessary prior to final plat application submittal to the Planning Division.

#### **4-3-6 Development Agreement**

When public or private improvements are necessary to serve the subdivision, the Board of County Commissioners shall require the applicant to enter into a Development Agreement with the County in the format established by the County prior to final plat approval. The applicant shall provide financial security in the form of an irrevocable letter of credit, performance bond, or cash in escrow, at the discretion of the Board of County Commissioners, in the amount of 125% of the total improvements costs as estimated by a State of North Dakota registered engineer. All Development Agreements shall be in substantial conformity with the current County format for Development Agreements.

#### **4-3-7 Phased Development**

A applicant may propose to file final plats or develop in phases over time according to the following standards:

1. Phased Development must be approved at the preliminary plat stage. Each phase shall be platted separately.
2. Each phase must be fully capable of functioning with all the required improvements in place to support the phase in the event future phases are not completed or not completed in a timely manner.
3. A phasing plan must be submitted for review and approval at the preliminary plat stage that includes:
  - a. A plat or site plan delineating each phase that includes the general timeframe for platting and development of each phase; and
  - b. A public facilities improvement plan showing which improvements will be completed with each phase.
4. The Board of County Commissioners may require that the parkland dedication (see Section 5-1-7) for the entire development be met prior to final approval of the first phase.
5. The first phase, if it meets all of the requirements of this ordinance and if approved by the Board of County Commissioners, shall receive final plat approval within 18 months of the date of the preliminary plat approval by the Board of County Commissioners. Each successive phase, if it meets all of the requirements of this ordinance and if approved by the Board of County Commissioners, shall be granted final plat approval within 18 months of the previous phase.
6. Approval of any particular phase does not guarantee approval of any subsequent phase. Each phase must meet all of the requirements of this ordinance and be approved by the Board of County Commissioners.
7. Modifications to an approved phasing plan which do not materially change the impacts on adjoining property or require changes to the preliminary plat approval and its conditions may be approved or denied by the Planning and Zoning Official in consultation with the County Engineer. Modifications that materially increase impacts to adjoining property owners or require changes to the preliminary plat approval and its conditions shall be subject to review by the Board of County Commissioners.

## **Chapter 4-4: Major Subdivision: Final Plat**

### **4-4-1 Final Plat Review Criteria**

1. In reviewing a proposed final plat for approval, the Planning Commission and Board of County Commissioners, as applicable, shall inquire into the public use and interest proposed to be served by the subdivision. The Planning Commission and the Board of County Commissioners shall determine whether the final plat and application conforms to the following:
  - a. The subdivision regulations;
  - b. Design standards in Article 5;

- c. The comprehensive plan; and
  - d. This ordinance.
2. Whether appropriate provisions are made for the following:
- a. Public health, safety and general welfare;
  - b. Open spaces, parks and playgrounds;
  - c. Drainage ways;
  - d. Streets, alleys and other public ways;
  - e. Sites for schools and school grounds; and
  - f. Other relevant factors.

#### **4-4-2 Information Required For A Major Subdivision Final Plat Application**

After the improvement plans and specifications are approved by the County Highway Department under Section 4-3-5, but prior to expiration of the 18-month period set out in Section 4-3-1, the applicant shall submit a final plat application. The Planning and Zoning Official shall require the following information to be included in a final plat application package:

1. Final plat application form completed and signed by the applicant and all property owners (if different from the applicant).
2. Final plat review fees.
3. Development Agreement.
4. Proposed covenants, conditions & restrictions and deed restrictions, if any.
5. Proposed method of financial security.
6. Consent to platting from all lienholders and mortgagees.
7. Road maintenance owners' association governing documents.
8. Existing approach/access/encroachment/driveway permits from North Dakota Department of Transportation and/or the local jurisdiction.
9. Traffic impact assessment (if condition required at Preliminary Plat).
10. Such additional relevant information as identified by the Planning and Zoning Official or other Development Services Department staff that is pertinent to the review of the subdivision proposal.
11. Any information demonstrating compliance with all conditions of preliminary plat approval.
12. All updated documents which are required at Preliminary Plat stage.
13. Current Title Insurance Policy or Current Opinion of Title.

14. Proposed final plat, prepared by a North Dakota registered land surveyor, in accordance with state law (including but not limited to NDCC 11-33.2 and 40-50.1). The proposed final plat shall comply with Article 4, the requirements of the preliminary plat approval, and any conditions required by the Board of County Commissioners at the preliminary plat stage. (3 paper copies 24" by 36" and a PDF file, AutoCAD file, required at final stage). The plat may consist of one or more sheets, and shall show correctly on its face the following information:
- a. Primary control points approved by the County Surveyor, or descriptions and ties to such control points, to which all dimensions, bearings and similar data on the plat shall be referred.
  - b. Basis of bearing from a known recorded source or with documentation using a reliable source referenced on the plat.
  - c. Location and description of survey monuments.
  - d. Corner records (if any new corner records require filing per the Survey and Corner Recordation Act, NDCC 47-20.1, this shall be accomplished prior to or along with recording the final plat and in compliance with the Survey and Corner Recordation Act).
  - e. Tract boundary lines, streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings, and radii, arc lengths, and central angles of all curves.
  - f. Location, dimensions, and purpose of each easement.
  - g. Numbers to identify each lot, block and or site.
  - h. Purpose for which lots or sites, other than residential lots/sites, are dedicated or reserved.
  - i. Certification of dedication of any roads, parks or other property to be dedicated to the public by the record owner(s) (Williams County template shall be used).
  - j. Certification by a North Dakota registered land surveyor that the plat is a correct representation of the survey, that all distances are correct, and monuments are placed in the ground as shown, and that the outside boundary lines are correctly designated on the plat.
  - k. Certification for acceptance by the Board of County Commissioners of any roads, sidewalks, parks, utilities or other property to be dedicated to the public (Williams County template shall be used).
  - l. Williams County Recorder Certificate, Williams County Auditor Certificate and Williams County Surveyor's Certificate (Williams County template shall be used).
  - m. Names of record owners of adjoining land platted land by record name, date and numbers; dotted text.
  - n. Existing and proposed road cross-sections and road plans (plan view with grades as necessary to demonstrate compliance with the road standards).
  - o. Title, scale, north arrow, legend and dates of survey and preparation of the final plat.

- p. All updated information addressing conditions or requirements in granting preliminary plat approval.

#### **4-4-3 Major Subdivision: Procedure for Final Plat**

1. After the improvement plans and specifications are approved by the County Highway Department under Section 4-3-5, but prior to expiration of the 18-month period set forth in Section 4-3-1, the applicant shall submit a final plat application (requirements listed in Section 4-4-1 above).
2. The County Engineer shall conduct an initial review to determine whether the final plat application package, plans and specifications, and cost estimate of construction comply with all Williams County standards and all conditions of the preliminary plat approval and shall notify the Planning Division of such determination. Upon notification by the County Engineer that the submitted materials comply with this ordinance and other applicable County standards, and the conditions and requirements of preliminary plat approval, the Planning and Zoning Official will continue processing the proposed final plat application package as described below. If it is determined any information is missing or the material shows lack of compliance, the Planning and Zoning Official will notify the applicant in writing of the determination and no further action will be taken by the County until the deficiency is corrected.
3. After the submittal of the proposed final plat application package, plans and specifications, and the information is reviewed and all conditions and requirements of preliminary plat approval have been met, the Planning and Zoning Official shall, acting on behalf of and with the consent of the Board of County Commissioners, send a copy of the proposed final plat application package, and the plans and specifications, by certified mail, to the Chairman of the Board of Township Supervisors in which the subdivision is located, along with a request for recommendation regarding final approval to the Board of County Commissioners. This mailing shall contain the following notice: "An application for final plat approval has been initiated before the Planning Commission for a recommendation, subject to a final decision by the Board of County Commissioners. The Township Board of Township Supervisors is requested to make a recommendation on the application." If the Planning and Zoning Division does not receive a recommendation from the Board of Township Supervisors within sixty (60) days of the date of notification, the Board of County Commissioners may take final action on the application for final approval without the township's recommendation.
4. The Planning Commission shall hold a public hearing before any action on a proposed final plat of a major subdivision is taken by the Board of County Commissioners. At least 14 days before the date of the public hearing, notice of the time and place of the hearing shall be sent by U.S. regular mail to the applicant at the address shown on the plat, and notice of the hearing shall be published in the official county newspaper for two consecutive weeks prior to the hearing indicating the time and place of the hearing and the nature of the subdivision. After the public hearing, the Planning Commission shall make a recommendation to approve, approve with conditions, or deny the final plat.



5. If the proposed final plat meets the requirements of this ordinance, has been submitted within the 18-month preliminary plat approval period, all conditions and requirements of preliminary approval have been met, including acceptance of a Development Agreement and financial security, and the Board of County Commissioners has determined the public use and interest is served by the subdivision through compliance with Section 4-4-1 above and the criteria in Section 4-4-1 above, or other factors it considers necessary, the Board of County Commissioners may approve the proposed final plat of the subdivision and denote that approval by signing the final plat. The Board of County Commissioners may place any condition it deems necessary to affect the purposes of NDCC Chapter 11-33, 11-33.2, or this ordinance at the time of or in conjunction with the approval of a proposed final plat. If the Board of County Commissioners determines any of those criteria have not been met or other factors it has considered may be affected, the Board of County Commissioners shall disapprove the proposed final plat and notify the applicant in writing of the decision and the reason(s) for such denial.
6. The applicant must file the final plat in the Office of the Williams County Recorder within 90 days of final plat approval by the Board of County Commissioners. Failure to record the plat in a timely manner shall render the plat void and shall require the applicant to commence the subdivision process from the beginning.

## **Chapter 4-5: Minor Subdivision**

### **4-5-1 Minor Subdivision Plat Decision, Review Criteria**

1. In determining whether a proposed plat shall be approved, the County Surveyor and Planning and Zoning Division, as applicable, shall inquire into the public use and interest proposed to be served by the subdivision.
2. They shall determine whether the plat and application conform to the following:
  - a. The subdivision regulations;
  - b. Design standards in Article 5;
  - c. The comprehensive plan; and
  - d. This ordinance.
3. Whether appropriate provisions are made for the following:
  - a. Public health, safety and general welfare;
  - b. Open spaces, parks and playgrounds;
  - c. Drainage ways;
  - d. Streets, alleys and other public ways;
  - e. Sites for schools and school grounds; and
  - f. Other relevant factors.

4. Minimum of one copy of the proposed minor subdivision plat shall be returned to the applicant, one shall be retained by Williams County.

#### **4-5-2 Information Required For A Minor Subdivision Application**

The Planning and Zoning Division shall require the following information to be included in a minor subdivision application package:

1. Minor Subdivision application form completed and signed by the applicant and all property owners (if different from the applicant).
2. Minor Subdivision review fees.
3. A current (issued within 6 months of application submittal) title insurance policy or attorney's opinion of title, running to the benefit of the Board of County Commissioners, showing proof of ownership, easements, and lienholders or claimants of record (must be submitted during plat review process and must match owner's signature).
4. Copies of all correspondences with public and private agencies and service providers regarding the subdivision (if applicable).
5. Letters of review from the U.S. Postal Service, stating that mail services can be provided and what if any on-site facilities will be required.
6. Documentation of legal and physical access to the subdivision. All lots created shall have access, either public or private.
7. Such additional relevant information as identified by the Planning and Zoning Division or other Williams County Development Services staff that is pertinent to the review of the subdivision proposal.
8. Minor Subdivision plat prepared by a North Dakota registered land surveyor, in accordance with state law, including but not limited to Article 4 of this ordinance, NDCC Chapters 11-33.2 and 40-50.1. One (1) paper copy 24" by 36" and a PDF file, AutoCAD file shall be submitted at the final stage of review process. The plat may consist of one or more sheets, and shall show correctly on its face the following information:
  - a. Location/vicinity map of the proposed subdivision by government lot, quarter section, section, township, range and county.
  - b. The name, address and telephone number of the person to be contacted regarding the plat. The names of all owners of record of the land and the name and address of the applicant (if different).
  - c. The surveyor's and/or engineer's name and North Dakota registration number.
  - d. Bold exterior boundaries of the proposed subdivision referenced to two (2) section corners established in the US Public Land Survey System.
  - e. Total gross and net (less road easements) lot areas and acreage shall be shown.

- f. Names and locations of adjacent subdivisions. For adjacent platted subdivisions, refer to subdivision plat by name, recordation date, and number, as applicable. Names of record owners of adjoining land, platted land by record name, date and numbers (dotted text).
- g. Designated public areas, parks, playgrounds, landscaping, non-buildable areas, drainage ways or other public uses (if applicable).
- h. Proposed public and private improvements (if applicable).
- i. Location of existing and proposed sidewalks, paths, curbs, gutters, culverts and other improvements on and adjacent to the parcel, including the dimensions (if applicable).
- j. Plan and profile with grades and dimensions to demonstrate compliance with the road standards (if applicable).
- k. Primary control points approved by the County Surveyor, or descriptions and ties to such control points, to which all dimensions, bearings and similar data on the plat shall be referred.
- l. Basis of bearing from a known recorded source or with documentation using a reliable source referenced on the plat.
- m. Location and description of survey monuments.
- n. Corner records (if any new corner records require filing per the Survey and Corner Recordation Act, NDCC 47-20.1, this shall be accomplished prior to recording the final plat and in compliance with the Survey and Corner Recordation Act).
- o. Tract boundary lines, streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings, and radii, arc lengths, and central angles of all curves.
- p. Numbers to identify each lot or site.
- q. Owner's Certification of dedication of any roads, parks or other property to be dedicated to the public by the record owner(s). (See Williams County Certificate Template)
- r. Certification by a North Dakota registered land surveyor that the plat is a correct representation of the survey, that all distances are correct, and monuments are placed in the ground as shown, and that the outside boundary lines are correctly designated on the plat.
- s. Certification for acceptance by the Board of County Commissioners of any roads, sidewalks, parks, utilities or other property to be dedicated to the public. (See Williams County Certificate Template)
- t. Williams County Planning and Zoning Division Certificate, Williams County Recorder Certificate, Williams County Auditor Certificate and Williams County Surveyor's Certificate (Williams County template shall be used). (See Williams County Certificate Template)
- u. Title, scale, north arrow, legend and dates of survey and preparation of the final plat.

- v. Location of existing lakes, floodplains, rivers or streams, including a contour line denoting the present shoreline, water elevation, and the date of the survey along with a bench mark on the subdivided property for named streams and or water ways. Drainage easements shall be shown, for drainage courses, drainage ways channel or stream, named or unnamed.
9. Compliance with Water Resource Board Requirements may be required.
  10. Development Agreement (See Section 4-3-6).

#### **4-5-3 Minor Subdivision: Procedure**

1. The applicant shall first submit a pre-application form and follow the pre-application process in Section 4-2-1 above.
2. Following the pre-application meeting, and within one year of that meeting, unless extended by the Planning and Zoning Official upon written request of the applicant, the applicant shall submit a completed and signed minor subdivision plat application form, proposed minor subdivision plat, the required minor subdivision application fee, and all information that is or may be required in a minor subdivision application as identified by the Planning and Zoning Division at the pre-application meeting or through a follow-up correspondence. If any items required by the Planning and Zoning Official are not submitted, the applicant shall provide a written explanation why each item is not provided.
3. After receiving the minor subdivision application, proposed minor subdivision plat, other required information and materials, and fee (collectively “the application materials”) the Planning and Zoning Official shall decide whether the submittal is complete and sufficient for review. This decision shall occur within five (5) business days of receipt of the application materials, and the Planning and Zoning Official shall mail, by U.S. regular mail, or e-mail notice of the decision to the applicant within that timeframe. *Complete* means the application materials contain all the required elements and *sufficient* means the information provided is at a level of detail allowing for Williams County and the public to evaluate whether all items required have been submitted.
  - a. If the minor subdivision application materials are incomplete or insufficient, the Planning and Zoning Division shall not accept the application materials until such time as they are complete.
  - b. The ordinances and regulations in effect at the time of submittal determines if the application materials are complete and sufficient and shall be the ordinances and regulations applied to the subdivision.
4. After the application materials are determined complete and sufficient, the Planning and Zoning Office shall forward the application materials to the County Highway, Auditors, Assessors and Recorders Departments for administrative review and approval.
5. The Planning and Zoning Official shall forward a copy of the application materials and a request for comment to the township in which the proposed subdivision is located. The township shall have thirty (30) calendar days to supply comments and recommendations.

6. Upon the discretion of Planning and Zoning Official and/or County Engineer, minor subdivision application materials can be a subject to a public hearing process and in this case shall follow the preliminary plat procedure for major subdivisions, as described in Chapter 4-3-3.
7. After a minor subdivision has been approved through administrative review the Chairman of the Planning and Zoning Commission and the Chairman of the Williams County Board of County Commissioners are authorized to sign the Planning and Zoning Commission and County Commission certificates as required by NDCC 40-50.1.

#### **4-5-4 Development Agreement**

When public or private improvements are necessary to serve the subdivision, the Board of County Commissioners shall require the applicant to enter into a Development Agreement with the County in the format established by the County prior to final plat approval. The applicant shall provide financial security in the form of an irrevocable letter of credit, performance bond, or cash in escrow, at the discretion of the Board of County Commissioners, in the amount of 125% of the total improvements costs as estimated by a State of North Dakota registered engineer. All Development Agreements shall be in substantial conformity with the current County format for Development Agreements

### **Chapter 4-6: Condominium Plats**

Condominiums shall follow preliminary plat procedure as explained for major subdivisions under Chapter 4-3.

#### **4-6-1 Plat Requirements**

Condominium plats shall meet the following:

1. Parent parcel shall be platted as a single lot subdivision.
2. The declaration shall include the following in mylar format:
  - a. Adhere to NDCC Chapters 11-33.2, 40-50.1, and 47-04.1, and may be shown on more than one sheet.
  - b. Name of the Condominium.
  - c. Parent parcel boundary lines shall be shown.
  - d. All existing and proposed easements shall be shown.
  - e. All unit boundaries shall be shown both horizontal and vertical.
  - f. All units shall have a unique numerical designation.
  - g. All common and limited common elements shall be shown and dimensioned on the plat, to include, but not limited to: porches, balconies, patios, entry ways, and common/limited common grounds.

## **Chapter 4-7: Subdivision Variances**

1. A variance from the development standards of this ordinance (Article 5) may be considered for subdivisions when the following criteria are met:
  - a. A literal enforcement of any provision would result in great practical difficulties, unnecessary hardship or injustice;
  - b. The difficulties, hardship or injustice is based on conditions unique to the property (e.g., existing lot configuration, physical conditions, etc.) which were not created by the applicant;
  - c. Granting of the variance will not be detrimental to the public health, safety or general welfare or injurious to other adjoining property;
  - d. Granting of the variance will not be contrary to the public interest or the general purposes of this ordinance; and
  - e. The variance will not place the subdivision in nonconformance with any adopted zoning standards or the comprehensive plan.
2. In granting variances, reasonable conditions may be imposed to secure the purpose and objectives of this ordinance.
3. Any variance must be requested by the applicant and considered at a public hearing before the Planning Commission for recommendation, subject to final approval by the Board of County Commissioners.
4. See also Chapter 3-5, which provides for Administrative Variances for specific standards. Such variances may be granted without requiring additional variance review under this section.

## **Chapter 4-8: Modifications and Vacations of Plats**

Modifications and vacations of recorded plats shall be reviewed and subject to approval by the Board of County Commissioners. Vacations of recorded plats shall be governed by NDCC Chapter 40-50.1. Modifications of recorded plats would be a re-subdivision, a boundary line adjustment or some other type of mapping.

## **Chapter 4-9: Appeals**

Any person or persons, jointly or severally, aggrieved by a decision of the Board of County Commissioners under these regulations, or any actions taken hereunder, may appeal to the district court in the manner provided in NDCC Section 28-34-01. Once the Board of County Commissioners makes a decision, no rehearing shall be allowed, unless the Board of County Commissioners is specifically ordered to do so by a court of record.

## **Article 5: DEVELOPMENT STANDARDS**

### **Chapter 5-1: Design and Improvement Standards, General**

For the health, safety and welfare of the citizens of Williams County, certain design standards have been adopted. It is clearly noted, however, that Williams County does not accept responsibility for the construction, repair, improvement, or maintenance, including: snow removal, dust control, of or upon any streets, roads, alleys, access easements, parks, rights-of-way, other easements, or other public ways or public grounds, including all sewers, culverts, bridges, water distribution lines and sidewalk grounds, whether shown hereon or existing or future, within or pertaining to this subdivision or plat. The County's approval of the plans shall not relieve the applicant or the applicant's engineer from liability related to portions of the design that are not in conformance with these standards or that do not follow standard engineering practices.

Before any future subdivision is approved, the applicant will be required by subdivision Development Agreement to accept responsibility for the layout and construction of all private or public roads, alleys, and streets within the subdivision, according to county specifications, and to be further responsible for the maintenance thereof including snow removal. The agreement shall be recorded in the Office of the Williams County Recorder to give notice to all subsequent owners of land within the subdivision. This resolution shall apply to all subdivisions, trailer courts, or other areas developed for mobile homes or other residential, industrial or commercial purposes.

#### **5-1-1 Adequate Public Facilities Required**

1. All parcels or lots within a UR, UC, LI and HI subdivision shall provide public water, sewer, electricity, telephone, paved roads, stormwater facilities and street lights. Curb, gutter and sidewalks shall be at the discretion of the Board of County Commissioners where deemed applicable.
  - a. All parcels or lots within an AG, RR, RC and P subdivision shall provide public water, electricity, telephone, hard surfaced roads, stormwater facilities and street lights. Curb, gutter and sidewalks shall be at the discretion of the Board of County Commissioners where deemed applicable. Private or community septic systems and well systems may be utilized only where no public sewer or public water system is available within one mile of the subdivision.
2. The applicant as set forth herein shall provide all public facilities necessary to serve the subdivision, including any necessary easements, extension of mains and lines, lift stations, streets, sidewalks, and other improvements.
3. No improvements shall be made until all necessary plans, profiles and specifications have been submitted to and approved by the County Engineer.
4. All projects shall conform to Williams County storm water management ordinances or regulations, including, but not limited to the Williams County Water Resource District Storm Water Management – Rules and Regulations.

### **5-1-2 Lots**

1. The size of the lots shall meet the size and setbacks for the particular zoning district. The shape and orientation of the lots shall meet the County's standards for the location of the subdivision and for the type of subdivision and use proposed. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings proposed for the subdivision.
2. Every lot shall front on or abut a publicly dedicated street or road easement.
3. All lots created after the adoption of this ordinance shall comply with the requirements of the zoning district in which they are located, unless a variance is properly granted.
4. Corner lots shall be designed to have sufficient width to permit appropriate building setbacks from both streets/roads and to provide acceptable visibility for traffic safety. (See the setback requirements of particular zoning districts in Article 2)
5. Visibility/sight triangle: Within 30 feet on either side of corner lots where two streets intersect, fences and vegetation shall be a maximum of 30 inches in height from the crown of the road and tree branches shall hang no lower than six feet higher than the crown of the road to allow drivers to see adequately in both directions. These requirements also exist within 15 feet on both sides of where a driveway intersects with a street.
6. Side lot lines shall be substantially at right angles or radials to street lines.
7. Lot lines shall follow municipal and zoning district boundary lines rather than cross them.
8. Depth and width of lots reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street parking and service facilities at a minimum required by this ordinance and by the type of use and development contemplated.
9. The creation of lots with irregular shapes (such as those with narrow necks, points, and flag shapes) is prohibited unless an Administrative Variance is approved by the Director of Development Services as provided by Chapter 3-5.

### **5-1-3 Blocks**

1. The length, width and shape of blocks shall be suited to the planned use of land, this ordinance, convenient access, control and safety of vehicular traffic, and the limitations and opportunities of topography.
2. Blocks must be wide enough to allow for two tiers of lots unless a narrower configuration is essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography or orientation.

### **5-1-4 Utility Lines and Easements**

1. Easements across front lots or along rear or side lot lines shall be provided for utilities and shall be a minimum of 10 feet wide on each side of the property line and may be used for the following: gas, telephone, cable, Wi-Fi and electrical power, water and sewer.



2. Utility easements shall be centered on lot lines where possible. Total easement width shall be subject to County Engineer discretion.
3. The applicant shall install all telephone, gas, Wi-Fi, electrical power, cable television, water, and sewer lines. All such utilities shall be placed in dedicated easements and installed underground prior to surface improvements and in accordance with plans approved by the applicable utility providers. A dry utilities location plan as accepted by the franchise companies must be submitted and approved by the County. Easements shall be shown and designated on each site plan and final plat as "Utility Easement".
4. Utility easements shall connect with easements established on adjoining properties.
5. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm drain easement or drainage right-of-way conforming substantially with the lines of such water course, and further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith. If, however, a floodplain designation is made, no construction shall take place within such area without first meeting all federal, state and local requirements.

#### **5-1-5 Mail Delivery**

1. A central location for a multi-mailbox pick-up and delivery will be provided in the subdivision, subject to approval by the Development Services Department and the United States Postal Service in accordance with the designated location on the approved final plat. All mail structures erected for public use whether on private or public property or a right-of-way or easement are subject to Williams County's building permit and approval process.
2. The applicant shall coordinate with the United States Postal Service when construction requires mailboxes to be relocated or rearranged.
3. Individual and cluster mailboxes shall have break-away designed support unless located a minimum of 18 inches behind a curb or located beyond the clear. Mailboxes shall be constructed in accordance with North Dakota Department of Transportation Standard Drawings.
4. Turnouts for mail delivery vehicles shall be installed to serve multi mailbox locations along major collector routes or any road with a posted speed of 35 mph or above.

#### **5-1-6 Survey Monuments**

All existing survey control monuments which are disturbed, lost or destroyed during construction shall be replaced by a North Dakota registered surveyor at the expense of the applicant. All monuments depicted on the plat shall be in place at the time of any acceptance for roads and/or improvements by the county.

Durable ferromagnetic monuments must be set at all angle and curve points on the outside boundary lines of the plat. The monuments must be at least eighteen inches [45.72 centimeters] in length and at least one-half inch [1.27 centimeters] in sectional dimension. Any monument of the survey must bear the registration number of the land surveyor making the survey. (NDCC 40-50.1-02)

### 5-1-7 Parks and Open Space

Parks, playgrounds, and open space provide a valuable asset to Williams County, its historical development, and the health and general welfare of its residents. These standards are intended to ensure that parks, playgrounds, and open space provide focal points for new residential subdivisions. A central green space, for example, may comprise a majority of the area required for dedication.

All parks, playgrounds, and public areas shall be constructed and installed by the in accordance with County standards, permits, and plans and specifications approved by the County. All parks, playgrounds, and public areas shall be dedicated to the public and provide public access.

1. The parks, playgrounds, and open spaces dedication requirement applies to all new single-family residential subdivisions, all multiple family housing subdivisions, and all mobile home parks as allowed in each zoning district, except in the AG, UC, RC, LI, HI districts.
2. The location and extent of parks, playgrounds, and open spaces shall be indicated on all final plats and site plans.
3. Parks, playgrounds, and open spaces shall be dedicated to the Williams County Park District unless expressly authorized otherwise by the Board of County Commissioners. In such cases where a park, playground, and/or open space area is privately dedicated, a property/home owners association shall be responsible for maintaining the park, playground, and/or open space area.
4. The amount of required park, playground, or open space shall be:
  - a. Subdivisions within the P and RR Districts shall provide a minimum of 15% of the gross acreage.
  - b. Subdivisions within the UR District shall provide a minimum of 10% of the gross acreage.
  - c. Mobile Home Parks shall provide the appropriate minimum percentage of the gross acreage, according to the District it will be in.
5. At the discretion of the Board of County Commissioners after a recommendation by the Planning Commission and Planning and Zoning Official, as applicable, a payment may be required in combination with or instead of parks, playgrounds, and open spaces. The monetary amount shall be the pre-development fair market value of the required parks, playgrounds, and open spaces determined by a North Dakota certified and permitted appraiser. The appraisal shall not be more than two weeks old when submitted for final determination. The money shall be paid to the Williams County Park Board prior to final platting for subdivisions or permitting for other development (such as adding duplexes or multiple family dwelling units to lots) and shall only be used for park acquisition, development, maintenance and recreational programs.
6. Any park, playground, or open space area must be:
  - a. Large enough to serve the needs of multiple developments and the adjoining landowners,
  - b. Aesthetically pleasing and equipped with necessary infrastructure, and have adequate and safe access for adjoining landowners and developments;

- c. Suitable for active or passive recreation, but may include areas of slope, drainages, wetlands, or other areas that will not be developed in an amount not to exceed 25% of the total acreage;
- d. Cost effective to maintain; and
- e. Appropriate for the recreational needs of the future residents of the development and in compliance with the goals and objectives of the Williams County Board of County Park Commissioners and its programs.

#### **5-1-8 Storm Drainage**

1. The applicant shall submit a Storm Water Management Plan, in compliance with Williams County ordinances and regulations including, but not limited to, the Williams County Water Resource District's Storm Water Management – Rules and Regulations and certified by a North Dakota licensed and registered engineer, and subject to approval by Williams County Water Resource District, which will identify the drainage of this Subdivision and specify the manner in which storm water, drainage and runoff will be accommodated. The storm water management plan for the Subdivision shall include hydrology, hydraulic structure sizing for the Subdivision, and downstream drainage control structures.
2. All drainage facilities within current or future County easement must be the type and nature that can easily be maintained by the County. This typically includes a minimum 15-inch to 18-inch corrugated metal pipe (CMP) or reinforced concrete pipe (RCP), standard catch basins and manholes for curb and gutter roadway sections. All other facilities such as stormwater detention ponds shall be installed outside of the County's easement and be maintained by the applicant or a property owners' or homeowners' association.

#### **5-1-9 Erosion Control**

1. Before any grading or utility construction is commenced or building permits are issued, the applicant shall submit an erosion control plan to the Building Division. The plan shall be designed and certified by a North Dakota licensed and registered engineer and approved by Williams County Water Resource District. In addition to any county approval and/or permits required, the applicant shall obtain the necessary approval and permit from the North Dakota Department of Health - Division of Water Quality – Storm Water Program. The applicant shall submit the plan and a copy of the State permit to the County before implementation.
2. All areas disturbed by the excavation and backfilling operations shall be reseeded forthwith after the completion of the work in that area. All seeded areas shall be fertilized, mulched, and disc anchored as necessary for seed retention.
3. Time is of the essence in controlling erosion. If the applicant does not comply with the erosion control plan or any supplementary instructions received from the County, the County may take such action as it deems appropriate to control erosion and assess the actual costs of such action to the applicant or to against any property owned by the applicant within the State of North Dakota in the same manner that property taxes are assessed or by lien, or both, and may draw from the financial security provided by the applicant.

### 5-1-10 Grading and Drainage

1. Whenever one (1) acre (43,560 square feet) or more of land is to be disturbed by development, the developer shall submit a grading and drainage plan to the Building Division for review and approval, prior to soil disturbance. For subdivisions that meet this requirement, a preliminary plat application shall include a preliminary grading and drainage plan for the entire subdivision in compliance with this section. All improvements required by the County shall be installed by the applicant prior to final subdivision plat approval (unless a Development Agreement is in effect, then as provided in that agreement) or prior to issuance of a certificate of occupancy (as a condition of the building permit), as appropriate.
2. The final approved grading and drainage plan shall include the following:
  - a. Existing features, including a drainage area map showing the topography of the drainage basin contributing to the site, and a site plan showing the site's topography and natural and man-made features including wetlands, drainages, vegetation, soil types, streets, utilities, structures, etc.;
  - b. Proposed alterations to the site, including clearing and grading, cuts, fills, planned contours, phased site work description and timetable (when applicable) and vegetation that is planned to be preserved;
  - c. Temporary erosion and sediment control measures (best management practices) during construction (required by the Williams County, Williams County Water Resource Board, and/or the State of North Dakota); and
  - d. Long term facilities for site drainage and stormwater management including drainage easements of adequate location and width to accommodate drainage from the site and upstream areas and to accommodate access for maintenance purposes.
3. Culverts or bridges of adequate size must be provided and installed by the applicant where drainage channels intersect any street right-of-way or easement. All culverts shall extend at least across the entire width of the base of the fill; the amount of backfill to be placed over the culvert and culvert's capacity shall be determined by a registered professional engineer. This shall include arrangements for driveway culverts. The County Engineer and/or Williams County Water Resource Board shall approve the length of the culvert, amount of backfill to be placed over it, and the culvert's capacity.
4. Concrete curbs and gutters shall be installed in all residential subdivisions with an overall density (number of acres per lot) greater than one-acre per lot, all developments in the UC and LI zoning districts, all multiple family dwelling subdivisions, hotels/motels, any subdivision within two (2) miles of the corporate limits of a city, and where deemed necessary by the Board of County Commissioners in accordance with the plans and specifications approved by Williams County.
5. The full width of all rights-of-way shall be graded, and all streets shall be surfaced in accordance with plans and specifications approved by the Williams County Highway Department.

6. Stormwater leaving the subdivision property shall not exceed pre-development levels as required by Williams County or the Williams County Water Resource Board.
7. Drainage easements, where necessary, shall be shown on the subdivision plat and site plan (see Section 5-1-4).
8. The applicant shall provide suitable drainage facilities for any surface run-off affecting the subdivision; these facilities shall be located in street easement or perpetual easements of appropriate widths and are subject to approval by the Board of County Commissioners.
9. Drainage systems shall not discharge into any sanitary sewer facility.
10. Culverts or other drainage facilities shall be large enough to accommodate potential runoff from upstream drainage areas and maintain natural drainage patterns.
11. No grading of any nature may occur on the subdivision site until a grading plan for the entire subdivision, designed and certified by a North Dakota licensed and registered engineer is submitted by the applicant and approved by the Development Services Department before implementation.

#### **5-1-11 Wastewater (Sewage) Disposal Systems**

1. Municipal sanitary sewers shall be installed in the UR, UC and where available in the LI and HI Districts in accordance with the policies of the Upper Missouri Health District and/or ND Department of Health so as to provide service to the proposed subdivision. All wastewater plans, whether municipal, community, shared, or individual, shall be reviewed and approved by the appropriate state health agency prior to installation.
2. The applicant will install all sanitary sewer mains and services, connections to existing mains, and allowances for future extensions within and adjacent to the subdivision. Connections to existing mains will be made at appropriate places, sizes, locations and standards as approved by the County. All components shall be installed in conformance with the design standards, specifications, rules, and regulations of the North Dakota Department of Health. The applicant shall provide written proof to the County that the appropriate state agency approval has been obtained.
3. Utility separation shall meet Upper Missouri District Health Unit and State Health Department requirements.
4. Wastewater (sewage) disposal improvements shall include, but not be limited to, any and all interim improvements that may be deemed necessary due to phased construction.

#### **5-1-12 Water Supplies**

1. Public water shall be installed in the UR, UC, and any zoning district whenever available in accordance with the regulations or standards of Williams Rural Water District, Western Area Water Supply Authority (WAWSA) or the relevant provider. Public water shall be provided as per requirements of the Upper Missouri District Health Unit and State Health Department. All water plans shall be reviewed and approved by the State Department of Health and the water supplier

prior to installation. Subdivisions shall meet fire suppression requirements in accordance with Development Services Department in conjunction with rural fire districts and the State Fire Marshall.

2. The applicant will install all water mains and services, connections to existing mains, and allowances for future extensions within or adjacent to the subdivision. Connections to existing mains will be made at appropriate places, sizes, locations and standards upon approval of civil plans and drawings by the State or Local Water Purveyor, and subject to the regulations and permit requirements of the Williams Rural Water District, or other applicable authority. All components shall be installed in conformance with the design standards, specifications, rules, and regulations of the Williams Rural Water District, or other applicable authority.
3. Utility separation shall meet Upper Missouri District Health Unit and State Health Department requirements.
4. Water supply improvements shall include, but not be limited to, any and all interim improvements that may be deemed necessary due to phased construction.

### **5-1-13 Solid Waste**

Solid waste disposal services shall be provided by the applicant where deemed appropriate by the Board of County Commissioners. Visual screening of solid waste facilities may be required along with sufficient access and turn around area.

## **Chapter 5-2: Transportation Design and Improvement Standards**

### **5-2-1 General**

Except where these standards provide otherwise, design detail, construction materials and workmanship shall be in accordance with the following publications:

1. NDDOT Standard Specifications for Road and Bridge Construction, current edition, along with the NDDOT Design Manual, current edition.
2. NDDOT Standard Drawings, current edition.
3. AASHTO "A Policy on Geometric Design of Highways and Streets, current edition.
4. USDOT "Manual on Uniform Traffic Control Devices", current edition.
5. ADA Guidelines for Public Rights-of-Way.
6. NDDOT Erosion and Sediment Control Handbook, current edition.

### **5-2-2 Addresses and Street Names**

1. The Williams County Addressing Policy establishes standards for naming streets, posting street signs, and assigning numbers to all dwellings, principal buildings, businesses and industries in order to assist emergency service agencies, the United States Postal Service, and the public in the timely and efficient delivery of services to residents and businesses of Williams County. This policy

is enforced by the Building Division, and the Building Division shall provide all addresses and street names.

2. No street names shall be used which will duplicate or be confused with the names of existing streets in the Subdivision or any other subdivisions. Street names shall be subject to the approval of the Board of County Commissioners.

### **5-2-3 Streets/Roads and Access Easements**

1. The arrangements, surfacing, extent, width, grade and location of all streets shall conform to Williams County Design Standards. The Design Standards may be updated annually with the most current version being listed on the Williams County website. Design will consider relation to: existing and planned streets, topographic conditions, public convenience and safety, and relation to the proposed uses of the land to be served. For the protection of County roads, the Board of County Commissioners shall review all proposed points of access for non-farm uses or development. Written evidence of approval by appropriate highway authorities shall be provided to the Board of County Commissioners.
2. The arrangement of streets in the subdivision shall either:
  - a. Provide for the continuation of existing principal streets in surrounding areas; or
  - b. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance of existing streets impractical.
3. Minor streets shall be so laid out so that their use by through-traffic will be discouraged.
4. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission and the Board of County Commissioners may require: marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of properties and to afford separation of through and local traffic.
5. Where a subdivision borders on or contains railroad right-of-way or limited access highway right-of-way, the Planning Commission and the Board of County Commissioners may require a street approximately parallel to and on each side of such right-of-way. Said streets shall be so located that the intervening land can be used for park purposes in residential districts, or commercial or industrial purposes in appropriate districts. The distance shall be determined with due consideration of requirements for approach grades and future grade separations.
6. Street centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
7. A tangent at least one hundred (100) feet long shall be introduced between reverse curved on arterial and collector streets.
8. When connecting street centerlines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of

not less than two hundred (200) feet for minor or collector streets, unless the County Engineer shall determine greater radii.

9. Street shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at less than eighty degrees.
10. NDDOT or AASHTO Clear Zone distances shall be used as a guide for evaluation and placement of roadside features within the County easements.
11. Sight distance requirements vary with anticipated speed of vehicles. Adequate sight distance must be provided for roadways and intersections. This should be checked at all horizontal curves, crest curves and intersections.
12. Road improvement plans shall include a signing and striping plan for hard surfaced roads.
13. Locations of poles and other above-ground appurtenances shall be compatible with driveways, intersections and other roadway features. They shall not interfere with sight distance, roadway signing, traffic controls, culverts, etc.
14. Street right-of-way widths shall be as listed below, however, the County Highway Department has the discretion to require greater widths if needed dependent upon terrain:

<b>Street Type</b>	<b>Right-of-Way (EASEMENTS)</b>
Township or County Road	150' Minimum
Major Street (i.e. Exterior Subdivision Street)	150' Minimum
Minor Street (i.e. Interior Subdivision Street)	80' Minimum
Urban Cross Section Street	66' Minimum

15. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations; and where the Planning Commission and the Board of County Commissioners finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Both owners shall sign the plat. Shall be recorded as a separate document, with road easements dedicated to the County.
16. Permanent dead-end streets shall not be longer than six hundred (600) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet. Maximum gradient in a turnaround shall not exceed 4 percent.
17. All street grades, wherever feasible, shall not exceed 6 percent; however, grades within 200 feet of County Secondary Roads (designated County Road System) shall not exceed two percent. Where grades cannot be met, alternate grades may be considered and approved by the County Engineer.



18. No street grade for urban sections shall be less than one-half of one percent, unless approved by the County Engineer.
19. Offsite improvements, engineering and construction costs shall be borne by the applicant and shall be reviewed and approved by the County Engineer.
20. All proposed railroad crossings in a public easement must be submitted to the County Engineer prior to being processed through the railroad and the utilities. Where additional railroad crossings are allowed, they shall be designed in accordance with the AASHTO Green Book, "Railroad-Highway Grade Crossings".
21. Upon completion of any development, road, box culvert, or bridge a complete set of as-builts shall be furnished to the County Engineer.
22. For all road and drainage work, other than that performed by the County on County road and drainage projects and access permits, the County requires the applicant to engage the services of a professional engineer to document and certify all inspections and testing during the construction process. It is the responsibility of the applicant and their engineer to perform daily inspections and testing of materials as necessary and to certify all such inspections and testing are in compliance with the approved plans and the Williams County Design Standards. The County Engineer or his/her designee may visit the project site to monitor the overall progress of the project. Such site visits to not relieve the applicant, the contractor or the applicant's engineer of any responsibilities for performing all work in accordance with the approved plans and the Williams County Design Standards.

#### **5-2-4 Alleys**

1. Alleys or service drives shall be provided in UC, RC, LI, and HI districts, except that the Planning Commission and the Board of County Commissioners may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
2. The width of an alley shall be a minimum of twenty (20) feet.
3. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
4. Dead-end alleys shall be avoided where possible, but if unavoidable and approved by the Planning Commission and the Board of County Commissioners shall be provided with adequate turn-around facilities at the dead-end.
5. Dead end alleys and or cul-de-sac should not exceed 660 feet in length, with a minimum of 110 feet easement for turnaround. Road surface for drainage and snow removal should be a minimum of 80 feet.

#### **5-2-5 Traffic Control Devices**

1. Street signs, stop signs and other standard traffic control signage within the Subdivision, or located immediately adjacent thereto, shall be furnished and installed by the applicant subject to

approval by the Development Services Department, which may consult with the County Highway Department to determine adequacy.

2. The applicant shall furnish and install all necessary traffic control devices in accordance with the Manual of Uniform Traffic Control Devices and shall be subject to approval by the Development Services Department.
3. Street signs, stop signs and other standard traffic control signage shall be installed in coordination with the construction of all streets and shall be installed prior to approval of the first building permit or as approved by the Development Services Department.
4. If additional traffic control devices are required due to increased traffic in the area at a later date, the applicant shall equally contribute to the installation of any such traffic control devices that may be required, and which shall be approved by the County.

### **5-2-6 Pedestrian and Bicycle Facilities**

1. General Requirements:
  - a. The Board of County Commissioners may require new subdivisions to include sidewalks and sidewalk easements along all street frontages.
  - b. All sidewalks and pedestrian and bicycle trails shall be constructed and installed by the applicant in accordance with County standards and plans and specifications approved by the County.
  - c. Bicycle lanes may be located along streets. Such lanes shall be a minimum of 10 feet wide and striped to separate the bicycle lane from vehicular traffic lanes. This may necessitate additional easement or right-of-way greater than the standard width.
  - d. All trails shall comply with this ordinance or federal ADA guidelines, whichever is stricter. All trails shall be a minimum of 10 feet wide with 8.5 feet of vertical clearance.
  - e. All trails shall consist of minimum 3-inches of asphalt over a minimum compacted base of 6 inches of 3/4-inch minus gravel. The compacted base shall extend at least 6 inches beyond the asphalt surface on both sides of the trail. The maximum grade shall not exceed 8% for ramps and 5% in other areas with landings spaced as per ADA guidelines. The standard cross slope shall be 2% maximum.
2. Combined Pedestrian and Bicycle Trails
  - a. In the UR or UC Districts, combined pedestrian and bicycle trails are required where determined necessary by the Board of County Commissioners to provide circulation or safe access to schools, playgrounds, shopping, adjoining neighborhoods, transportation and other community facilities or for the continuation of existing, planned or reasonably anticipated routes.

### **5-2-7 Exterior Lighting Standards:**

The intent of this section is to preserve, protect, and enhance the nighttime enjoyment of any and all properties using appropriate lighting. Individual fixtures and lighting systems shall be designed, constructed, and installed to control glare and minimize obstructive lighting into adjoining properties and vehicular traffic along highways, county roads and other public roads, and to reduce the degradation of the nighttime visual environment. The following shall also apply to exterior lighting:

1. Exterior lighting shall be fully shielded and directed downward and shall take measures to prevent off-site glaring and minimize light pollution;
2. The intensity of lighting shall not exceed ten foot-candles within any site;
3. Wall-mounted lighting shall be cut off, down directional with a maximum of two hundred fifty watts per fixture;
4. Street lighting and/or interior parking lot lighting shall not exceed twenty-five feet in height; and
5. The light poles used shall not be constructed of a wood material similar to a common electric or telephone pole.

### **5-2-8 Fences**

Except as otherwise specifically provided in other codes and ordinances of the County, the following regulations shall apply to the placement and construction of fences, landscaping and other visual obstructions at intersections:

1. No fence shall be constructed which will constitute a traffic hazard.
2. No person shall erect or maintain any fence which will be hazardous or dangerous to persons or animals, or which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation, or any fence, which shall adversely affect the public health, safety and welfare.

### **5-2-9 Visibility at Intersections**

1. Visibility/sight triangle: Within 30 feet on either side of where two streets intersect, fences and vegetation shall be a maximum of 30 inches in height from the crown of the road and tree branches shall hang no lower than six feet higher than the crown of the road to allow drivers to see adequately in both directions. These requirements also exist within 15 feet on both sides of where a driveway intersects with a street.
2. Sufficient sight distance for vehicles to enter onto a public road or street and for other vehicles to avoid accidents at driveways and accesses must be provided and approved by the County Engineer.

### **5-2-10 Traffic Impact Assessment**

When deemed necessary by the Planning Commission and the Board of County Commissioners due to potential impacts to public health, safety and to prevent unnecessary traffic congestion, the applicant

shall submit a Traffic Impact Assessment (TIA) to gauge the impacts of the subdivision on transportation facilities, safety and traffic flow.

1. Preparation. A North Dakota- licensed and registered engineer, a transportation planner certified by the American Institute of Certified Planners of the American Planning Association, or a professional traffic operations engineer or professional transportation planner certified by the Transportation Professional Certification Board, Inc. must prepare the TIA, which shall be subject to approval by the County Engineer.
2. Form and Content. The TIA shall be in written form along with supporting maps and other appropriate information. At a minimum, the TIA must include the following elements:
  - a. Purpose and goals;
  - b. A description of the site and study area, which shall extend to the most logical collector or arterial road(s) based on trip distribution patterns;
  - c. Existing traffic circulation conditions and patterns including road geometrics, roadway capacity, conditions of roads leading to the subdivision and other relevant information;
  - d. Anticipated traffic circulation conditions and patterns including road geometrics, traffic counts, trip distribution, land uses, crash data, intersection evaluations, roadway capacity and other relevant information;
  - e. Anticipated effects of the subdivision and other expected subdivisions in the area on the existing road network; and
  - f. Recommendations and alternatives to alleviate the negative effects (if any) and maintain the existing level of service after completion of the subdivision.
3. TIA shall only be valid for a period of three years from the date of the approval of the subdivision. If the subdivision is not complete within this timeframe the TIA shall be updated and resubmitted for approval by the County Engineer.

### **Chapter 5-3: Parking and Loading**

These standards establish off-street parking requirements designed to lessen congestion in the streets and provide a reasonable amount of parking in all zoning Districts.

1. Any building or structure erected, and any use of land established, after the effective date of this ordinance, including material changes of use and additions to existing uses, buildings, or structures, shall be required to provide off-street parking in accordance with the standards in this Chapter with the following exception: Where a change of land use within an existing building or lot requires an increase in off-street parking by 10% or less, the increase may be waived by the Planning and Zoning official.
2. Other than required federal ADA parking spaces, a standard parking space is 9 feet wide by 20 feet long. For uses expected to need to accommodate larger or smaller vehicles, a subdivision

may include different sizes of parking spaces if substantiated with appropriate information with the application submittal to the Planning and Zoning division.

3. Each parking space shall have a vertical clearance of at least 8.5 feet except as provided in the North Dakota Building Code for enclosed parking garages.
4. Location.
  - a. For all single-family dwellings and duplexes, off-street parking shall be located on the same lot as the use they serve.
  - b. For all other uses, off-street parking shall not be located more than 300 feet from the lot as measured along the nearest pedestrian walkway and must be located within the same zoning district as the use they serve.
  - c. For land uses other than subdivisions for single-family dwellings, a percentage of the property being subdivided and developed shall be dedicated to off-street parking.
  - d. Parking shall not be located where it inhibits visibility at any intersections.
5. Parking plans including location, circulation pattern, signage, dimensions, lighting, landscaping, pedestrian and bicycle facilities, federal ADA requirements and other specifications, as appropriate or applicable, shall be drawn to scale and submitted to the Planning and Zoning Division for review and approval for all land uses other than agricultural and agricultural accessory uses.
6. All off-street parking spaces and associated access shall be constructed with asphalt, concrete, or an approved hard surface as defined by the County.
7. All off-street parking areas shall be designed and constructed to allow proper drainage, which may require storm water containment to be reviewed and approved by the County.
8. Landscaping and Screening specifications shall be dictated by the zoning district in which the site is located.
9. Minimum drive aisle widths shall be:
  - a. For two-way circulation and 90° parking: 24 feet;
  - b. For one-way circulation and 60° angle parking: 18 feet; and
  - c. For one-way circulation and 45° angle parking: 15 feet.
10. A snow storage area of at least 2% of the size of the off-street parking lot, drive aisles and circulation shall be provided to avoid the loss of required parking spaces to snow storage.
11. All subdivisions shall provide at least the minimum number of off-street parking spaces established in Table 5-1. Except as provided in (13), below, if two or more uses occupy the same building or lot, the total requirement shall be the sum of the requirements of the individual uses.

12. At the discretion of the Director of Development Services and/or the Planning and Zoning Official, up to a 30% reduction in the number of parking spaces required for off-street parking may be granted by Administrative Variance (Chapter 3-5) under the following circumstances:
- a. When at least 50% of the parking spaces required by this Chapter are for primarily “night time” uses such as theatres, bowling alleys, lodges, drinking establishments and related uses, or other similar uses, and the parking spaces also serve those uses that are provided by “day time” uses such as banks, offices, furniture stores, retail, wholesale and related uses, or other similar uses;
  - b. When at least 50% of the parking spaces required by this section for a religious institution, an auditorium incidental to a school, or a similar use, may be supplied by the off-street parking facilities provided by uses primarily of a “day time” nature;
  - c. When the shared parking facility is located within 300 feet of either the building or land use for which the parking facility is required;
  - d. When the applicant for a shared parking facility can demonstrate there is no substantial conflict in the principal operating hours of the buildings and uses for which the shared use is proposed; and
  - e. When a contract providing for shared use for a period of at least 15 years is executed by the users before issuance of a building permit.
13. Where a minimum number of off-street parking spaces for a land use is not listed in Table 5-1 below, the Planning and Zoning Official shall determine the appropriate number of spaces based on (a) State and federal guidelines, including but not limited to the North Dakota Building Code and NDCC 54-21.3-04.1; (b) the most similar land use described herein, (b) parking requirements from other jurisdictions, and/or (c) published sources of parking standards such as those produced by the North Dakota Building Code, Institute of Transportation Engineers, and the American Planning Association.
14. Loading Areas:
- a. Commercial and industrial buildings shall be provided one safe, properly signed off-street freight loading area for each 10,000 square feet of gross floor area or outdoor storage.
  - b. Day care centers, schools, health care facilities, places of assembly, and similar land uses shall provide at least one safe, properly signed off-street passenger loading area.

**Table 5-1 – Required Off Street Parking (See box below table for additional Notes)**

Land Use/Activity	Minimum Number of Off-Street Parking Spaces
Residential	<b>Key:</b> NR: No minimum requirements

	CUP: Conditional Use Permit
Single-family dwellings	2 per dwelling unit
Mobile homes	
Mobile/manufactured home parks	
Ranch or farm hand related housing	
Duplexes	
Multiple family dwellings	
Residence halls and dormitories	0.5 per room
Retirement homes	1 per resident + 1 per employee on shift
Conservation Developments	NR
Reserve Area Developments	Minimum parking requirement based on the types of uses
Planned Unit Developments	
<b>Transient Lodging</b>	
Bed and breakfast establishments	1 per guest room + 2 for owner dwelling unit
Hotels	1.25 per rental room
Motels	
Temporary workforce housing facilities	1 per living unit + 1 per 10 units visitor parking spaces + 1 per employee on shift
Temporary workforce modular housing camps	
Recreational vehicle campgrounds	1 per RV space outside of each RV pad+ 1 per 10 units visitor parking spaces + 1 per employee on shift
Tent campgrounds	1 per tent site + 1 per 10 sites visitor parking spaces + 1 per employee on shift
Dude ranches	1 per guest room + 1 per employee on shift
Hunting lodges	
Retreat centers	0.5 per guest room + 1 per employee on shift

Youth camps	1 per 10 youths (per camp capacity) + 1 per employee on shift
<b>Accessory</b>	
Accessory buildings and uses incidental to a permitted use	NR
Home occupations	NR
<b>Personal Care</b>	
Child care facilities	1 per 8 participants + 1 per employee on shift
Group homes	1 per 4 residents + 1 per employee on shift
<b>Parks/Outdoor Recreation</b>	
Public parks and playgrounds	NR
Private parks and playgrounds	
Natural resource conservation areas	
Cultural and historical features and facilities	
Agri-tourism	
Athletic fields and outdoor sports courts	1 per 10,000 square feet of recreational area
Golf courses	1 per hole + those required for other on-site uses such as restaurant, club house, etc. For driving ranges, 1 per 5 tee boxes
Indoor/outdoor swimming pools	Determined through CUP review
Skeet, trap, and shooting ranges and archery facilities	1 per maximum shooter capacity + 1 per employee on shift
Marinas	0.75 per slip + those required for other on-site uses
<b>Recreational buildings/gyms</b>	
Athletic clubs	1 per 250 square feet of floor area
Recreational centers	
Bowling alleys	1.5 per lane + those required for other on-site uses such as restaurant or drinking establishment



Billiard parlors	1.5 per billiard table + those required for other on-site uses such as restaurant or drinking establishment
Indoor miniature golf facilities	Dependent upon size and capacity: Planning and Zoning Official determines through Building Review
Theaters	1 per 5 seats + 1 per employee on shift
<b>Religious</b>	
Religious institutions, schools and related facilities	1 per 5 people (building capacity) for churches and similar institutions; 1.25 per classroom for schools with students only under 16 years of age; schools with students over 16 years of age must add 1 per 2 such students
<b>Cemetery</b>	
Cemeteries	1 per acre of cemetery
<b>Public Gathering Buildings</b>	
Museums	3 per 1,000 square feet of gross floor area + 1 per employee on shift
Community centers	1 per 5 people (building capacity)
Government buildings	
Libraries	
Reception halls/centers	
Civic clubs	
<b>Educational Facilities</b>	
Schools	1.25 per classroom for schools with students only under 16 years of age; schools with students over 16 years of age must add 1 per 2 such students
Technical and trade schools	1 per faculty member + 1 per 2 students
Research and development laboratories or facilities	2 per faculty member/employee
Scientific and technical services	

<b>Emergency Service</b>	
Emergency service facilities	NR
Public safety/service buildings	1 per 5 people (building capacity)
<b>Utilities</b>	
Public utilities	1 per employee on shift
Public utility service stations	
Public utility substations	
High voltage electrical lines	
Wind energy facilities	
<b>Waste/Sewage/Water facilities/sites</b>	
Sanitary landfills	1 per employee on shift
Solid waste sites	
Solid waste management facilities	
Industrial waste sites	
Hazardous waste disposal sites	
Sediment ponds	
Sewage lagoons	
Industrial, municipal and/or commercial water reservoirs, storage tanks, pumping stations and sewer facilities	
Water depots	
<b>Wireless Communication Facilities</b>	
Wireless communication facilities	1 per employee on shift
<b>Offices and Services</b>	
General office uses	3 per 1,000 square feet of gross floor area
Professional offices	
Financial institutions	4 per 1,000 square feet of gross floor area
Hair salons	
Nail salons	

Barber shops	
<b>Medical Care, Services, and Sales</b>	
Hospitals	1 per 4 beds + 1 per employee on shift during peak hours
Group homes	1 per 4 residents + 1 per employee on shift
Medical offices and clinics	4 per 1,000 square feet of gross floor area
Massage therapy offices and clinics	
Physical therapy offices and clinics	
Drug stores	
Pharmacies	
<b>Funeral Services</b>	
Monument works and sales	1 per employee on shift
Crematoriums	
Mortuaries, funeral homes	1 per 4 seats or expected capacity in persons
<b>Pet Care</b>	
Kennels, commercial	1 per 20 animals (capacity) + 1 per employee on shift
Animal hospitals and veterinary clinics	2.5 per employee
Pet grooming shops	
Pet cemeteries/crematories	
<b>Gas Stations/General Vehicle Repair</b>	
Gas stations and convenience stores	5 per 1,000 square feet of gross floor area
Light automotive repair and service stations	
Truck stops, parking facilities and maintenance	4 per 1,000 square feet of gross floor area of commercial building
<b>Sales/Retail</b>	
Retail clothing stores	5 per 1,000 square feet of gross floor area
Office supply stores	

Large scale retail	
Grocery stores	
Liquor stores	
Hardware stores	4 per 1,000 square feet of gross floor area
Automobile, RV, watercraft and accessory sales	1 per 20 vehicles inventory + inventory parking + 4 per 1000 square feet of accessory/non-vehicle sales
Manufactured home sales	1 per 15 units inventory + 1 per employee on shift
Manufactured home service	2 per 1,000 square feet of gross floor area + 1 per employee on shift
Bicycle sales and repair	3 per 1,000 square feet of gross floor area
Appliance sales and service stores	
Farm implement and heavy equipment sales and rental stores	3 per 1,000 square feet of gross floor area + 1 per employee on shift
Retail outside storage	3 per 10,000 square feet of outside storage of retail goods
Landscape materials wholesale and retail	3 per 10,000 square feet of outside storage of retail goods + 3 per 1,000 square feet of gross floor area of gross indoor sales area and offices
Fuel, oil, gasoline, and/or petroleum products used for sale or storage for sale (Storage capacity of 250 gallons or more)	
Coal sales	
<b>Repair</b>	
Automobile service stations	5 per 1,000 square feet of gross floor area
Light automotive repair and maintenance shops	
Manufactured home service	2 per 1,000 square feet of gross floor area + 1 per employee on shift
Service of farm implements and heavy equipment	
Truck service stations	
Small engine repair shops	
Machine shops	

Heavy automotive repair and maintenance shops	4 per 1,000 square feet of gross floor area of commercial building
<b>Eating/Drinking</b>	
Restaurants	10 per 1,000 square feet of dining area
Nightclubs	6 per 1,000 square feet of gross floor area
Bars	
<b>Misc. Commercial/Other</b>	
Laundry and dry-cleaning establishments	6 per 1,000 square feet of gross floor area
Car washes	NR
Taxidermists	2 per 1,000 square feet of gross floor area
Auction yard	NR
Private airports	1 per hangar + 1 per employee on shift
Adult entertainment centers	10 per 1,000 square feet of seating area + 1 per 5 other seats + 6 per 1,000 square feet of retail floor area + 1 per employee on shift
Adult bookstores	6 per 1,000 square feet of gross floor area
Adult cinemas	1 per 5 seats + 1 per employee on shift
Adult entertainment facilities	10 per 1,000 square feet of seating area
<b>Industrial/Manufacturing</b>	
Cabinet shops	2 per 1,000 square feet of production area
Furniture shops/manufacturing	
Print shops	
Carpenter shops	
Sheet metal shops	
Rubber and miscellaneous plastics manufacturing	
Leather and leather products manufacturing	
Electrical equipment manufacturing	
Computer manufacturing	

Appliance manufacturing	
Sign manufacturing	
Bottle and distribution plants	
Machine shops	
Roofing shops	
Food textile and production	
Pharmaceutical products manufacturing	
Sawmills	
Concrete and asphalt batch plants and clay product plants	1 per employee on shift
Liquid, bulk gas, explosives and other hazardous material storage	
Energy conversion facilities	
Mineral extraction, including sand, gravel and scoria operations	
Construction related businesses	
Explosive products manufacturing	
Manufacturing and processing of agricultural resources and products	
<b>Outdoor Storage</b>	
Storage of oil drilling rigs and related equipment	1 per employee on shift
Outdoor storage yards	
Automobile wrecking yard, junkyard, salvage yard	
Storage and warehousing such as mini-storage, boat and vehicle storage	
Lumber yards and building supply outlets	
Contractors storage yards	
Earth moving construction equipment storage	
Building/General contractors, operations and storage	
Commercial parking lots and facilities	

Railroad freight and/or bulk terminals, tracks and spurs	
Liquid, bulk gas, explosives and other hazardous material storage	
Manufactured home and storage associated with sales	
<b>Warehousing / Indoor Storage</b>	
Warehouses without outdoor storage	1 per employee on shift
Wholesale trade and warehouses	
Railroad freight and/or bulk terminals, tracks and spurs	
Liquid, bulk gas, explosives and other hazardous material storage	
<b>Agricultural Buildings</b>	
General farming activities including buildings, structures and operations related to farming and/or ranching	NR
Grain elevators, agricultural handling and storage	
<b>Greenhouses, Nurseries, Roadside Stands</b>	
Plant nurseries, green houses, and roadside stands selling primarily locally grown farm products	3 per 1,000 square feet of gross floor area + 1 per employee on shift
Garden supply stores	
<b>Feedlots</b>	
Concentrated animal feeding operations	1 per employee on shift
<b>Agricultural Uses, other</b>	
Agri-tourism	NR
<b>Notes:</b>	
<ol style="list-style-type: none"> <li>1. Where parking is listed for employees on shift and no employees are expected to work shifts on site, no minimum number of parking spaces is required.</li> <li>2. Parking may be provided indoor or outdoor unless otherwise noted; however, for commercial and similar uses where parking is intended for customers and/or public, the users must have appropriate notice of and access to parking.</li> <li>3. For uses such as vehicular repair shops, service bays and similar areas do not count toward parking.</li> <li>4. Public uses typically have no set number of minimum parking spaces; in these instances, public land managers determine parking spaces independent of zoning requirements.</li> </ol>	

5. Some uses have no set number of parking spaces because it is expected that it is in the best interest of applicants and business owners to provide sufficient parking.
6. Some Conditional Uses may be determined to require more parking spaces than indicated based on the CUP evaluation criteria; similarly uses may require additional parking through other public reviews such as variances and subdivision reviews.
7. For required federal ADA parking requirements please contact the Department of Development Services

## **Chapter 5-4: Signs**

### **5-4-1 Applicability**

This Chapter is applicable to any proposed sign and any proposed extension or amendment to the existing signs in the jurisdiction of Williams County as listed in Article 1-1-4 of this ordinance.

### **5-4-2 Purpose and objectives**

The requirements contained in this Chapter intend to reinforce the following objectives:

1. Support and complement objectives of the Comprehensive Plan 2035 and this ordinance;
2. Positive, recognizable and attractive identity for Williams County;
3. Variation, visual and aesthetical interest in the environment;
4. Provide an adequate business identification and advertising and promote economic development;
5. Provide traffic safety;
6. Guard against an excess of large, cluttered, and intense signs, which cause visual blight on the appearance of Williams County;
7. Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
8. Ensure that signs are compatible with adjacent land uses and with the total visual environment of the community; and
9. Encourage creative and well-designed signs that contribute in a positive way to Williams County's visual environment, express local character, and help develop a distinctive image for Williams County, and to discourage mediocre and poorly designed signs.

### **5-4-3 Permit Application**

A sign permit from Williams County Development Services shall be obtained, and the provisions of this Chapter shall be complied with, before any sign is displayed, constructed, erected, altered, used, relocated, reconstructed, or used except for signs that are exempt from the provisions of this Chapter.



Signs shall be subject to design review, and shall be reviewed in the same manner as other project components.

In order to apply for a sign permit, the applicant shall provide the following information to Williams County Development Services:

1. Name, signature, and contact information of applicant(s);
2. Name, signature, and contact information of owner(s);
3. Description of the activities occurring on the site;
4. Description of any existing signage that will remain on the site;
5. Identification of the type and characteristics of sign/signs to be erected by the applicant, including a site plan depicting the locations of proposed signage and existing remaining signage, setback information, and scaled drawings of the proposed signage with dimensions; and
6. Written description explaining the drawing of the proposed signage, including a detailed description of materials, colors, and letter height, type and style.

A variance may be sought for the construction of a sign, which does not comply with the requirements established in this Chapter. The variance process is described in Chapter 3-4.

#### **5-4-4 General Requirements**

As exterior signs strongly influence the surrounding environment, it is important to design the signage with consideration of aesthetic concerns and values and ensure the compatibility with the existing structures and neighborhood and to ensure that no traffic hazards can be created. No person shall display, construct, erect, alter, use, or maintain any sign except in conformance with the provisions of this Chapter.

##### 5-4-4-1 Construction Materials and Attachment

All signs, other than temporary signs, shall be constructed of durable materials and match overall project design. Colors, materials, and textures used shall be complementary to the architectural features of the building facade. Signs shall be permanently mounted to a building or freestanding permanently secured support structure as provided by the Building Division, except as allowed for certain temporary signs. Signs, except for under-canopy signs, shall be braced or secured to prevent motion. Signs shall not block any means of ingress or egress.

##### 5-4-4-2 Traffic Hazards

No sign shall be erected in such a manner as to obstruct free and clear vision, or at any location where, by reason of position, shape or color it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop", "look", "danger" or other words, phrases or symbols in such manner to interfere with or mislead or confuse motorists or pedestrians. Light source for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrian or vehicular traffic. No rotating beam, beacon, or flashing illumination resembling an official traffic control or emergency light shall be used in connection with any sign display, nor shall any illuminated device designed to attract attention of

users of the street, be permitted unless it is an integral and functional part of the sign as herein defined.

#### 5-4-4-3      Identification

Each sign that requires a permit shall have an identification plate stating the date the sign was erected and the name of person, firm or entity responsible for the construction and erection.

#### 5-4-4-4      Quantity and Dimensions

The amount of the signs allowed per each sign type and zoning district and the allowed dimensions are listed in Table 5-2 and Table 5-3, as well as in the sections for specific signs. It is important to maintain an aesthetically attractive visual image of the building and surrounding area, and to avoid clutter and unnecessary information.

#### 5-4-4-5      Style and Shape

The sign type, style, and design shall be selected with consideration of aesthetic issues and values and it is important to ensure the compatibility with the existing structures and neighborhood. Signs shall be harmonious in scale and proportion with the building facade and architectural elements or the surrounding environment. Signs shall not visually overpower architectural elements or detract from the composition of the building facade. Signs with strange and unusual shapes shall be avoided, unless required by a specific design.

#### 5-4-4-6      The Messaging

Design of the sign shall provide the good visibility for the message. In order to be seen, the message shall be readable, bright enough and possess sufficient contrast with the background. Text shall be minimalistic, but informative. Static messages and changeable copy are allowed. Dynamic messaging shall comply with the following requirements:

- a. Only permanent signs can have dynamic messaging;
- b. The message displayed shall only refresh once every 6 seconds and shall take no longer than one second to do so;
- c. No animation, video, intermittent lights are allowed; and
- d. Messaging shall not interfere with the effectiveness of traffic control devices, display symbol or words that would likely be mistaken for an official traffic control sign or disturb traffic visibility.

#### 5-4-4-7      Location

Locations of signs shall be limited to along street frontage, curbs and street corners. All signs shall be located on the same parcel as the use to which they are associated except billboards and directional signs. No part of any sign shall project beyond the property or street or road right-of-way line, unless approved by Williams County Development Services Department. The viewing angle and orientation to the viewing direction shall be considered when selecting a location for

the sign. If possible, signs should not be in locations that obscure architectural features such as pilasters, arches, cornices, etc.

#### 5-4-4-8      Illumination and Animating Features

The light source for external lighting shall be effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways of all streets and roads so that such rays are not of intensity or brilliance as to cause glare or to impair the vision of the driver or any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle. Operating illumination shall function continually for all required illuminated parts.

- a. Allowed types of illumination:
  - (1) Neon tube lighting;
  - (2) External and internal lighting;
  - (3) Halo lighting.
- b. The following are prohibited for all signs:
  - (1) Illumination incompatible with sign design, building structure and existing environment;
  - (2) Illumination which directs light to or is located in a residential district;
  - (3) Signs which interfere with the effectiveness of a traffic control device and which disturb traffic visibility;
  - (4) Distracting flashing, moving or rotating lights, as well as strobe, laser, beacons, festooned or naked incandescent bulb lighting or similar;
  - (5) Fluorescent type paints;
  - (6) Signs with a luminance level of more than seven hundred fifty (750) cd/m<sup>2</sup> or Nits; and
  - (7) External illumination is prohibited in UR, RR, AG, and ESR districts.

#### 5-4-4-9      Minimum Setback Requirements for Freestanding signs:

- a. From any non-public road easement centerline to the furthest protrusion of the sign: 28 feet plus height of the sign.
- b. Setbacks from a section line or from the center line of the road easement of a designated County, State, or Township road, or section line road to the furthest protrusion of the sign: 85 feet for signs lower than 10 feet and 85 feet plus height of the sign for signs higher than 10 feet.

### **5-4-5 Exempted Signs**

The following permanent signs and temporary signs are exempt from the provisions of this Chapter<sup>2</sup>:

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<sup>2</sup> Additional signage beyond what is exempted below may be permitted if in full compliance with this Ordinance.

#### 5-4-5-1      Permanent Signs

- a. Address signs, indicating street address.
- b. Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, parking signs, railroad crossings signs; legal, identification and directional signs.
- c. Signs of public utility companies for the purpose of safety.
- d. Emergency signs.
- e. Flags, emblems, outdoor advertising and insignia of any governmental agency, except when displayed with commercial purpose.
- f. Signs not intended to be viewed from a public right-of-way (e.g., a menu board at drive thru).
- g. Product dispensers and point of purchase displays (i.e., newspaper dispensers).
- h. Signs identifying private property as such, and no trespassing signs.
- i. Works of art including wall graphics, murals, carvings and sculptures with no advertising matter and which are not used in connection with a promotion, goods or services or as an advertising device. Such works of art are not limited by the area restrictions in these standards.
- j. One sign per on-premises farm-related business not to exceed a total thirty-two (32) square feet.
- k. Directional signs other than a government sign, not more than four (4) square feet which provides directions for traffic flow to places of business, providing that such signs are not placed at locations other than at driveway entrances and exits, and the message is limited to the name of the owner/business and directions and distances.
- l. Signs as parts of historical preservation areas, such as commemorative plaques placed by recognized historical agencies and gravestones.
- m. Affiliation signs providing notices of services (e.g., credit cards accepted, trade affiliations, etc.) not exceeding one square foot in area for each sign, and no more than three such signs shall be allowed for each business.
- n. Signs within a stadium, open-air theatre, arena or other use which signs can be viewed only by persons within such stadium, open-air theatre, arena or other use.
- o. Indoor signs located completely within a building and not visible from any public right of way.
- p. Signs used by farms or ranches, religious institutions, libraries, non-profit public service organizations, museums or civic organizations provided that they are on-premises and do not exceed thirty- two (32) square feet in size.
- q. Public or Informational Signs not exceeding nine (9) square feet, located on the premises it pertains to. Signs shall be of noncommercial nature, such as safety, danger, no trespassing signs or other informational sign which indicates a scenic or historical point of interest.

r. Signs identifying an existing home occupation (home occupation must meet the requirements listed in this Ordinance). Signs shall not exceed nine (9) square feet and shall be located on the premises it pertains to. Signs shall not exceed four (4) feet in height.

#### 5-4-5-2      Temporary Signs

- a. Construction signs provided they do not exceed thirty-two (32) square feet in area in size and are removed within thirty (30) days of occupancy. One construction sign per contractor is allowed, providing that such sign is installed on land that is being developed, contain only static messaging and does not include product advertising.
- b. Political signs provided they do not exceed ten (10) square feet in RR and UR districts or thirty-two (32) square feet in all other districts. Such signs shall not be erected more than forty-five (45) consecutive days prior to the pertinent election day or primary and shall be removed within fourteen (14) days following such election unless federal or state laws would require an earlier removal.
- c. Real estate signs provided they do not exceed ten (10) square feet for residential dwellings or properties and thirty-two (32) square feet for all other buildings, structures or properties for sale, lease or rent, are erected on the property to which it pertains, and are removed within one week after closing.
- d. Portable signs including but not limited to portable reader board, sandwich boards, A-frame, tire or tire rim, costumed character, stuffed animal, strings of lights arranged in the shape of a product, arrow or message.
- e. Temporary banners, pennants, balloons, tethered objects, strings of flags, streamers, inflated objects or any device being used for outdoor advertising and intended as an attractant and that may be affected by the movement of the air, as well as seasonal banners and pennants, community signs, banners and pennants for events of county-wide, civic, or public benefit shall be displayed not more than ten (10) calendar days prior to the event or promotion and removed within three working days after the event or promotion.
- f. Temporary signs advertising a special, one-time event such as a garage sale, not to exceed ten (10) square feet in UR and RR districts, or thirty-two (32) square feet in UC or RC districts, which shall be installed no more than one week prior to the start of the event and that shall be removed within two (2) days after the event.

#### **5-4-6 Prohibited Signs**

The following signs are prohibited in any zoning district:

1. Signs which size, characteristics and, location do not conform to the requirements of this Chapter, and the number of signs on the lot exceeds the limitations imposed by this Chapter;
2. Signs incompatible with building architecture as determined by the Williams County Development Services Department;

3. Signs which interfere with the effectiveness of a traffic control device, which display symbols or words that would likely be mistaken for an official traffic control sign, or which disturb traffic and emergency vehicle operation in any way;
4. Signs displayed in any public right of way or which obstruct access to any structure except for signs erected by the County or other authorized government entity;
5. Signs that constitute a nuisance or that are detrimental to the health, safety and welfare of the public as determined by the Williams County Development Services Department;
6. Signs using flashing, blinking, moving or rotating lights, as well as signs with strobe, laser, beacons, fluorescent type paints, festooned or naked incandescent bulb lighting or similar lights or lighting;
7. Signs which do not meet the load requirements as established in the North Dakota Building Code;
8. Signs using organic matter or vegetation as a primary supporting structure;
9. Wall-painted signs, unless approved by the Williams County Development Services Department;
10. Paper signs, banners, flags, posters, inflatable devices and similar items used for outdoor advertising, except for Temporary Signs (5-4-5-2);
11. Signs, containing audio media or any kind of pyrotechnics, or emitting odor, smoke or fire;
12. Signs on vehicles, except for signs offering vehicle for sale, limited to 1 sign per vehicle and except signs visible from the public right-of-way where the primary purpose of the sign on the vehicle is to advertise a product or to direct people to a business or activity;
13. Signs on utility poles, fences, bus shelters, trash receptacles bridges, newspaper vending machines or boxes, fire hydrants, and any other utilities or any other unapproved supporting structure. This prohibition is not intended to include any tags, signs or other informational signs required by utility companies or government agencies; (except for identification signs for such utilities or structures);
14. Signs on outdoor stairways for basement businesses;
15. Signs installed off-premise (except for signs billboards and directional signs installed with permission by the owner of the property or right-of-way); and
16. Signs which have been unlawfully or illegally erected and/or maintained.

#### **5-4-7 Non-Conforming Signs**

The regulations for non-conforming use are described in Chapter 3-9 of this ordinance.

#### **5-4-8 Owner's Responsibility**

1. The owner of any sign and the owner of the premises on which it is located, shall be responsible for keeping it in good repair, in proper state of preservation, in good structural condition, in compliance with all building and electrical codes, and in conformance with this Chapter at all times;

2. The area on private property around the sign on which it is located, shall be properly maintained clear of any obstacles in order to make signs readily visible;
3. All materials used in sign construction shall be maintained in such a manner as to be free from fading, peeling, chipping and other states of general deterioration;
4. Maintenance, touch-up, alteration of a sign message via the substitution of sign lettering (changeable copy) or the automatic changing of an electronic message, repainting or repair of a sign shall not require a sign permit;
5. Any alteration of a sign shall require a sign permit, except as provided in section 4 above; and
6. The owner of any sign and the owner of the premises on which it is located shall be responsible for the removal of such sign within 30 days if and when it is abandoned or becomes no longer functional as determined by the Williams County Development Services Department.

#### **5-4-9 Master Sign Plan**

A Master Sign Plan is intended to integrate project signs into the architectural design of the subdivision ensuring high quality of design and display of multiple permanent signs. The master sign plan shall include all signs proposed for the subdivision and shall identify the location, color, size, dimensions and other related features for all signs. Proposed signs shall enhance the overall subdivision and shall be in harmony with other signs included in the plan with the structures they identify and with surrounding development.

##### 5-4-9-1      Applicability

The approval of a Master Sign Plan shall be required whenever any of the following circumstances exists:

- a. Six (6) or more separate nonresidential tenant spaces are created;
- b. Six (6) or more permanent non-exempt signs are proposed for a single use;
- c. Special subdivision characteristics (the size of proposed signs, limited site visibility, the location of the site relative to major transportation routes, etc.); or
- d. Unique, creatively designed signs are being proposed and certain aspects of the sign's design (e.g., animation) might not otherwise be allowed.

##### 5-4-9-2      Modification

The Master Sign Plan contains provisions to accommodate future revisions that may be required because of changes in use or tenants. Allowed modifications may relate to sign area, number of signs, height, and location. Revisions that would substantially deviate from the original approval shall require the approval of a new Master Sign Plan.

##### 5-4-9-3      Application Requirements

A Master Sign Plan shall include all information and materials required by the Williams County Development Services Department. The procedure is the same as the application for sign permit and is listed in 5-4-3 of this Chapter.

## 5-4-10 Determination of Sign Area

The sign area shall be determined as follows:

1. The sign area includes the entire surface area, any plate, frame, outline or trim;
2. The area and dimensions of the sign face shall encompass a regular geometric shape or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background including open space that is not part of the architecture of the building in case the sign comprises of individual elements letters or figures;
3. The structures for the support and architectural details are not included in the perimeter, unless they constitute a commercial symbol, logo, or text;
4. Open space within the sign area is included in the computable area. Minor protrusions beyond the sign area are not included in the sign area; and
5. Specific area measurements.

### 5-4-10-1 Awnings, Canopies, and Marquees

Sign area is determined by computing the area of an imaginary rectangle drawn around the sign face. When the ends of awnings, canopies, or marquees are parallel or within sixty (60) degrees of being parallel and contain sign faces, only one side is counted in addition to the sign face area on the front. The sign area consists of attached lettering and background if present, but does not include the awning, canopy, or marquee itself.

### 5-4-10-2 Cylindrical or spherical signs

The area of a cylindrical sign shall be the diameter multiplied by the height of the cylinder. Circular and elliptical areas are determined as follows:  $3.14 \times \text{Radius} \times \text{Radius}$ .

### 5-4-10-3 Multi-Faced Signs

When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces.

If the two faces of a double-faced sign are of unequal area, the larger sign face shall be considered the sign face area of the sign.

The total area of signs with three faces shall be the sum area of the two largest faces.

The total area of signs with four sign faces arranged in a square, rectangle, or diamond shall be the sum area of the two largest opposing faces. If the faces are equal in size, the total area of the sign shall be the sum of two of the intersecting faces.

For all other multi-faced signs, the area of each sign face shall be added together to calculate total sign face area.



#### 5-4-10-4      Signs on a Base Material

When a sign is on a base material and attached without a frame, the dimensions of the base material are to be used.

#### 5-4-10-5      Height and Clearance Determinations

The height of a sign for all freestanding signs shall be computed as the vertical distance measured from the highest point of the sign, including supports, framing and decorative elements, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

The height of a sign for all attached signs shall be computed as the vertical distance measured from the highest point of the sign to the lowest point of the sign, including all supports, framing and decorative elements.

Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between the finished grade and the lowest point of the sign, including any architectural supports, framework or other embellishments.

### **5-4-11 Attached Signs**

All attached signs shall comply with the following additional requirements:

#### 5-4-11-1      Awning Signs

Awning signs shall comply with the following standards:

- a. Signs shall not exceed the width of the storefront opening or associated commercial window opening.
- b. Signs shall not extend over more than one storefront opening.
- c. Where multiple awnings are used on the building, the design and color of the sign awnings shall be consistent with all other awnings.
- d. Backlit, internally illuminated awnings are discouraged. If an awning is internally illuminated, only the sign message area shall be illuminated, not the entire awning.
- e. Awnings with a solid color are preferred. Striped awnings with highly contrasting, bright colors are strongly discouraged.
- f. Multiple signs on awnings on a single façade are not permitted.
- g. Temporary signs are not allowed on awnings.
- h. Awnings and signs shall have a vertical clearance of minimum eight (8) feet.
- i. Projection of the awning and sign shall not be more than six (6) feet.
- j. Zoning Districts: AG, RR, UR, P (conditional uses and agriculture permitted uses): One (1) awning sign is allowed per property. One (1) additional sign of any type is allowed per property. Total area of all signs not to exceed thirty-two (32) sq. feet.

- k. Zoning Districts: RC, UC, LI, HI: One (1) awning sign is allowed per property. Two (2) additional signs of any type are allowed per property. Total area of all signs not to exceed two-hundred eighty-eight (288) sq. feet.
- l. Such signs are permitted in the following zoning districts for conditional uses and agricultural permitted uses: AG, RR, UR, P, and ESR.
- m. They are permitted in the following zoning districts: RC, UC, LI, HI.

#### 5-4-11-2      Canopy and Marquee Signs

Canopy and marquee signs shall comply with the following standards:

- a. Metal or other approved durable materials shall be used.
- b. Signs shall not project beyond the ends of the canopy/marquee.
- c. Canopies/marquees shall be only attached above the entrance.
- d. Signs shall not be higher than four (4) feet.
- e. Signs shall have a minimum vertical clearance of eight (8) feet. Total height of canopy/marquee and clearance shall be not more than sixteen (16) feet.
- f. Spacing between signs shall not be less than fifty (50) feet.
- g. Projection shall not be more than six (6) feet from the wall, minimum two (2) feet from the curb.
- h. Zoning Districts: AG, RR, UR, ESR, P (conditional uses and agriculture-related permitted uses): One (1) canopy or marquee sign is allowed per property. One (1) additional sign of other type is allowed per property. Total area of all signs not to exceed thirty-two (32) sq. feet.
- i. Zoning Districts: RC, UC, LI, HI: One (1) canopy or marquee sign is allowed per property. Two (2) additional signs of other type are allowed per property. Total area of all signs not to exceed two-hundred eighty-eight (288) sq. feet.
- j. Such signs are permitted in the following zoning districts for conditional uses and agricultural-related permitted uses: AG, RR, UR, ESR, and P.
- k. Such signs are permitted in the following zoning districts: RC, UC, LI, and HI.

#### 5-4-11-3      Roof Signs

Roof signs shall comply with the following standards:

- a. Such signs are not allowed to be located above the ridge line.
- b. All supporting structure shall not be visible.
- c. Such signs shall not cover more than twenty (20) % of the building elevation or one hundred twenty (120) sq. feet, whichever is less.
- d. Such signs shall not extend beyond roof parapet.

- e. Such signs shall not be taller than ten (10) feet (including supporting structure).
- f. Zoning Districts: RC, UC, LI, HI: One (1) roof sign is allowed per property. One (1) additional sign of other type are allowed per property. Total area of all signs not to exceed one-hundred forty-four (144) sq. feet.
- g. Such signs are not permitted in the following zoning districts: AG, RR, UR, ESR, and P.
- h. Such signs are permitted in the following zoning districts: RC, UC, LI, and HI.

5-4-11-4      Projecting Signs:

Projecting signs shall comply with the following standards:

- a. Projecting signs may not originate from other than a main floor canopy, marquee, or storefront.
- b. Secondary main floor businesses may utilize a portion of any projecting sign.
- c. Such signs may not be permitted in an alleyway.
- d. Such signs shall be installed so that the supporting structures are not visible above the roof, building, face or wall.
- e. Such signs shall not be larger than twenty-four (24) sq. feet in size in the following Zoning Districts: AG, RR, UR, and P (for conditional uses and agriculture-related permitted uses).
- f. Such signs shall not be larger than twenty three-two (32) sq. feet in size in the following Zoning Districts: RC, UC, LI, and HI.
- g. Such signs shall not be higher than four (4) feet in the following Zoning Districts: AG, RR, UR, and P (for conditional uses and agriculture-related permitted uses).
- h. Such signs shall not be taller than ten (10) feet in the following Zoning Districts: RC, UC, LI, and HI.
- i. Signs projecting below the marquee or canopy shall have a vertical clearance of minimum eight (8) feet.
- j. Signs located perpendicular to the wall shall have a minimum vertical clearance of fourteen (14) feet.
- k. Projection shall not be more than five (5) feet from the wall for signs projecting below the marquee or canopy, minimum two (2) feet from the curb.
- l. Projection shall not be more than three (3) feet from the wall for signs located perpendicular to the wall.
- m. Zoning Districts: AG, RR, UR, ESR, and P (conditional uses and agriculture-related permitted uses): One (1) projecting sign is allowed per property. One (1) additional sign of any type is allowed per property. Total area of all signs not to exceed thirty-two (32) sq. feet;

- n. Zoning Districts: RC, UC, LI, HI: One (1) projecting sign is allowed per property. Two (2) additional signs of any type are allowed per property. Total area of all signs not to exceed two hundred eighty-eight (288) sq. feet.
- o. Projecting signs are permitted in the following zoning districts for conditional uses and agricultural-related permitted uses: AG, RR, UR, ESR, and P.
- p. Such signs are permitted in the following zoning districts: RC, UC, LI, and HI.

5-4-11-5      Wall Signs

Wall signs shall comply with the following standards:

- a. Wall signs shall be located at the main entrance.
- b. Such signs shall not be oriented towards residential areas.
- c. Such signs shall be related to the primary business conducted within the building.
- d. Such signs shall be compatible with the predominant visual architectural elements of the building façade.
- e. The use of individually cut or channel letter signs is preferred.
- f. Such signs shall not extend beyond the width of a building or project above the roof line.
- g. Additional wall sign area may be permitted for a secondary frontage.
- h. Wall signs shall not cover more than twenty percent (20%) of wall area or thirty-two (32) sq. feet, whichever is less in size, in the following Zoning Districts: AG, RR, UR, P (for conditional uses only).
- i. Wall signs shall not cover more than twenty percent (20%) of wall area or one hundred fifty (150) sq. feet, whichever is less, in the following Zoning Districts: RC, UC, LI, HI.
- j. Such signs shall not be higher than eight (8) feet in the following Zoning Districts: AG, RR, UR, and P (conditional uses and agriculture-related permitted uses).
- k. Such signs shall not be taller than fifteen (15) feet in in the following Zoning Districts: RC, UC, LI, and HI.
- l. Spacing between signs shall not be less than twenty (20) feet.
- m. Projection shall not be more than twelve (12) inches from the wall's surface.
- n. Zoning Districts: AG, RR, UR, and P (conditional uses and agriculture-related permitted uses): One (1) wall sign is allowed per property. One (1) additional sign of any type is allowed per property. Total area of all signs not to exceed thirty-two (32) sq. feet.
- o. Zoning Districts: RC, UC, LI, HI: One (1) wall sign is allowed per property. Two (2) additional signs of any type are allowed per property. Total area of all signs not to exceed two hundred eighty-eight (288) sq. feet.

- p. Wall signs are permitted in the following zoning districts for conditional uses and agricultural permitted uses: AG, RR, UR, and P.
- q. Wall signs are permitted in the following zoning districts: RC, UC, LI, and HI.

#### 5-4-11-6      Window Signs

Window signs shall comply with the following standards:

- a. Window signs shall be allowed only on the inside of windows.
- b. Such signs shall not advertise or identify a business other than the one contained therein.
- c. In case of illumination, the illuminated parts shall be located on the inside surface of the glass.
- d. All electrical supply cords, conduit and electrical transformers and supporting structures shall be hidden from view through the window.
- e. Basement business signs shall be provided over the wall over the entrance, and not hinder the movement on the stairway.
- f. Window signs shall not cover more than twenty percent (20%) of window area.
- g. Such signs shall not be higher than eight (8) feet in the following Zoning Districts: AG, RR, UR, and P (conditional uses and agriculture-related permitted uses).
- h. Such signs shall not be higher than ten (10) feet in in the following Zoning Districts: RC, UC, LI, and HI.
- i. Spacing between signs shall not be less than twenty (20) feet.
- j. Zoning Districts: AG, RR, UR, and P (conditional uses and agriculture-related permitted uses): One (1) window sign is allowed per property. One (1) additional sign of any type is allowed per property. Total area of all signs not to exceed thirty-two (32) sq. feet.
- k. Zoning Districts: RC, UC, LI, HI: One (1) window sign is allowed per property. Two (2) additional signs of any type are allowed per property. Total area of all signs not to exceed two hundred eighty-eight (288) sq. feet.
- l. Window signs are permitted in the following zoning districts for conditional uses and agricultural permitted uses: AG, RR, UR, and P.
- m. Such signs are permitted in the following zoning districts: RC, UC, LI, and HI.

#### **5-4-12 Freestanding Signs**

All freestanding signs shall comply with the following standards:

1. A monument type supporting structure is preferred.
2. Wiring to the sign shall be not visible.
3. The color scheme, texture and general design of the sign shall be compatible with the surrounding environment and structure it belongs to or advertises.

4. In case of multi-commercial and industrial centers, the structure shall identify a complex and each of its occupants, not just one tenant.
5. The minimum height shall assure that the bottom of sign is visible above parked and moving vehicles and any other obstructions that might block the view of the signs.
6. A segmented freestanding sign shall not have more than 4 segments.
7. Freestanding signs shall adhere to the applicable requirements for the specific types of freestanding signs in the following sections.

5-4-12-1      Billboards

Billboards shall comply with the following additional standards:

- a. Billboards shall be located adjacent to the “state highway system” as defined in NDCC Section 24-01-01.1(45).
- b. Billboards shall not be located within 500 feet of zoning districts where billboards are prohibited.
- c. Billboards shall not be located within 500 feet from interchanges, intersections at grade, or safety rest areas.
- d. Any sign placed adjacent to the “state highway system” as defined in NDCC Section 24-01-01.1(45) shall comply with North Dakota Century Code Chapter 24-17 and North Dakota Administrative Code Chapter 37-05 in addition to these regulations, or whichever is most restrictive.
- e. They shall not be allowed as temporary signs.
- f. Animation, full-motion video, intermittent lights are not allowed.
- g. Messaging shall not interfere with the effectiveness of traffic control devices, display symbol or words that would likely be mistaken for an official traffic control sign, or disturb traffic visibility.
- h. Billboards shall adhere to the zoning setback requirements for the zone in which the billboard is located.
- i. They shall only be off-premise.
- j. Digital billboard content shall be static, and the message shall change instantaneously, without animation or movement. The message displayed shall only refresh once every 6 seconds and shall take no longer than one second to do so.
- k. Digital billboards shall be controlled and programmed via a central, remote network.
- l. Digital billboards shall have automatic dimming capabilities.
- m. They shall not be larger than eight hundred sixteen (816) sq. feet in size.
- n. They shall not be higher than fifty (50) feet (including supporting structure).

- o. Vertical clearance shall be a minimum of eighteen (18) feet.
- p. Spacing between signs shall not be less than five hundred (500) feet.
- q. They are permitted only in the following zoning districts: RC, UC, LI, HI, and P.

5-4-12-2      Ground and Monument Signs

Ground and monument signs shall comply with the following additional standards:

- a. Ground and monument signs shall not be allowed to be off-premise.
- b. Such signs shall be located in such a manner that the view of the signs is not blocked by the parked vehicles or other obstacles.
- c. A landscaped base area shall be provided. Plans submitted for review and approval by the Williams County Development Services Department shall include landscaping details including type of plantings proposed around the sign.
- d. Sign base materials and details shall be consistent with and complimentary to the architectural design and materials of the building it serves.
- e. Shall not be larger than thirty-two (32) sq. feet in size in the following Zoning Districts: AG, RR, UR, and P (for conditional uses only).
- f. Shall not be larger than sixty-two (62) sq. feet in size in the following Zoning Districts: RC, UC, LI, and HI.
- g. Shall not be higher than eight (8) feet in the following Zoning Districts: AG, RR, UR, and P (for conditional uses only).
- h. Shall not be higher than ten (10) feet in the following Zoning Districts: RC, UC, LI, and HI.
- i. Spacing between signs shall not be less than fifty (50) feet.
- j. Zoning Districts: AG, RR, UR, and P (conditional uses and agriculture-related permitted uses): One (1) ground or monument sign is allowed per property. One (1) additional sign of any type is allowed per property. Total area of all signs not to exceed thirty-two (32) sq. feet.
- k. Zoning Districts: RC, UC, LI, HI: One (1) ground or monument sign is allowed per property. Two (2) additional signs of any type are allowed per property. Total area of all signs not to exceed two-hundred eighty-eight (288) sq. feet.
- l. Are permitted in the following zoning districts for conditional uses and agricultural-related permitted uses: AG, RR, UR, and P.
- m. Are permitted in the following zoning districts: RC, UC, LI, and HI.

5-4-12-3      Pole/Pylon Signs

Pole and pylon signs shall comply with the following additional standards:

- a. A pole sign's support shall originate from the surface of the ground only.

- b. Such signs shall not be larger than sixty-two (62) sq. feet in size.
- c. Such signs shall not be higher than thirty (30) feet.
- d. Spacing between signs shall not be less than two hundred (200) feet.
- e. Minimum clearance shall be fourteen (14) feet.
- f. One (1) pole/pylon sign is allowed per property. One (1) additional sign of other type is allowed per property. Total area of all signs shall not exceed two hundred and eighty-eight (288) sq. feet.
- g. Such signs are permitted in the following zoning districts only: RC, UC, LI, and HI.

#### **5-4-13 Multi-Tenant Signs**

Multi-tenant signs shall comply with the following standards:

1. Ingress and egress to the property shall not be interfered with by such signs.
2. Multi-tenant signs shall not be allowed to be off-premise.
3. Such signs shall be located within the business complex or subdivision for which they advertise and only tenants of that business complex may advertise on the sign.
4. Monument or ground types of signs are preferred.
5. Such signs shall be located in such a manner that the view of the signs is not blocked by the parked vehicles or other obstacles.
6. A landscaped base area shall be provided. Plans submitted for review and approval by the Williams County Development Services Department shall include landscaping details, including type of plantings proposed around the sign.
7. Sign base materials and details shall be consistent with, and complimentary to the architectural design and materials of the building it serves.
8. Such signs shall not be larger than one hundred twenty (120) sq. feet in size.
9. Such signs shall not be higher than thirty (30) feet.
10. Spacing between signs shall not be less than two hundred (200) feet.
11. One (1) multi-tenant sign is allowed per complex/subdivision. Two (2) additional signs of other type are allowed per each lot in the subdivision. Total area of all signs not to exceed two hundred eighty-eight (288) sq. feet.
12. Such signs are permitted in the following zoning districts only: RC, UC, LI, and HI.

#### **5-4-14 Electronic Message Center Signs and Changeable Copy Signs**

When any freestanding or attached sign displays the message electronically or as a changeable copy sign, it shall comply with the following additional requirements:

1. Such signs shall not be allowed as temporary signs.



2. In case of malfunction, a default mechanism shall freeze the sign.
3. Such signs shall not face any property in the RR, UR, or ESR districts, or existing residences.
4. Such signs shall be equipped with automatic dimming capabilities.
5. The message displayed shall only refresh once every 6 seconds and shall take no longer than one second to do so.
6. Animation, flashing, full-motion video, intermittent lights are not allowed.
7. Messaging shall not interfere with the effectiveness of a traffic control devices, display symbol or words that would likely be mistaken for an official traffic control sign, or disturb traffic visibility.
8. Only one electronic message board or changeable copy sign is allowed per property.
9. The distance between two Electronic Message Center signs or Changeable Copy Signs shall be minimum 500 ft.
10. Such signs are permitted in the following zoning districts only: RC, UC, LI, and HI.

#### 5-4-15 Temporary Signs

Temporary signs (see “Signs, Temporary” of Definitions in Article 7) are defined as: “Temporary signs are made of any temporary material such as paper, cardboard, and vinyl. These include banners, posters, pole signs, flags and pennants.” All temporary signs which are not exempt from the provisions of this Chapter shall comply with the following additional requirements:

1. Temporary signs shall require a permit and shall be displayed for no more than 2 weeks unless granted longer by the Director of the Development Services Department.
2. No dynamic messaging or illumination is allowed.
3. Such signs shall not be allowed to be erected within a vehicle parking space.

#### 5-4-16 Regulations for Zoning Districts

The permitted types of signs for each zoning district are listed in Table 5-2. The permitted size characteristics, area, clearance, spacing, projection and quantity of signs are listed in Table 5-3 and Table 5-4.

Signs in PUDs shall be permitted according to the zoning districts the PUD overlays, as listed in Table 5-2, and require approval of a Master Sign Plan.

**Table 5-2 - Permitted types of signs for zoning districts**

Sign Type	AG	RR	UR	RC, UC	LI, HI	ESR	P
Awning, Canopy, Marquee	PC	PC	PC	P	P	PC	PC
Billboard	N	N	N	P	P	N	P
Electronic Message Board/Changeable Copy	N	N	N	P	P	N	N

Ground and Monument	PC	PC	PC	P	P	PC	PC
Multi-tenant	N	N	N	P	P	N	N
Pole/Pylon	N	N	N	P	P	N	N
Projecting	PC	PC	PC	P	P	PC	PC
Roof	N	N	N	P	P	N	N
Wall	PC	PC	PC	P	P	PC	PC
Window	PC	PC	PC	P	P	PC	PC
	<p><b>P:</b> Permitted for all uses</p> <p><b>PC:</b> Permitted for conditional uses and agriculture related uses</p> <p><b>N:</b> Not permitted</p>						

**Table 5-3 - Sign Regulations for Agricultural, Rural Residential, Urban Residential, Existing Small Lot, and Public districts**

ZONING DISTRICTS – AG, RR, UR, ESR, P						
	MAXIMUM SURFACE AREA	MAXIMUM HEIGHT	MINIMUM CLEARANCE	MINIMUM SPACING	MAXIMUM PROJECTION	MAXIMUM QUANTITY
Awning	N/A	6 ft.	8 ft. Total height of awning plus clearance not more than 16 ft.	20 ft.	6 ft.	One awning sign per property. One additional sign of any type allowed. Total area of all signs not to exceed 32 sq. ft.
Canopy/Marquee	N/A	4 ft.	8 ft. Total height of canopy plus clearance not more than 16 ft.	50 ft.	Maximum 6 ft. from the wall Minimum 2 ft. from the curb	One canopy/marquee sign per property. One additional sign of any type allowed. Total area of all signs not to exceed 32 sq. ft.

Ground/Monument	32 sq. ft.	8 ft.	N/A	50 ft.	N/A	One ground/monument sign per property. One additional sign of any type allowed. Total area of all signs not to exceed 32 sq. ft.
Projecting	24 sq. ft.	4 ft.	Projecting below the marquee or canopy: 8 ft.  Perpendicular to the wall: 14 ft.	20 ft.	Projecting below the marquee or canopy: 5 ft. Minimum 2 ft. from the curb. Perpendicular to the wall: 3 ft. from the wall	One projecting sign per property. One additional sign of any type allowed. Total area of all signs not to exceed 32 sq. ft.
Wall	Maximum 20% of wall area or 32 sq. ft. Whichever is less	8 ft.	N/A	20 ft.	12 inches from a wall's surface.	One wall sign per property. One additional sign of any type allowed. Total area of all signs not to exceed 32 sq. ft.
Window	Maximum 20% of window area	8 ft.	N/A	20ft.	N/A	One window sign per property. One additional sign of any type allowed. Total area of all signs not to exceed 32 sq. ft.

**Table 5-4 - Sign Regulations for Rural and Urban Commercial, Light and Heavy Industrial districts**

<b>ZONING DISTRICTS – RC, UC, LI, HI</b>						
	<b>MAXIMUM SURFACE AREA</b>	<b>MAXIMUM HEIGHT</b>	<b>MINIMUM CLEARANCE</b>	<b>MINIMUM SPACING</b>	<b>MAXIMUM PROJECTION</b>	<b>MAXIMUM QUANTITY</b>
Awning	N/A	6 ft.	8 ft. Total height of awning plus clearance not more than 16 ft.	20 ft.	6 ft.	One awning sign per property. Two additional signs of any type allowed. Total area of all signs not to exceed 288 sq. ft.
Billboard	816 sq. ft.	50 ft.	18 ft.	Spacing: 500 ft. Setback: 500 ft. from zoning district where billboards are prohibited. 500 ft. from interchange, intersection at grade or safety rest area	N/A	N/A
Canopy/Marquee	N/A	4 ft.	8 ft. Total height of canopy plus clearance not more than 16 ft.	50 ft.	Maximum 6 ft. from the wall Minimum 2 ft. from the curb	One canopy/marquee sign per property. Two additional signs of any type allowed. Total area of all signs not to exceed 288 sq. ft.

Ground/Monument	62 sq. ft.	10 ft.	N/A	50 ft.	N/A	One ground/monument sign per property. Two additional sign of any type allowed. Total area of all signs not to exceed 288 sq. ft.
Multi-tenant	120 sq. ft.	30 ft.	N/A	200 ft.	N/A	One multi-tenant sign per complex/subdivision. Two additional signs of other type allowed per each lot in a subdivision. Combination of signs within a Master Sign Program allowed. Total area of all signs per lot not to exceed 288 sq. ft.
Roof	Maximum 20% of the building elevation or 120 sq. ft. whichever is less	10 ft.	N/A	200 ft.	N/A	One roof sign per property. One additional sign of other type allowed. Total area of all signs not to exceed 144 sq. ft.
Pole/Pylon	62 sq. ft.	30 ft.	14 ft.	200 ft.	N/A	One pole/pylon sign per property. One additional sign of other type allowed. Total area of all signs not to exceed 144 sq. ft.

Projecting	32 sq. ft.	10 ft.	Projecting below the marquee or canopy: 8 ft.  Perpendicular to the wall: 14 ft.	20 ft.	Projecting below the marquee or canopy: 5 ft.  Minimum 2 ft. from the curb.  Perpendicular to the wall: 3 ft. from the wall	One projecting sign per property. Two additional signs of any type allowed. Total area of all signs not to exceed 288 sq. ft.
Wall	Maximum 20% of wall area or 150 sq. ft. Whichever is less	15 ft.	N/A	20 ft.	12 inches from a wall's surface.	One wall sign per property. Two additional signs of any type allowed. Total area of all signs not to exceed 288 sq. ft.
Window	Maximum 20% of window area	10 ft.	N/A	20ft.	N/A	One window sign per property. Two additional signs of any type allowed. Total area of all signs not to exceed 288 sq. ft.

**Chapter 5-5: Landscaping standards**

**5-5-1 Purpose and objectives**

Landscaping shall be used to improve energy conservation, moderate noise, frame desirable views, block undesirable views, create privacy, fashion outdoor spaces, provide shade, retard erosion, and visually connect a building to its site.

The requirements contained in this Chapter intend to reinforce the following objectives:

1. Support and complement objectives of the Comprehensive Plan 2035 and this ordinance;
2. Provide positive, recognizable and attractive identity for the Williams County;

3. Promote variation, visual, and aesthetical interest in the environment;
4. Enhance energy conservation, consider environment and sustainability;
5. Encourage landscaping that contributes in a positive way to Williams County's visual environment, express local character, and help develop a distinctive image for Williams County;
6. Screen the visually undesirable features from public view, protect the privacy of residents;
7. Protect existing vegetation and habitat; and
8. Improve the physical environment of a community through using plants best suited to the climate, improving drainage, and enhancing air quality.

### **5-5-2 Application Procedure**

Landscape plans are required to be submitted as part of application for a building permit and planning and zoning review (if applicable).

The applicant shall provide the following information to Williams County Development Services Department:

1. Name and contact information of applicants(s);
2. Name and contact information of owner(s);
3. Description of the activities occurring on the site, project scope;
4. Description of any existing landscaping that will remain on the site;
5. Identification of the type, and characteristics of proposed landscaping;
6. Site plan depicting the locations of proposed and existing landscaping, dimensions, setback information;
7. Written description explaining the site plan depictions of the proposed landscaping; and
8. Irrigation plan.

The approval of Landscaping plan shall not expire providing that the landscaping continues to comply with the provisions of this Chapter.

### **5-5-3 General Requirements**

As landscaping strongly influences the surrounding environment, it is important to design the landscaping with consideration of aesthetic concerns and values and ensure the compatibility with the existing structures and neighborhood and to ensure that no traffic hazards can be created.

The requirements in this Chapter shall apply to all subdivisions in Williams County's jurisdiction as listed in Article 1 of this Ordinance.

### 5-5-3-1 Landscaping Requirements

- a. Landscaping for subdivisions containing six (6) lots and more (major subdivisions) as well as Planned Unit Developments (PUD) shall be comprehensively designed as part of a Master Landscaping plan for the entire subdivision or PUD.
- b. Subdivisions that include common open space should provide landscaping in the open space as part of a Master Landscaping plan and shall comply with regulations in Section 5-1-7 “Parks and Open Space” of this Ordinance.
- c. On-lot landscaping shall be used to accent corners of intersecting streets and or to identify individual streets.
- d. Plant materials shall be used to define space and circulation, provide shade, enhance natural areas for recreation, provide privacy for backyards and attractive views from the street and screen parking lots and other incompatible uses from the residential areas.
- e. Residential subdivisions shall provide a minimum of ten percent (10%) landscaped area per lot.
- f. Mobile Home Parks shall provide a minimum of five percent (5%) landscaped area per lot;
- g. Commercial and Industrial subdivisions shall provide a minimum of five percent (5%) landscaped area per lot.
- h. Trees shall be planted at a mature height at a minimum of six (6) feet.
- i. It is recommended that the applicant use drought-tolerant and local climate tolerant vegetation, which requires minimum irrigation.
- j. Vegetation shall be native to North Dakota.
- k. Natural landscape features and existing noninvasive vegetation shall be preserved and generally preferred to the planting of new vegetation.
- l. Landscaping shall not be placed in any public utility easement, public right of way, and shall not be placed where it may interfere with maintenance of sanitary and storm structures, site drainage, fire hydrants, water valves or any other public utility.
- m. All properties requiring landscaping shall include major deciduous or evergreen trees at the minimum rate of one (1) for every thirty-five (35) feet along any property line abutting a public right-of-way.
- n. A minimum of twenty-five percent (25%) of the landscaped area shall be covered by shrub spread at maturity.
- o. Additional landscaping requirements apply in accordance with provisions for Specific Uses, as listed in Article 6.



#### 5-5-3-2 Landscape Area:

- a. The landscaping in the following areas can be included when determining the total amount of landscaping area provided:
  - (1) Natural areas around lakes, ponds, grassed waterways or other water areas;
  - (2) Yards, courts and buffer yards which are free of buildings;
  - (3) Parking areas;
  - (4) Pedestrian and bicycle paths;
  - (5) Areas developed for recreation; and
  - (6) Existing vegetation.
- b. The following areas shall be excluded when determining the total amount of landscaping area provided:
  - (1) Roofs;
  - (2) Public or private right-of-way streets; and
  - (3) Balconies, screened porches, terraces or similar passive recreation areas that are an integral part of the building.

#### 5-5-3-3 Traffic Hazards

No landscaping shall be placed in such a manner as to obstruct free and clear vision, or at any location where it may interfere with or obstruct the view of any authorized traffic sign, signal or device, or where it may interfere with or mislead or confuse motorists or pedestrians.

#### 5-5-3-4 Responsibility, Maintenance and Removal

All landscaping shall be maintained in a healthy condition, in accordance with the approved landscape plan and in compliance with the provisions of this Chapter. Failure to maintain or to replace dead, diseased, or removed material as shown on an approved landscape plan shall be subject to the civil penalty provisions set forth by Williams County Development Services Department and Williams County Board of Commissioners. The replacement of dead or diseased plant material with a different plant species than that specified on the approved landscape plan is allowed if approved by Williams County Development Services Department.

#### **5-5-4 Master Landscape Plan**

A Master Landscape Plan is intended to integrate uniform landscaping into the design and the use of the site. Planned Unit Developments, Subdivisions of 6 (six) lots and more and any development upon discretion of Planning and Zoning Official and/or approval of Williams County Board of Commissioners shall submit a Master Landscape Plan to Williams County Development Services with the intent that all lots and public areas shall be developed uniformly in accordance with that plan and specifications approved by the County.

The plan shall include the following:

5-5-4-1 Planting Elements:

- a. Location, type and quality of existing vegetation;
- b. Location, type, and label of all proposed vegetation;
- c. Location, type, botanical and common names, quantities, spacing, native status, size and installation details of all proposed vegetation;
- d. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, buffers, landscaping islands and strips, fountains, sculptures, street furniture, lighting, parking lots and paved areas;
- e. Site elements;
- f. North arrow, scale;
- g. Property lines;
- h. Proposed and existing zoning and use;
- i. Name, location of existing and proposed right-of-way widths and all improvements along the abutting streets;
- j. Topography, ponds, lakes, creeks, streams etc.;
- k. Wetlands, one hundred (100) years floodplains, regulated streams and buffers, stormwater management facilities;
- l. Required buffers and setbacks;
- m. Location, dimensions and use of all existing and proposed buildings, structures and improvements;
- n. Proposed grading; and
- o. Existing and proposed utilities and easements.

5-5-4-2 Maintenance Information

The manner in which all vegetation shall be maintained through the life of the PUD, the subdivision, or the development.

5-5-4-3 Irrigation Information and Plan

Revisions that would substantially deviate from the original approved landscaping plan, including the irrigation information and plan submitted by the applicant as part of that plan, shall require the approval of a new Master Landscaping Plan, as determined by Williams County Development Services Department.

**5-5-5 Parking Landscaping Requirements**

Landscaping for parking facilities shall comply with the following additional requirements:

1. Planting islands should be used to define circulation patterns, break up rows of parking, ensure more even distribution of shade, and soften the visual impact of large expanses of pavement.
2. Impervious areas within parking lots should be evenly distributed throughout the parking lot to maximize shading.
3. The use of landscaping elements and plants that restrict visibility should be avoided.
4. Vegetation should be moderate-to-slow growing, capable of providing shade at maturity, require little maintenance, and tolerate such conditions as sun, wind, drought, glare, reflected heat, salt and chemicals, and restricted planting spaces.
5. For land uses requiring forty (40) or more parking spaces, a minimum of ten percent (10%) of the parking lot shall be landscaped and a master landscape plan shall be submitted to Williams County Development Services Department.
6. For all land uses requiring ten (10) or more parking spaces, a ten (10) feet wide buffer strip is required to buffer the adjacent properties/uses from the parking area. The buffer may include decorative fencing, rock and berms.

#### **5-5-6 Buffering and Screening Requirements**

Screening and buffering shall comply with the following additional requirements:

1. Screening fences and walls shall not be constructed of corrugated metal, corrugated fiberglass, sheet metal, chain link, or wire mesh and shall be designed to avoid obstructing views, restricting light and air or creating any hazards. Attractive, durable materials, compatible with architecture of adjacent buildings shall be used.
2. Monotonous linear designs are discouraged. Articulation of visual characteristics (such as but not limited to change in height, species, different materials, offsets) is encouraged.
3. Screening wall or fence shall have a minimum height of six (6) feet above the finished surface of the area it is located on.
4. The landscape buffer strip shall not include any paved area, except pedestrian sidewalks or trails that cross the landscape strip.
5. Deciduous or evergreen trees within the buffer strip shall have a minimum height of six (6) feet at maturity.
6. The buffer may be comprised of a combination of berms, trees, stones, shrubs and fences made of natural looking materials.
7. Visibility/sight triangle: Within 30 feet on either side of where two streets intersect, fences and vegetation shall be a maximum of 30 inches in height from the crown of the road and tree branches shall hang no lower than six feet higher than the crown of the road to allow drivers to see adequately in both directions. These requirements also exist within 15 feet on both sides of where a driveway intersects with a street.

#### 5-5-6-1 Incompatible Uses

- a. Incompatible uses require a buffer in accordance with Performance Standards provisions for each zoning district, as well as: the following uses require a minimum ten (10) ft. wide, six (6) ft. high buffer strip when abutting UR or RR districts, or Residential use in AG:
- (1) Vehicle repair facilities, towing station, shops and storage yards
  - (2) Commercial parking lots and facilities
  - (3) Gas stations, convenience stores, and automotive repair and service stations
  - (4) Kennels, Commercial
  - (5) Large scale retail
  - (6) Liquor stores
  - (7) Mobile home parks
  - (8) Nightclubs, bars, adult entertainment facilities
  - (9) Outdoor automobile wrecking yard, junkyard, salvage yard
  - (10) Outdoor heavy machinery and automotive repair and maintenance
  - (11) Outdoor Automobile, RV, watercraft and accessory sales
  - (12) Outdoor manufactured home sales
  - (13) Outdoor storage yards; outdoor storage of commercial vehicles, heavy equipment, heavy machinery, pipes; outdoor loading and related facilities
  - (14) Properties which have lighting and/or use of the property during evening or at night (10:00 p.m.–6:00 a.m.)
  - (15) Public utility service stations, such as electrical substations
  - (16) Temporary Workforce Housing Facility and temporary workforce modular housing camps
  - (17) Truck stops, parking facilities and maintenance
  - (18) Water depots
  - (19) Wireless Communication Facilities
  - (20) Any use permitted or conditionally permitted in any zoning district upon discretion of Planning and Zoning Official, the Planning Commission and approval of Board of County Commissioners may require a buffer strip.
  - (21) Motocross/ATV tracks
- b. Notwithstanding any other federal/state/or county requirement, the following uses require a minimum ten (10) feet wide, six (6) feet high buffer strip when abutting any zoning district, except LI or HI:

- (1) Airports
- (2) Concentrated animal feeding operations
- (3) Concrete and asphalt batch plants and clay product plants
- (4) Explosive products manufacturing
- (5) Gas plants/ coal gasification and liquid plants
- (6) Hazardous waste disposal sites
- (7) Industrial waste sites
- (8) Industrial, municipal and/or commercial water reservoirs, storage tanks, pumping stations and sewer facilities
- (9) Explosives and other hazardous material storage
- (10) Railroad freight and/or bulk terminals, tracks and spur
- (11) Sanitary landfills
- (12) Sediment ponds
- (13) Sewage lagoons
- (14) Solid waste management facilities and transfer stations
- (15) Solid waste sites
- (16) Storage of oil drilling rigs and related equipment
- (17) Fuel, oil gasoline, and petroleum products (bulk storage and/or sale)
- (18) Any use permitted or conditionally permitted in any zoning district upon discretion of Planning and Zoning Official, the Planning Commission, and approval of Board of County Commissioners might require a buffer strip.

The Planning and Zoning Official shall determine if a use not listed above is materially similar to any listed use for the purposes of requiring a high buffer strip. Determinations by the Planning and Zoning Official may be appealed to the Board of County Commissioners (See Chapter 3-6, Appeals). Materially similar means the use provides similar function, occurs within a similar structure or setting, and has a similar scale to an approved use listed.

## **Article 6: PERFORMANCE STANDARDS FOR SPECIFIC LAND USES**

### **Chapter 6-1: Conservation Development**

#### **6-1-1 Purpose**

The purpose of the Conservation Development provision is to allow for the concentration of lots on a small portion of land in order to preserve agricultural operations and protect natural resources and cultural features. Through the subdivision review process the Board of County Commissioners shall find

that a development will protect and preserve prime farmland, stream corridors, riparian areas, wetlands or important wildlife habitats. Upon determining that a development is a Conservation Development the Board of County Commissioners, with consideration of a recommendation from the Planning and Zoning Commission, may waive the minimum lot size requirement of the Agricultural (AG) district.

1. Applicability: The Conservation Development option is available in the AG district.
2. Minimum lot size: 2 acres for the lots to be developed.
3. Maximum lot size: 5 acres for the lots to be developed.

### **6-1-2 Number of Lots Allowed**

Conservation Developments may be allowed one single-family dwelling unit for every 40 acres at a minimum lot size of two acres each. For example, if a applicant proposes to subdivide 320 acres in a conventional manner, eight 40-acre agricultural/residential lots would be permitted by right upon subdivision review (320 acres ÷ 40 acres per lot in the AG district = 8 lots). In a Conservation Development, the applicant may propose to create 8 developable lots of 2 to 5 acres in size encompassing 16 to 40 acres of land, while preserving 280 to 304 acres for farmland or natural resource protection.

### **6-1-3 Development Rights**

1. Each 40 acres or legally existing lot that complies with the terms of the AG district is granted one Development Right to develop with a permitted use or to transfer to another property to count toward the number of allowed lots in a Conservation Development, subject to the requirements in this section.
2. Development Rights can be used held or transferred to other properties within 3 miles, as long as the other properties are in the AG district.
3. Development Rights are not transferable if the land has any one of the following characteristics:
  - a. The land is a lot of less than 80 acres that has an existing dwelling and the lot's Development Right has been used to establish the existing dwelling;
  - b. The land is a lot of less than 80 acres that has an existing non-agricultural use, a use listed as a conditional use, or a prohibited use in the AG district;
  - c. The land does not have a suitable building site due to a covenant, easement, conservation easement or deed restriction that Williams County is a party to, unless and until such time said covenant, easement or restriction is dissolved or rescinded by the Board of County Commissioners;
  - d. The land does not have a suitable building site due to natural features, including but not limited to wetlands, floodplains, high water table and steep slopes; or
  - e. The land does not have a building site that complies with this ordinance.
4. All lots permitted through transferred Development Rights shall be oriented in such a manner to allow for the maximum protection and preservation of the surrounding land by clustering the developable lots in the most appropriate areas of the property.

5. The parcel that receives Development Rights may only receive the number of Development Rights that would double the number of Development Rights typically allowed by the 40 acres per lot density of the district. For instance, if a receiving parcel is 160 acres in size and is determined to be allowed 4 Development Rights, the parcel may only receive an additional 4 Development Rights, for a total number of allowed lots/units of 8.

#### **6-1-4 Preserved Areas**

The preserved area shall be used for agriculture and/or natural resource conservation, and may contain buildings, structures and operations normally incidental to farming or ranching, including up to two single-family dwellings, including mobile homes, for farm or ranch families and workers. The intent of allowing a second dwelling is to promote the functionality of the preserved area by allowing an additional housing unit for the operation. It is the applicant's responsibility to prove the land proposed for preservation includes prime soils or similar high-quality farmland and/or important cultural or natural resources that are worthy of preservation.

#### **6-1-5 Deed Restrictions**

During preliminary plat review, Williams County will review acceptable methods of encumbrance for the farmland or natural resource protection area. To utilize the Conservation Development provision, the applicant must consent to a deed restriction placed on the preserved property or a covenant with the Board of County Commissioners, which shall be filed and recorded in the Office of the Williams County Recorder.

#### **6-1-6 Duration**

The deed restriction or covenant shall state the property shall only be used as specified in this section for a period of no less than 75 years. This restriction may only be modified or lifted by the Board of County Commissioners, which must be done in writing and must be filed and recorded in the same manner as the deed restriction is recorded.

#### **6-1-7 Parks, Playgrounds, and Open Spaces**

Conservation Developments are exempt from the parks, playgrounds, and open spaces dedication requirements of Section 5-1-7.

#### **6-1-8 Lot Width and Setbacks**

1. Reduced Minimum Lot Width: Lots in Conservation Developments are allowed a reduced lot width of 100-feet.
2. Reduced Setbacks: Lots in Conservation Developments are allowed reduced setbacks as follows:
  - a. Front: 25, Side: 10 feet, Rear: 10 feet.

### **Chapter 6-2: Reserve Area Development (RAD)**

The purpose of a Reserve Area Development (RAD) is to provide incentive to avoid filling growth areas immediately surrounding existing communities with large lot subdivisions that prevent further growth of

the communities. In areas where municipal or public sewer and water services are expected to be available in the future, a applicant may choose to develop a portion of property at a higher density than allowed overall, with lots clustered in a fashion that reserves the remaining land for eventual denser development, when municipal or public sewer and public water become available.

1. Applicability: RADs are permitted in the RR district.
2. Minimum lot size: Minimum lots sizes are only restricted to compliance with Upper Missouri District Health Unit standards and the area necessary to reasonably develop each lot with a single-family dwelling. The minimum average lot width is 75 feet.
3. Maximum lot size: 2 acres per lot for the lots to be developed.
4. Density/Number of lots allowed: RADs may be developed with up to one single-family dwelling unit for every 5 acres. For example, if a applicant proposes to develop 50 acres, 10 lots would be allowed by right upon subdivision review (50 acres ÷ 5 acres per lot in the RR District = 10 lots). If 10 lots are proposed at one acre in size each, they would encompass 10 acres of land, so the applicant would reserve 40 acres as open space in the near future and for future dense development when public infrastructure and services become more readily available. Due to the maximum lot size of 2 acres per lot, the lots must be clustered on no more than 10 acres, which shall be concentrated on a portion or portions of property in clusters of no less than 5 lots per cluster. The remaining 40 acres (50 acres – 10 acres), which shall be restricted from development with any more than one single-family dwelling and accessory buildings until municipal or public water and sewer services are available, at which time it can be developed, and all lots must connect to the municipal or public sewer and public water services.
5. Use of the reserve area: The reserve area may be used for agriculture, recreation, or open space and shall not be developed with any more than one single-family dwelling and accessory buildings.
6. Deed Restrictions: Acceptable methods of encumbrance for the reserve area. To utilize the RAD provisions, the applicant must consent to a deed restriction placed on the reserved portion of the property that only the Board of County Commissioners may remove that restriction in writing. The deed restriction and any written removal by the Board of County Commissioners shall be filed and recorded in the Office of the Williams County Recorder.
7. Duration: The deed restriction shall state that the reserved portion of the property shall only be used as specified in the Development Agreement for a period agreed to by the Board of County Commissioners, as set forth in that Agreement. This restriction may only be modified or lifted by the Board of County Commissioners, which must be done in writing and must be filed and recorded in the same manner the deed restriction is recorded.
8. No parks, playgrounds, or open spaces dedications required: RADs are exempt from the parks, playgrounds, and open space dedication requirements of Section 5-21-7.
9. Reduced Setbacks: Lots in RADs are allowed reduced setbacks as follows:
  - a. Front: 25 feet, Side: 10 feet, Rear: 10 feet.



## **Chapter 6-3: Bed and Breakfast Establishments**

New and expanded Bed and Breakfast Establishments shall comply with NDCC Chapter 23-09.1 and North Dakota Administrative Code Chapter 33-33-06 (Rules Initiated by the Food and Lodging Inspection Division of the State Department of Health for Bed and Breakfast Facilities). Bed and Breakfast establishments are permitted uses in the RC and UC districts. However, these establishments are allowed only as conditionally permitted uses in the AG, RR, and UR districts to ensure that potential impacts on surrounding uses are minimized. The purpose of allowing Bed and Breakfast Establishments as conditionally permitted uses in the AG, RR, and UR districts is to allow appropriate residences to provide homeowners entrepreneurial opportunities, within the home, while giving visitors to Williams County the ability to experience alternative accommodations with personal experiences and amenities. The following performance standards are required for all new and expanded Bed and Breakfast Establishments, regardless of whether it is a permitted use in the RC or UC districts or a conditionally permitted use in the AG, RR, and UR districts:

1. The establishment shall be operated by the owner of the home who must live on the property.
2. The bed and breakfast may not contain more than seven guest rooms (lodging units) and serve more than 14 guests at any given time.
3. Food service may be provided, but for resident guests only. No more than two “family-style” meals per guest per day may be provided.
4. Any Bed and Breakfast Establishment must demonstrate compliance with state licensing requirements at all times.
5. Bed and breakfasts may not be leased or offered for use as reception space, office space, meeting space or similar events open to non-resident guests.
6. A maximum of one outdoor wall sign, which may be externally lit, not exceeding 8 square feet in area, may be displayed.
7. At least one off-street parking space shall be provided per guest room. If the parcel abuts an alley, access to guest parking shall be from the alley.

## **Chapter 6-4: Home Occupations**

The purpose of allowing home occupations in the AG, RR, UR and ESR zoning districts is to allow appropriate residences to provide homeowners entrepreneurial opportunities within the home while adding to the economic diversity of Williams County. Home occupations must be carried on in a permitted principal residential structure or accessory building located within an AG, RR, ESR, or UR zoning districts.

### **6-4-1 Permitted Use**

A Home Occupation is allowed as a permitted use under the following zoning districts: AG, RR, UR, and ESR. The following requirements must be met for all new and expanded home occupations:

1. The occupation or activity is carried on in the principal building or accessory building of a

property zoned AG, RR, UR, and ESR.

2. The occupation is carried on by a member or members of the immediate family residing on the premises, and up to one additional employee who is not a member of the immediate family.
3. The occupation is incidental to the use of the premises. The main activity of the dwelling place remains a dwelling and such home occupation does not alter the character or appearance of the existing residence.
4. The occupation does not occupy more than 25 percent of the floor area of the principal or accessory building. The occupation may be conducted within the garage provided the operation does not interfere with the minimum off-street parking requirements.
5. No outdoor storage or display of products is allowed be visible from the exterior of the building indicating that the premises are being used in part for any purpose other than a dwelling.
6. Occupation or trade vehicles used in conjunction with a home occupation shall be restricted to 2 vehicles per residence. The parking of such vehicle shall not interfere with the minimum off-street parking requirements for the property. Industrial or heavy commercial vehicles are prohibited.
7. The occupation shall not generate traffic in greater volumes than would normally be expected in a residential neighborhood.
8. No mechanical equipment is used except of a type that is normally used for purely domestic or household purposes.
9. The operation of the occupation does not create a nuisance by emitting loud noise, foul odors, excessive traffic, or bright lights in a manner which disturbs or interferes with the peace and nature of a nearby residence/neighborhood.
10. No alteration of the principal building changes the character thereof as a dwelling.
11. Only one home occupation is permitted per parcel.
12. Home occupations that require customers visiting the premise need to be made by appointment only and during regular business hours.
13. The determination as to whether a particular profession or occupation is similar to those enumerated herein and is permissible as a home occupation shall be made by the Director of Development Services.

## **Chapter 6-5: Multiple Family Developments, Hotels/Motels, and other Lodging Establishments**

Multiple family developments, hotels, motels, and other lodging establishments are subject to the following performance standards:

1. Water and Sewer: Hotels, motels, other lodging establishments, and multiple family developments shall supply public water and public sewer system to all living facilities and such

systems shall be approved by the State Health Department and/or Upper Missouri District Health Unit and the applicable water supplier.

2. Pedestrian Access: A system of walkways connecting each dwelling, hotel building, motel, or other lodging establishment building to public sidewalks, on-site parking, other on-site multiple family dwellings, solid waste disposal areas, mail boxes, recreation areas, and storage areas shall be provided.
3. Vehicular Access: At least two roadways/approaches accessing public streets shall be provided for multi-family developments with more than 15 dwelling units or hotels, motels, and other lodging establishments with 15 or more guest rooms. The circulation pattern must be acceptable to the local fire department and the County Engineer. Minimum driving aisle widths shall comply with Chapter 5-3.
4. Parking: All parking and loading areas shall comply with Chapter 5-3 of this ordinance, and the following:
  - a. At least two on-site parking spaces shall be provided per dwelling and 1.25 spaces per hotel/motel guest room; and
  - b. No more than 50% of the parking should be provided between the primary buildings and the primary access street.
5. Design: The architectural style of each building shall be consistent and finished on all sides. Additionally, the applicant shall provide at least four of the features below:
  - a. Modulated building wall planes by using projections, recesses and offset planes with a minimum depth of two feet.
  - b. Balconies or bay windows on the front of the building façade, varied rooflines.
  - c. Visual diversity on all building facades by varying materials, texture and color.
  - d. Landscaping adjacent to the building that includes at least one tree and four shrubs per each 25 linear feet of building façade that faces a public street.
  - e. Windows or glazed area equal to at least 15% of the combined total of all the building's facades.
6. Parks, playgrounds, and open spaces: The parks, playgrounds, and open spaces requirements of this ordinance apply to multiple family developments (See Section 5-1-7), but not to hotels, motels, and other lodging establishments.
7. Hotels, motels, and other lodging establishments shall comply with the requirements of NDCC Chapter 23-09 and North Dakota Administrative Code Articles 33-33 and 33-39 (Rules Initiated by the Food and Lodging Division of the State Department of Health) as they apply to lodging establishments.

## **Chapter 6-6:           Manufactured Homes and Recreational Vehicles**

### **6-6-1   Manufactured Homes**

Manufactured/mobile homes are allowed for use as single-family dwellings in any zoning district where single-family dwellings are allowed, subject to the requirements of each zoning district and subject to the following performance standards:

1. Single-family residential shall be the principal use of the property and the manufactured/mobile home.
2. The manufactured/mobile home must meet all area, setback, and height requirements of the zoning district in which it is permitted or conditionally permitted.
3. No manufactured/mobile home shall be older than 10 years on the date of installation, unless granted a variance under section 4 below and shall meet all current building codes.
4. A manufactured/mobile home which is older than 10 years on the date of installation may be granted an administrative variance by the Director of Development Services if the Director determines that the manufactured/mobile home can be remodeled or restructured to bring it to current Williams County building code standards. Any person aggrieved by the decision of the Director of Development Services denying an administrative variance under this section may appeal that decision to the Williams County Board of County Commissioners.

### **6-6-2   Mobile Home Parks**

New and expanded Mobile Home Parks shall comply with NDCC Chapter 23-10 and the North Dakota Administrative Code Chapter 33-33-01 (Rules Initiated by the Food and Lodging Inspection Division of the North Dakota Department of Health for Mobile Home Parks), and are subject to the following performance standards:

1. An application for approval of a Mobile Home Park through the county shall require the submittal of the same information that is required to be submitted to the State Department of Health as follows: A complete scaled plan and list of specifications for new construction or for altering or enlarging of an existing mobile home park. The plan and specifications must contain the following:
  - a. A legal description of the property and a description of the site location with regard to highways, streets, and landmarks.
  - b. Name and address of applicant.
  - c. Name and address of architect, engineer, or designer.
  - d. The area and dimensions of the site.
  - e. The number, location, and dimensions of all mobile home lots and detail of each typical lot for each mobile home.

- f. The location and width of roadways, automobile parking facilities, and walkways, including whether they are paved, blacktopped, graveled, etc.
  - g. The location and details of any service buildings or other proposed structures.
  - h. The location and details of lighting and electrical systems.
  - i. The location and specifications of the water supply, sewer, and refuse disposal facilities, including approved soil testing results and details of wells, pumping stations, and service riser pipes.
2. Minimum lot sizes are determined by the minimum lot size requirements of the zoning district in which the Mobile Home Park is proposed.
  3. Setback requirements are determined by the zoning district in which the Mobile Home Park is proposed.
  4. No mobile/manufactured home shall be older than 10 years on the date of installation, unless granted a variance, and shall meet all current building codes. A manufactured/mobile home which is older than 10 years on the date of installation may be granted an administrative variance by the Director of Development Services if the Director determines that the manufactured/mobile home can be remodeled or restructured to bring it to current Williams County's building code standards. Any person aggrieved by the decision of the Director of Development Services denying an administrative variance under this section may appeal that decision to the Williams County Board of County Commissioners.
  5. Underground utility hookups shall be provided to each lot in the park. These utilities shall include water, sewer, gas, electricity and telephone.
  6. All lots shall be accessible at all times to emergency vehicles.
  7. Off-street parking of at least two parking spaces for each mobile home lot shall be provided.
  8. Streets within Mobile Home Parks shall be privately owned and maintained by the owner of the park but subject to an easement for public access and travel, and being designed and constructed according to those of NDCC Chapter 23-10 and the North Dakota Administrative Code Chapter 33-33-01 (Rules Initiated by the Food and Lodging Division of the North Dakota Department of Health).
  9. One or more common mailbox facilities shall be provided to serve the residents of the park.
  10. A school bus stop shall be provided, if requested by the school district.

### **6-6-3 Recreational Vehicles**

Recreational vehicle usage is subject to the following performance standards:

1. Recreational vehicles shall not be used as permanent residences.
2. When approved, recreational vehicles may be occasionally occupied and parked on a residential lot as but not utilized as permanent residences.

3. Unoccupied recreational vehicles may be stored on a residential lot or within a commercial storage area.
4. Occupied recreational vehicles on any residential lot shall comply with all setback requirements of the particular zoning district.
5. Recreational vehicles used in Recreational Vehicle/Trailer Parks, and Campgrounds are subject to Section 6-6-4 below.

#### **6-6-4 Recreational Vehicle Parks/Mobile Home Parks and Campgrounds**

New and expanded Recreational Vehicle/Trailer Parks and Campgrounds shall comply with NDCC Chapter 23-10 10 and the North Dakota Administrative Code Chapter 33-33-02 (Rules Initiated by the Food and Lodging Inspection Division of the North Dakota Department of Health for Trailer Parks and Campgrounds), and are subject to the following performance standards:

1. Applications for approval of Recreational Vehicle/Trailer Parks and Campgrounds through the County shall require the submittal of the same information that is required to be submitted to the State Department of Health as follows: A complete scaled plan and list of specifications for new construction or for altering or enlarging of an existing Recreational Vehicle/Trailer Park or Campground. The plan and specifications must include:
  - a. A legal description of property and a description of the site location with regard to highways, streets, and landmarks.
  - b. Name and address of applicant.
  - c. Name and address of architect, engineer, or designer.
  - d. The area and dimensions of the site.
  - e. The number, location, and dimensions of all recreational vehicles, trailer or campground lots and detail of each typical lot for each recreational vehicle, trailer or tent.
  - f. The location and width of roadways, automobile parking facilities, and walkways, including whether they are paved, blacktopped, graveled, etc.
  - g. The location and details of service buildings and any other proposed structures.
  - h. The location and details of lighting and electrical systems.
  - i. The location and specifications of the water supply, sewer, and refuse disposal facilities; including approved soil testing results and details of wells, pumping stations, and service riser pipes.
2. No tent, recreational vehicle, trailer, or other attachment may be located within 10 feet of any other tent, recreational vehicle, trailer, or part thereof. No recreational vehicle, trailer, or tent in a Recreational Vehicle/Trailer Park or Campground may be located so as to create a hazard to the recreational vehicle, trailer, or tent, or restrict emergency vehicles and personnel from performing necessary services.

3. No tent, recreational vehicle, trailer, or other attachment may be within 15 feet of any exterior property boundary of the Recreational Vehicle/Trailer Park or campground, 5 feet of any lot boundary, or 25 feet from a public road right-of-way.
4. All tents, recreational vehicles, and trailers, and any attachments shall be accessible at all times to emergency vehicles.
5. Occupation of Recreational Vehicle/Trailer Parks and Campgrounds is for recreational purposes only on a temporary basis (180 consecutive days or less); permanent occupancy (more than 180 consecutive days) is not permitted.
6. Recreational vehicles and trailers must remain highway ready; no skirting or attached permanent or temporary structures such as decks or mud rooms are allowed.
7. Off-street parking of at least one parking space (outside of each RV/Trailer pad) for each RV/Trailer space shall be provided. For every 10 RV/Trailer spaces and/or tent sites, one additional off-street parking space shall be provided. For each employee on shift at any given time, at least one additional off-street parking space shall be provided.
8. Streets in Recreational Vehicle/Trailer Parks and Campgrounds shall be privately owned and maintained by the owner, but subject to an easement for public access travel, and designed and constructed according to County standards and those of NDCC Chapter 23-10 and the North Dakota Administrative Code Chapter 33-33-02 (Rules Initiated by the Food and Lodging Division of the North Dakota Department of Health). Where County and State standards are in conflict, the more stringent standard shall prevail.

## **Chapter 6-7: Water Depots**

All water depots are subject to the following requirements and performance standards:

1. Copies of state permits shall be submitted to the Planning Division with the application for a Conditional Use Permit (CUP).
2. The operator/owner shall be required to assist the County Highway Department and the applicable local township in the maintenance of roads serving the water depot.
3. The operator/owner of the water depot shall provide the County Highway Department, at its request, access to water at no cost to the County for the maintenance of roads serving the water depot.
4. All owners/operators shall provide to Williams County the owner/operator contact information, including the name, address, and telephone number of the main contact person, as well the same information for an alternate contact person at the time the CUP application is submitted.
5. Any failure or delay in the performance of the work detailed by the CUP approval shall result in the revocation of the CUP.
6. Any and all parking shall be limited to on-site.

## Chapter 6-8: Adult Entertainment Centers

Adult entertainment centers are subject to the following performance standards:

1. An adult entertainment center shall not be located within 2,500 feet of any religious institution, cemetery, school, park, recreation area, public library, state-certified day care, community teen center, established residence or residential district.
2. An adult entertainment center shall not be located within 1,250 feet of any establishment that dispenses alcohol on-premises.
3. An adult entertainment center shall not be located within 1,250 feet of any other adult entertainment center unless such uses are combined within the same building/structure and property.
4. An adult entertainment center must prohibit entrance by persons less than 18 years of age.
5. Signage shall be limited to 25% of the total front wall space square footage.
6. No exterior door or window on the premises of an adult entertainment center shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times. Such opaque covering shall be subject to approval of the Planning and Zoning Official.
7. No adult material shall be displayed in such manner as to be visible from any location other than within the premises occupied by the adult entertainment center.
8. No adult entertainment center shall be operated in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any location outside the building or area of such establishment.
9. All adult entertainment centers shall have facades, exteriors, and exits which must be indistinguishable from surrounding buildings. Illustrations depicting partially or totally nude males and/or females shall not be posted or painted on any exterior wall of the building used for such businesses or on any door or apparatus attached to such building.
10. The adult entertainment center shall provide and maintain separate restroom facilities for male patrons and employees and female patrons and employees. Male patrons and employees shall be prohibited from using the restroom(s) for females, and female patrons and employees shall be prohibited from using the restroom(s) for males, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from any adult material. Restrooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this section shall not be applicable to an adult entertainment center which deals exclusively with sale or rental of adult material which is not used or consumed on the premises, such as an adult bookstore or adult video store, and which does not provide restroom facilities to its patrons or the general public.



## **Chapter 6-9: Concentrated Animal Feeding Operations**

An adequate supply of healthy livestock, poultry and other animals is essential to the well-being of Williams County citizens. However, livestock, poultry and other animals produce manure and other byproducts which may, where improperly stored, transported, or disposed, negatively affect the environment of Williams County. Animal manure and other byproducts must be controlled so as to not add to air, surface water, ground water, or land pollution. The following regulations, based in part on the Model Animal Feeding Zoning Ordinance issued by the North Dakota Department of Health regulating the permitting, location, development, and expansion of feedlots, have been adopted to protect the natural environment and to safeguard the public health, safety, and general welfare of the citizens of Williams County.

### **6-9-1 Final Closure and Abandonment**

Prior to the issuance of a permit, the Board of County Commissioners shall establish by rule the conditions and standards for proper closure of a concentrated animal feeding operation upon cessation of operations.

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 feeding operation, 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.

Landowners, owners, and operators of any concentrated animal feeding operation shall have joint and several liability for clean-up, closure, or remediation of abandoned sites.

### **6-9-2 Setback Requirements**

1. Water Resource Setbacks. The operator of a new animal feeding operation that has more than 1,000 animal units shall not locate or establish that operation:
  - a. Within a delineated source water protection area for a public water system. The source water protection areas for water supply wells include the entire wellhead protection area. For the surface water intakes of public water systems, source water protection areas include all or portions of the surface water that supplies the water for the public water system, including all or portions of the surface water's shoreline.
  - b. Within 1,200 feet (365.6 meters) of a private ground water well which is not owned by the operator or within 1,500 feet (457.1 meters) of a public ground water well which does not have a delineated source water protection area).
  - c. Within 1,000 feet (304.7 meters) of surface water which is not included in a source water protection area.

### **6-9-3 Odor Setbacks**

1. An owner of property shall locate and establish a residence, business, church, school, public park or residential zoning district to provide a separation distance from any existing animal feeding

operation. The separation distances, or setbacks, are listed in the following Table 6-1. An owner of property who is an operator of an animal feeding operation may locate the owner's residence or business within the setbacks. (See Table 6-1)

2. The operator of a new animal feeding operation shall locate the site of that operation from existing residences, businesses, churches, schools, public parks and residential zoning districts so as to exceed the corresponding listed setbacks in Table 6-1 from these places.
3. If notified in writing by an operator of a planned future expansion of an animal feeding operation, the Board of County Commissioners 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.
4. The Board of County Commissioners, upon recommendation of the Planning and Zoning Commission, may increase or decrease a setback distance for new animal feeding operation after consideration of the proposed operation's plans, if it determines that a greater or lesser distance is necessary or acceptable, respectively based upon site conditions or demonstrable safety, health, environment or public welfare concerns.

**Table 6-1 - Setback Distance for Animal Feeding Operations**

Number of Animal Units	Hog Operations	Other animal operations
Less than 300	None	None
300 to 1,000	0.50 mi (0.805km)	0.50 mi (0.805 km)
1,001 or more	0.75 mi (1.207km)	0.50 mi (0.805 km)
2001 or more	1.00 mi (1.609km)	0.75 mi (1.207 km)
5001 or more	1.50 mi (2.414km)	1.00 mi (1.609 km)

**Table 6-2 - Equivalent Numbers of the Livestock (hd) for Four Sizes (a.u.) of Animal Feeding Operations**

Livestock	Animal Unit Equivalent	300 a.u.	1,000 a.u.	2,000 a.u.	5,000 a.u.
1 horse	2.0	150hd	500hd	1,000hd	2,500 hd
1 dairy cow	1.33	225	750	1,500	3,750
1 mature beef	1	300	1,000	2,000	5,000
1 beef feeder back grounding	0.75	400	1,333	2,667	6,667
1 mature bison	1	300	1,000	2,000	5,000

1 bison feeder	1	300	1,000	2,000	5,000
1 swine 55 lbs.	0.4	750	2,500	5,000	12,500
1 goose or duck	0.2	1,500	5,000	10,000	25,000
1 sheep	0.1	3,000	10,000	20,000	50,000
1 swine, nursery	0.1	3,000	10,000	20,000	50,000
1 turkey	0.0182	16,500	55,000	110,000	275,000
1 chicken	0.01	30,000	100,000	200,000	500,000

## Chapter 6-10: Wind Energy Facilities

Wind is a renewable, alternative; non-polluting energy resource and its conversion to electricity will reduce our dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional energy sources. This Chapter provides a regulatory framework for siting, construction, and operation of wind energy facilities intended to preserve the safety and well-being of residents and facilitate equitable and orderly development.

### 6-10-1 Permitting

Any installation of a new Commercial Wind Energy Conversion System (WECS), which is part of an existing Wind Energy Facility or the construction of new Wind Energy Facilities, or modifications to existing Commercial WECS or Wind Energy Facilities beyond maintenance, requires a Conditional Use Permit. Construction of a WECS shall require a Williams County Building Permit obtained from the County Building Official. See Article 2 for zoning district requirements and restrictions regarding where wind energy facilities may be allowed.

### 6-10-2 Color

Each WECS shall be non-reflective and finished with a uniform and muted earth or sky tone color including white, gray and brown. Galvanized steel is considered non-reflective and meets this requirement.

### 6-10-3 Buildings and other accessory structures

The design of buildings and related structures at a wind energy facility shall, to the extent reasonably possible, use materials, colors, textures, and locations that will blend the wind energy facility to the natural setting and existing environment. All buildings and other accessory structures shall comply with the setback requirements of the zoning district in which they are located.

### 6-10-4 Lighting

No wind energy facility, or WECS or related structures shall be artificially lit unless it is to assure safety as required by the FAA or FCC. If lighting is required, red beacons are preferable to flashing strobe lights.

### **6-10-5 Signage**

Wind energy facilities and WECS shall not be used for displaying any advertising except as allowed by the zoning district in which the facility or WECS is located and for reasonable identification of the manufacturer or operator of the wind energy facility or WECS. Identification signage shall be limited to one nameplate with a maximum area of four square feet per manufacturer or operator.

### **6-10-6 Identification**

Each wind energy facility and WECS shall be marked with a visible identification number to assist with provision of emergency services, and the permittee shall file with local fire departments, law enforcement, and the County Emergency Services Department, a wind energy facility map identifying WECS locations and numbers.

### **6-10-7 Screening**

Wind energy facilities shall not include staffed offices, vehicle or equipment storage, or other uses not required to send, receive or relay transmissions unless they are screened from public view and comply with the use requirements of the zoning district in which they are located.

### **6-10-8 Fencing**

A chain link or solid wood or masonry fence at least six feet in height shall be constructed and maintained around the perimeter of the wind energy facility. An electric fence may be used. If the facility is located on top of a building or other structure, no fencing is required.

### **6-10-9 Landscaping**

A continuous hedge at least four feet in height when planted shall be planted and maintained around the perimeter of the fencing to provide a visual screen. If the wind energy facility is located on top of a building or other structure, no landscaping is required. The landscaping shall be properly maintained. Landscaping that is indigenous to the area and requires minimal irrigation is encouraged.

At wind energy facilities, the location and construction of access roads and other infrastructure shall, to the extent reasonably possible, minimize disruption to farmland, the landscape, and agricultural operations within Williams County. The permittee shall adhere to the following:

1. The permittee shall promptly replace or repair all fences, or any fence gates removed or damaged during all phases of the wind energy facility's life, unless otherwise negotiated with the affected landowner. When the permittee installs a gate where electric fences are present, the permittee shall provide for continuity in the electric fence circuit.
2. The permittee shall place electrical lines, known as collectors, and communications cables underground when located on private property. Collectors and cables shall also be placed within or adjacent to the land necessary for WECS access roads unless otherwise negotiated with the affected landowner.
3. The permittee shall place overhead feeder lines on public rights-of-way, if a public right-of-way exists, with approval from the Board of County Commissioners or affected township, or the

permittee may place feeder lines on private property in accordance with the easement negotiated with the affected landowner.

4. Williams County encourages the use of private easements to protect wind access.
5. The permittee shall provide copies of all leases and easements for any WECS or wind energy facility, and associated equipment and infrastructure to be located within Williams County and any written agreements between the prospective permittee and affected parties holding associated wind energy property rights on adjoining properties.
6. The permittee shall identify all County and township haul roads and bridges to be used for construction purposes of the WECS or wind energy facility. The permittee is responsible for coordinating a pre-construction haul road and bridge inspection with the County and/or affected township to document existing haul road and bridge conditions, weight and size restrictions and damage agreements. It is understood that as a minimum condition, the haul roads and bridges shall be restored to pre-construction conditions or better at the permittee's expense.

#### **6-10-10 Setbacks**

1. All wind turbines shall be set back from the perimeter of the facility 2 1/2 times the rotor diameter.
2. All wind turbines shall be set back from existing structures 1,400 feet. A variance for setback may be granted by the Board of County Commissioners, upon recommendation from the Planning and Zoning Commission, provided the permittee and affected landowner sign a waiver agreement.
3. Each wind turbine shall be set back from the nearest public road or above ground communication and electrical lines at a distance of not less than 200 feet, determined at the center of the existing right-of-way.

#### **6-10-11 Minimum Ground Clearance**

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

#### **6-10-12 Closure Restoration of Property**

Within 180 days of termination or abandonment of leases or easements for a WECS or a wind energy facility in Williams County, the current permittee shall cause, at its own expense, removal of all structures to a depth of four feet below pre-construction grade.

#### **6-10-13 Application for A CUP**

1. Applicants requesting a CUP for a WECS or a wind energy facility shall furnish scale drawings with dimensions including, but not limited to, plot plan, location of all WECS, guy wires, anchor points, buildings and structures.
2. An environmental study shall be conducted to include, but not limited to, US Fish and Wildlife Services, US Army Corp of Engineers, ND Game & Fish Department, ND State Health Department.

3. Each CUP application for a wind energy facility shall include an application fee of \$1,000.00. Each individual WECS requires a \$500.00 fee for a building permit to be obtained from the Building Official for Williams County, with a maximum fee of \$10,000.00.
4. A schedule shall be submitted with the CUP application for the proposed start and completion of construction of the wind energy facility and each WECS.

#### **6-10-14 Transfer of Permit**

In the event of a change in ownership or controlling interest in a wind energy facility and the transfer of the permit, the applicant shall refer to 3-2-3.

### **Chapter 6-11: Wireless Communication Facilities**

#### **6-11-1 Definitions**

The following terms shall have the meanings set forth below:

**Base station** means a structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower, or any equipment associated with a tower.

**Distributed Antenna System** or **DAS** means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

**Eligible Facilities Request** means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

**Eligible support structure** means any tower or base station as defined in this Chapter, provided that it is existing at the time the relevant application is filed with the County under this Chapter.

**Macrocell** means an antenna or antennas mounted on a tower, ground-based mast, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain.

**Small cells** mean compact wireless equipment containing its own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells.

**Stealth design** means technology that minimizes the visual impact of wireless communication facilities by camouflaging, disguising, screening or blending into the surrounding environment. Examples of stealth design include, but are not limited to, facilities disguised as trees, flagpoles, bell towers, everyday items such as light poles, and architecturally screened roof-mounted antennas. All stealth designs should be substantially similar to the design of the surrounding area.

**Substantial change** means a modification that substantially changes the physical dimensions of an eligible support structure as described in 47 CFR Section 1.40001.

**Tower**, for purposes of wireless communication facilities, means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, such as equipment cabinets, remote radio units, fiber optics and electrical power, but not including DAS and small cell facilities to be placed on an existing structure, or the replacement of an existing conforming structure with one which is similar in height and design, which are in the roadway easement or on private property and which incorporate stealth design.

**Transmission equipment** means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supplies.

**Utility support structure** means utility poles or utility towers supporting electrical, telephone, cable or other similar facilities; street light standards; pedestrian light standards or water towers.

### **6-11-2 Applicability**

All Wireless Communication Facilities (“WCFs”) currently located within the jurisdictional area of Williams County as set forth in Section 1-1-4 are subject to this Chapter.

All wireless communication facilities, including but not limited to new towers, antennas, DAS and small cells, or modifications to existing wireless communication facilities, in the County shall be subject to these regulations, except as otherwise provided herein.

Exempt Facilities. The following are exempt from this Chapter:

1. FCC licensed amateur (ham) radio facilities;
2. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding one (1) meter in diameter;
3. A government-owned WCF installed upon the declaration of a state of emergency by the federal, state or local government, or a written determination of public necessity by the County; except that such facility must comply with all federal and State requirements. The WCF shall be exempt from the provisions of this Chapter for up to one month after the duration of the state of emergency; and
4. A temporary, commercial WCF, such as one installed for providing coverage of a special event such as news coverage or sporting event. The temporary, commercial WCF shall be exempt from the provisions of this Chapter for up to one week before and for up to one week after the duration of the special event. Notwithstanding the foregoing, a temporary, commercial WCF is subject to the requirement of obtaining a Temporary Use Permit (Chapter 3-3).

### **6-11-3 Distributed Antenna Systems and Small Cells**

Distributed Antenna Systems (DAS) and small cells are allowed in all zoning districts, regardless of the tower criteria listed in Section 5, provided the applicant complies with all federal laws (such as the Americans with Disabilities Act) and State laws and requirements.

DAS and small cells in all zoning districts, including a DAS or small cell to be placed on a new pole on private property or in the roadway easement, require permission from the property owner, a Conditional Use Permit under Chapter 3-2, and approval of the County Highway Department.

DAS and small cells in all zoning districts to be placed on an existing structure, or the replacement of an existing conforming structure with one which is similar in height and design, which are in the roadway easement or on private property and which incorporate stealth design do not require a Conditional Use Permit. When placed on an existing structure in the roadway easement, approval from the property owner and the County Highway Department is required. When placed on an existing structure on private property, the use is considered an accessory use and subject only to a building permit.

#### **6-11-4 General Requirements**

1. **Inventory of Existing Sites.** Each applicant for small cells, DAS, an antenna or tower shall provide to the County, with the application, an inventory of its existing small cells, DAS, towers, antennas, or sites that are within the jurisdiction of the County, including specific information about the location, height, and design of each.
2. **Aesthetics.** New Towers shall meet the following requirements:
  - a. Towers associated with wireless communication facilities shall be lattice towers, monopole towers, or similar structures designed so that guy wires are not necessary. Creative designs or camouflage that seek to conceal the facilities or minimize the visual impact are encouraged. Use of conforming building(s) or other existing conforming structures as antenna support structure(s) is encouraged, including the replacement of existing conforming structures with substantially similar structures if needed to structurally support DAS or small cell facilities, so long as the facility does not create any nonconformity of the building or land.
  - b. All towers and structures, such as antennas, at a WCF shall be non-reflective and finished with a uniform and muted earth or sky tone color including white, gray and brown. Galvanized steel is considered non-reflective and meets this requirement.
  - c. The design of buildings and related structures at a wireless communication facility shall, to the extent feasible, use materials, colors, textures and location that will blend the facility into the natural setting and existing environment, unless otherwise required to assure safety as required by the FAA or FCC.
3. **Lighting.** No Wireless Communication Facility shall be artificially lit unless it is to assure safety as required by the FAA or FCC. If lighting is required, red beacons are preferable to flashing strobe lights.
4. **State or Federal Requirements.** All WCFs must meet or exceed current or then existing standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate such WCFs.
5. **Signs.** WCFs shall not be used for displaying any advertising except as allowed by the zoning district in which the facility is located and for reasonable identification of the manufacturer or operator of the facilities. Identification signage shall be limited to one nameplate with a maximum



area of four square feet per manufacturer or operator, as well as any signage or placard that may be required by FCC Regulations.

6. **Emergency Services.** Each tower shall be marked with a visible identification number to assist with provision of emergency services, and the permittee shall file with local fire departments, law enforcement, and the Emergency Services Department a map identifying WCF locations and identification numbers.
7. **Offices - Screening.** WCFs shall not include staffed offices, vehicle or equipment storage, or other uses not required to send, receive or relay transmissions unless they are screened from public view and comply with the use requirements of the zoning district in which they are located.
8. **Visual Impact.** All WCF shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the WCF.
9. **Use of Stealth Design/Technology.** In the event the applicant does not utilize stealth technology, the applicant shall make an affirmative showing explaining the reasons therefor. More specifically, stealth design is required in residential zones, and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features.
10. **Building-mounted WCFs.**
  - a. In residential and commercial zoning districts, all transmission equipment shall be concealed within existing architectural features, or incorporate other architectural design elements that are consistent with such existing features, to the maximum extent feasible.
  - b. In residential zones, all roof-mounted transmission equipment shall be set back from all roof edges to the maximum extent feasible consistent with the need for "line-of-sight" transmission and reception of signals.
11. **Site Design Flexibility.** WCFs and supporting equipment shall be installed so as to best camouflage, disguise them, or conceal them, to make the WCFs and supporting equipment more closely compatible with and blend into the setting or host structure.
12. **Structural Assessment.** The owner of a proposed tower shall have a structural assessment of the tower conducted by a professional engineer, licensed in the State of North Dakota, which shall be submitted with the application for a conditional use permit or administrative review and approval.
13. **Landscaping.** Landscaping shall be incorporated into the design to minimize any negative visual impact and to blend the facility into the surrounding environment.

#### **6-11-5 Tower Sharing, Collocation, and Tower Locations**

1. **Tower Sharing and Collocation.** New WCF facilities must, to the maximum extent feasible, collocate on existing towers or other structures of a similar height to avoid construction of new towers, unless precluded by zoning constraints such as height, structural limitations, inability to obtain authorization by the owner of an alternative location, or where an alternative location will

not meet the service coverage objectives of the applicant. Applications for a new tower must identify all existing towers or structures of a similar height within one (1) mile of the proposed site by providing evidence that a request was made to locate on the existing tower or other structure, with no success or by showing that locating on the existing tower or other structure is infeasible.

2. **New Tower Locations.** New towers may only be allowed in any zoning districts upon review and approval of a Conditional Use Permit (CUP) under Chapter 3-2. In particular, the following are the maximum heights allowed in each zoning district:
  - a. Agricultural District (AG) and Public (P). Maximum height: 300 feet.
  - b. Heavy Industrial (HI). Maximum height: 300 feet.
  - c. Light Industrial (LI). Maximum height: 150 feet.
  - d. Commercial (UC, RC). Maximum height: 150 feet.
  - e. Residential (UC, RR). Maximum height: 50 feet.
3. **Gap in Coverage or Capacity.** The applicant shall demonstrate, with a tower application, a significant gap in the coverage, capacity, or technologies of the service network exists such that users are frequently unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building.
4. **Minimum Distance Requirement.** The minimum distance from the base of a tower or support structure to the closest boundary line of any property in the RR or UR district, or any residence or dwelling in the AG district, or any residential property in a PUD shall be equal to the height of the tower or support structure, including antenna.
5. **DAS and Small Cells.** The County encourages but it does not require the use of DAS and small cells. Each applicant will submit a statement that explains how it arrived at the structure and design being proposed.
6. **Radio Frequency Emissions Compliance Report.** A written report will be prepared, signed and sealed by a North Dakota-licensed professional engineer or other similarly licensed or registered professional employee of the applicant, which assesses whether the proposed WCF demonstrates compliance with the exposure limits established by the FCC.

#### **6-11-6 Submittal Materials**

Applications for a CUP required under this Chapter for WCFs shall be subject to the following requirements and include the following materials for CUPs:

1. Any information required by the applicable permit application(s), including that for a CUP under Chapter 3-2.
2. A copy of the applicant's current FCC license. All service providers who receive a conditional use permit must annually submit a copy of their FCC license and supporting information that demonstrates that they are using the WCFs within Williams County.

3. A vicinity map showing properties and listing the names and addresses of landowners within 1,000 feet of the subject tract and describing land uses within that area.
4. A letter of intent to remove the facility at the expense of the facility owner or landowner if it is abandoned. The letter shall be filed of record in the Office of the Williams County Recorder's Office and include a signed and notarized statement by the property owner and facility owner/operator consenting to Williams County's entry onto the property to remove an abandoned facility one (1) year after such abandonment, if not removed by the facility owner/operator or property owner in that time period, and consenting to having the actual costs of such removal incurred by the County charged to or against the property owner and/or the facility owner/operator, or against the property on which the facility is located as a lien.
5. Proof of ownership of the land upon which a WCF is proposed to be constructed and/or a copy of any lease or rental agreement attached to the land.
6. Proof of legal and physical access to the WCF and its site.
7. A statement by a North Dakota registered and licensed professional engineer that the facility will comply with all FAA and FCC standards for structures and radio frequency emissions and local, state, and federal building codes.
8. A schedule for the proposed start and completion of construction of the WCF.
9. A noise study, if requested by the County, for the proposed WCF and all associated equipment.
10. A site plan drawn to scale showing the location of on-site and adjacent, existing and proposed: wireless communication facilities, structures, elevation drawings, buildings, vegetation and landscaping, required setbacks, rights-of-way, easements, roadways, fencing, lighting, signage, concealment methods, parking and access, improvements and nearby residential districts.
11. For WCFs located outside of the roadway easement, a legal description of the parent tract and leased parcel (if applicable).
12. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
13. The separation distance from other towers described in the inventory of existing sites submitted pursuant to this Chapter shall be shown on an updated site plan or map.
14. For towers located outside of the roadway easement:
  - a. A landscape plan showing specific landscape materials.
  - b. The method of fencing and finished color and, if applicable, the method of camouflage and illumination.
15. For WCFs located outside of the roadway easement, a chain link or solid wood or masonry fence at least six feet in height shall be constructed and maintained around the perimeter of the WCF. If the facility is located on top of a building or other structure, no fencing is required.

16. For WCFs located in residential or commercial subdivisions and outside of the roadway easement, a continuous hedge at least four feet in height when planted shall be maintained around the perimeter of the fencing to provide a visual screen. If the facility is located on top of a building or other structure, no landscaping is required. The landscaping shall be properly maintained. Landscaping that is indigenous to the area and that requires minimal irrigation is encouraged.
17. At WCFs, the location and construction of access roads and other infrastructure shall, to the extent reasonably possible, minimize disruption to farmland, the landscape, and agricultural operations within Williams County.

#### **6-11-7 Abandoned Facilities**

If at any time the use of a WCF is discontinued for six (6) months, the owner/operator of the facility shall so notify the County in writing. Determination of abandonment shall be made by the Planning and Zoning Official, who shall have the right to request documentation from the facility owner/operator regarding the support structure or antenna usage. Upon abandonment, the facility owner/operator will have one year to:

1. Re-use the facility or transfer it to another service provider who will re-use it within one year of declaration of abandonment; or
2. Dismantle the facility and return the site to a pre-construction condition. If the facility is not removed within one year of declaration of abandonment by the Planning and Zoning Official, Williams County may remove the facility at the property owner's/operator's expense as set forth in this Chapter.

#### **6-11-8 Independent Review**

Although the County intends for County staff to review administrative matters to the extent feasible, the County may retain the services of independent experts of its choice to provide technical and legal evaluation of permit applications for WCFs, including administrative reviews/approvals and conditional use permits in a total amount not to exceed \$1,000 per WCF. The experts review may include but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed WCF complies with the applicable approval criteria. The applicant shall pay the cost for any independent consultant fees through a deposit established by the County and not to exceed \$1,000, to be paid within ten (10) days of the County's request. When the County requests such payment, the application shall be deemed incomplete for purposes of application processing timelines until the deposit is received, and no further action on the application shall be taken by the County until that deposit is made. In the event that such cost does not exceed the deposit amount, the County shall refund any unused portion within thirty (30) days after the final CUP is granted or administrative approval is granted. If no final permit or administrative approval is granted, then the County shall refund any unused portion of the deposit within thirty (30) days after the County receives a written request from the applicant. If the cost exceeds the deposit amount, then the applicant shall pay the difference to the County before the permit is granted or the administrative approval is given.

### **6-11-9 Nonconforming Uses**

Nonconforming WCF and antenna support structures are subject to the terms of Chapter 3-9 (Nonconforming Uses).

### **6-11-10 Eligible Facilities Request Applications.**

This section implements Section 6409(a) of the Spectrum Act, 47 U.S.C. Section 1455(a), interpreted by the FCC in its Report and Order No. 14-153, which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station. Eligible Facilities Requests shall be governed by the provisions of Federal law including, but not limited to, application review, the sixty (60) day shot clock, tolling and the deemed granted remedy.

### **6-11-11 Applications**

This section implements, in part, 47 U.S.C. 332(c)(7) of the Federal Communications Act of 1934, as amended, as interpreted by the FCC in its Report and Order No. 14-153 regarding collocation applications including, but not limited to, application review, the ninety (90) day shot clock and tolling.

### **6-11-12 New Site or Tower Applications**

This section implements, in part, 47 U.S.C. 332(c)(7) of the Federal Communications Act of 1934, as amended, as interpreted by the FCC in its Report and Order No. 14-153 regarding new site or tower applications including, but not limited to, application review, the one hundred fifty (150) day shot clock and tolling.

### **6-11-13 CUP Application Review**

Upon receipt of a complete application that complies with all the requirements of this Chapter and the required fees, the Planning and Zoning Official will initiate the review of the CUP application pursuant to Chapter 3-2 of this Zoning Ordinance.

### **6-11-14 Ownership Change**

In the event of a change in ownership or controlling interest in a WCF or the property on which a WCF is located, the owner/operator shall provide written notice to the Planning and Zoning Official or the Development Services Department Director within 30 days of such change and shall comply with Section 3-2-3 of this Chapter.

## **Chapter 6-12: Sanitary Landfills and Solid Waste Sites**

Sanitary landfills, solid waste sites, and solid waste management facilities and transfer stations regulated by Chapter shall include all facilities for the incineration or disposal of solid waste or solid waste residue, which are required to be permitted under statute or rule by the North Dakota Department of Health and Consolidated Laboratories. Sanitary landfills, solid waste sites, and solid waste management facilities and transfer stations require a CUP in each zoning district where each is allowed, provided the following requirements are met:

1. The sanitary landfill, solid waste site, or solid waste management facility and transfer station is located at least one mile from any residence, or any property located in the UR or RR district, unless written approval is obtained from the owner(s) of any residence within this area.
2. The sanitary landfill, solid waste site, or solid waste management facility and transfer station is continuously in compliance with State law and licensed and approved by the North Dakota Department of Health as to location and operation.
3. There is no substantive evidence that the sanitary landfill, solid waste site, or solid waste management facility and transfer station will endanger the public health or the environment.

### **6-12-1 County Code and Procedures**

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

### **6-12-2 Collection of Solid Waste**

No person may collect or transport solid waste materials for a fee without obtaining a permit from Williams County. Storage of solid waste materials shall be confined to buildings and structures designed specifically for such purpose and shall be secured by appropriate fences and gates. The openings to the buildings and structures, including but not limited to conveyors, doors, ramps, and other points of access for use by transport or moving vehicles when not in use shall be closed air tight to minimize the impact from odor and concentration of insects and rodents.

## **Chapter 6-13: Industrial and Hazardous Waste Disposal Sites**

An application for a CUP for an industrial, radioactive, nuclear or hazardous waste storage or disposal site is subject to the following:

1. The preparation and submission of a technical report prepared by a North Dakota registered and licensed professional engineering firm with the following information:
  - a. Location.
  - b. Maps or aerial photograph.
  - c. Existing land use.
  - d. Present zoning.
  - e. Site characteristics including a topographic survey of the site completed by a licensed surveyor for the State of North Dakota detailing the drainage patterns of the site. The surveyor shall measure and record the locations and elevations of all proposed borings. The proposed trenches or pits shall be plotted on a copy of the topographic map.
  - f. Geology.
  - g. Surface and subsurface Materials including lithologic and geophysical log, material classification and permeability.

- h. A detailed geo-hydrological report including depth of water, hydrologic gradient and existing water quality.
- i. Site Construction.
- j. Borrow area, if any.
- k. Drainage ditches, if any.
- l. Trench design including lines construction, if necessary.
- m. Cover procedures.
- n. Monitoring wells, if necessary.
- o. The type of waste including:
  - (1) Quantitative chemical analyses;
  - (2) Physical description; and
  - (3) Amount.
- p. Operational method.
- q. Access control.
- r. Dust control.
- s. Spill prevention.
- t. Storage, if any.
- u. Precipitation run-on and run-off control.
- v. Recordkeeping.
- w. Closure and remediation.
- x. Source of cover material.
- y. Cover construction.
- z. Final grading plan.
- aa. Topsoil replacement.
- bb. Groundwater monitoring, if necessary.

### **6-13-2 Application procedures**

The application will follow the process for a CUP in Section 3-2-1.

### **6-13-3 Design Standards**

1. Prior to approval by the Board of County Commissioners, the operator of each disposal site shall furnish a bond to ensure maintenance, clean-up, and restoration of the disposal site. The amount of bond shall be set by the Board of County Commissioners, but shall in no case be less than

\$25,000.00, and shall provide for and be effective for the life of the disposal site and any time period required for clean-up and/or restoration.

2. All involved entities shall comply with this ordinance, North Dakota state laws, regulation, and rules, and all amendments thereto.
3. The disposal site shall accept no liquids.
4. The disposal site shall ensure that no transporter will leave the disposal site with waste accumulated on the wheels of the vehicle.
5. Monitoring wells of such depth and number as established by a licensed professional geologist and the North Dakota State Health Department shall be installed on the site for the purpose of detecting and monitoring perched ground water.
6. The disposal site is to be located at least one (1) mile from any residence or any property in the UR or RR zoning district, unless written approval is obtained from the owner(s) of any residence within this area.
7. The disposal site shall be continuously licensed and approved by the North Dakota Department of Health as to location and operation.
8. There shall be no substantive evidence that the disposal site will endanger the public health or the environment.
9. The CUP will be valid for a period of time set by the Board of County Commissioners.

## **Chapter 6-14: Medical Marijuana Facilities**

### **6-14-1 Application Requirements**

An application for a CUP for a Compassion Center for either growing, manufacturing, or dispensing medical marijuana is subject to the following:

1. The preparation and submission of a site plan prepared by a North Dakota registered and licensed professional engineering firm with the following information:
  - a. Location and orientation of all existing and proposed buildings.
  - b. Areas to be used for parking, including the number and arrangement of stalls.
  - c. Areas to be developed for screening, including the location of plant materials, and screening structures and features.
  - d. Pedestrian and vehicular circulation, and their relationship to existing streets, alleys and roadway easements.
  - e. Points of ingress and egress.
  - f. Location of all existing and proposed utilities (sanitary sewage systems, water systems, storm drainage systems, gas lines, telephone lines, and electrical power lines).



- g. Drainage controls (retention or detention ponds).
  - h. Location, size and characteristics of proposed signage.
  - i. Lighting layout, appurtenances, and intensity of illumination.
  - j. Proposed finished floor elevations of all buildings and structures.
  - k. Existing use and zoning classification of subject property and neighboring properties.
2. An odor control plan containing strategies to mitigate impacts of odors produced in the processing of marijuana products on surrounding properties, including HVAC plans signed and stamped by an Engineer registered in the State of North Dakota.
  3. A notarized statement signed by the applicant that recognizes that the CUP shall automatically expire under the following circumstances:
    - a. The Compassionate Care Act is repealed/vacated/nullified by a court of competent jurisdiction or the electorate;
    - b. The application for the Compassion Center is denied by the State;
    - c. Construction of the use has not begun within twelve (12) months of approval; or
    - d. Once begun, the use is vacated or abandoned for six (6) months.
  4. A notarized statement signed by the applicant holding the County harmless against claims and litigation for issuing a CUP.
  5. A copy of the security plan that the applicant will submit to the State.
  6. If approved by the State, the applicant shall submit a copy of the current permit to the Planning and Zoning Division.

#### **6-14-2 Application procedures**

The application will follow the process for a CUP as outlined in Section 3-2-1.

#### **6-14-3 Design Standards**

All involved entities shall comply with this ordinance, North Dakota state laws, regulation, and rules, and all amendments thereto.

The CUP will be valid for a period of time set by the Board of County Commissioners and may be subject to annual renewal per Section 3-2-5.

#### **6-14-4 Determination of Nuisance**

Three (3) or more complaints of odor nuisances within any forty-five (45) day period from different residents of the County shall constitute a determination of an odor nuisance.

Development Services Department staff shall make a site visit and notify the applicant of odor nuisance complaints within two (2) business days of receiving the complaint.

After receiving the third complaint, Development Services Department staff shall notify the applicant of the determination of an odor nuisance and the applicant shall be required to hire a mechanical inspector certified through the ICC to inspect the HVAC system within thirty (30) days of the date of the notification. The inspector shall submit written findings and recommendations to address and eliminate any odor nuisances to the County within thirty (30) days of inspecting the facility's HVAC system. The applicant shall make good faith efforts to comply with the inspector's findings and recommendations to eliminate the odor nuisance.

Repeated nuisance determinations may result in the Board of County Commissioners revoking the Compassion Center CUP.

## **Chapter 6-15: Mobile Food Units**

### **3-5-219 Application Requirements**

An operational mobile food units, located on a property for a time period longer than allowed through the Temporary Use Permit process, may apply for a Conditional Use Permit (CUP) to operate in the following zoning districts: Agricultural, Urban Commercial, Rural Commercial, Public, and Light Industrial. An application for a CUP for a Mobile Food Unit is subject to the following, in addition to providing the information required on the Land Use Application:

1. Dimensioned site plan with traffic plan;
2. Hours of the operation;
3. Site access approved by County Highway or applicable agency;
4. Written plan verifying emergency medical care and transportation will be available;
5. All applicable State and Federal contracts and/or permits related to the operation of a mobile food unit; and
6. Proof that all adequate public services, vehicular access, sanitary services and other necessary site improvements have been provided or will be provided prior to the CUP being initiated.

## Article 7: DEFINITIONS

For the purpose of this ordinance certain words or phrases used herein are defined as follows:

**AASHTO** – The American Association of State Highway and Transportation Officials.

**Access** – The way by which pedestrians and vehicles shall have safe and adequate ingress and egress to the property or to any lots being created.

**Accessory Building or Use** – A subordinate building or land use which customarily is incidental to the main use of the premises such as garages, tool sheds, outdoor storage or parking facilities.

**Adjacent** – Touching at the sides, contiguous at the sides and for the purposes of meeting public notice requirements, located directly across a street, road, alley, or right-of-way from the subject property.

**Adult Bookstore** - An enclosed building having as a substantial or significant portion of its stock in trade books, magazines, or other periodicals that are distinguished or characterized by their emphasis on matter depicting or describing specified sexual activities or anatomic areas, such as genitals, breasts or buttocks as set out in NDCC 11-11-62 (1)(h) and (i).

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

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

**Adult Entertainment Facility** - An enclosed building wherein an admission is charged for entrance, or food or non-alcoholic beverages are sold or intended for consumption, and wherein may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks as set out in NDCC 11-11-62 (1)(h) and (i).

**Advertising Sign** – See Sign.

**Agriculture** – The use of land for agricultural purposes, including the necessary buildings or structures for farm or farm labor use. Agriculture shall include farming, ranching, dairying, pasturage, horticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided however, that the operation of such accessory uses shall be secondary to that of normal agricultural operations.

**Agri-tourism** (or Agricultural tourism) - A commercial enterprise at a working farm, ranch or agricultural plant conducted for the enjoyment or education of visitors who participate in the agricultural activity, and that generates supplemental income for the owner. Agri-tourism can include farm stands or shops, U-pick, farm stays, tours, on-farm classes, fairs, festivals, pumpkin patches, Christmas tree farms, winery

weddings, orchard dinners, youth camps, barn dances, hunting or fishing, guest ranches, and similar activities.

**Alley** – A public way, which provides only secondary access to abutting property, typically at the rear of the lot.

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

**Animal Hospital or Veterinary Clinic** – A place where animals are treated and accommodated by a veterinarian.

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

**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 weaning 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.

**Antenna** - Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennae such as panels, microwave dishes, and satellite dishes and omnidirectional antennae, such as whip antennae.

**Antenna Support Structure** – Any structure or device designed, constructed, used and/or erected for the purpose of attaching, mounting or otherwise affixing antennae. The term includes but is not limited to buildings, light poles, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative antenna support structures, and similar objects. The term includes the structure and any support thereto excluding the natural ground.

**Apartment** – A room or suite of rooms suitable for occupancy as a residence for one household.

**Apartment Building** – A type of multiple family dwelling comprised of three or more apartments intended for use as private dwellings on a long-term lease or rent basis.

**Applicant** – This is a generic term used to refer to the landowner or person or firm who proposes to subdivide and/or develop land for any use governed by this ordinance. The applicant may appoint a representative for all proceedings in this ordinance.

**Approach** – The area between the public roadway and adjacent private or public property intended to provide access for vehicles from the roadway of a public roadway to an adjacent area of property.

**Arcade** – The passage or walkway covered over by a succession of arches or vaults supported by columns.

**Arch** – A curved structure capable of spanning a space while supporting significant weight.

**Architectural Concrete** – Concrete used for the exterior or interior ornamentation or finish of a building or structure, often being cast integral with the reinforced concrete frame.

**Athletic Club** – A commercial building providing indoor athletic facilities, exercise equipment, sports courts, and similar facilities where members or paying visitors exercise and/or actively recreate. Athletic clubs are also known as gyms, gymnasiums, and health clubs.

**Automobile Service Station** - An establishment with the primary business functions of the retail sale of gasoline for passenger car use, and the minor service and repair work incidental to the operation of passenger automobiles including car washes.

**Average Daily Traffic (ADT)** – The average number of vehicles crossing a specific point on a roadway during a 24-hour period on the average working day. The projected or estimated ADT for a development shall be based on the most representative land use(s) described in the manual entitled “Trip Generation” (latest edition) published by the Institute of Transportation Engineers, or a similar source.

**Awning** – A temporary or permanent roof-like covering or shelter, often of fabric, metal, or other material designed and intended for protection from the weather or as a decorative feature, and which projects from an exterior wall or roof of a structure over a window, walk, door, or similar.

**Awning sign** – A sign attached to, painted on or printed on the surface of an awning.

**Banner** – A sign made of fabric or other non-rigid material with no enclosing framework.

**Bar** – A commercial establishment that serves alcoholic beverages to be consumed on the premises. Restaurants are not included in this definition.

**Base** – The distinctively treated portion of a column or pier below the shaft or shafts or the distinctively treated lowermost portion of any building, structure, construction, as a monument, exterior wall, etc.

**Bed and Breakfast Establishment** – A private home that is used to provide accommodations for a charge to the public, with not more than seven lodging units, in which no more than two family-style meals per day are provided.

**Berm** – An earthen mound designed to provide screening of undesirable views, reduce noise, etc.

**Billboard** – A sign advertising products, services, entertainment, or businesses located off-premises on which the advertised product, service, or business is located with a surface on which temporary poster panels or painted bulletins are mounted for the purpose of conveying a visual advertising message.

**Billiard Parlor** – A building providing billiard tables and related facilities for billiards.

**Block** – An area of land within a subdivision, town site, or addition bounded by streets or a combination of streets, railroad rights-of-way, cemeteries, parks, waterways or the boundary lines of local governments.

**Body** – The principal mass of any building, structure, construction, as a monument, exterior wall, etc.

**Boundary Line Adjustment** – A realignment of one or more interior existing platted boundary line(s) between two or more existing platted lots, tracts, or parcels that does not create new lots, tracts, or

parcels, does not eliminate any existing lots, tracts, or parcels and all of the resulting parcels conform to the minimum lot area and width for zoning purposes, or the degree of nonconformity is not expanded.

**Bowling Alley** – A building providing bowling lanes and associated infrastructure for the sport of bowling.

**Buffer** – A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other, or to provide a sight and sound barrier between particular adjacent uses.

**Building** – Any structure used or intended for supporting or sheltering any use or occupancy of persons, animals, or property.

**Building Height** – The vertical distance from the average of the finished grade of a building footprint to the highest point on a building. Building height excludes chimneys, smokestacks, vents and antennae.

**Campground** – An area of land used, intended to be used, or designed for occupancy by two or more tents, camping trailers, recreational vehicle, travel trailers, or other similar accommodations. Campgrounds are recreational in nature and shall not be used for permanent residence, or any type of temporary workforce housing facility or camp.

**Canopy** – Any structure, other than an awning made of metal or other non-combustible materials, attached to a building, projecting over a sidewalk and supported by posts or columns.

**Canopy Sign** – A sign placed directly on and attached to and supported by a canopy.

**Cap** – The distinctively treated uppermost portion of any building, structure, construction, as a monument, exterior wall, etc.

**Certificate of Survey** – A ground survey that memorializes a recorded deed, a resurvey of a platted lot or depiction of an agriculture exemption prepared by a Professional Land Surveyor, registered in the State of North Dakota. The Certificate of Survey shall follow the “Recommended Guidelines for the Practice of Land Surveying in North Dakota”. All Surveys shall be submitted in a 24’x36” format.

**Changeable-Copy Sign** – A sign or portion thereof on which the copy or symbols change either automatically through electrical, digital, or electronic means or manually through placement of letters or symbols on a panel mounted in or on a track system without altering the face of the sign.

**Channel Letter** – A fabricated or formed three-dimensional letter that may accommodate a light source.

**Child Care Facility** – Any facility required by the North Dakota Department of Human Services to have a health inspection where children receive care and supervision for 24 hours or less per day; unaccompanied by the child’s parent, guardian or custodian.

**Civic Club** – A building, structure or similar premises used by a nonprofit social or civic organization or by an organization catering exclusively to members and their guests for social or civic purposes which are not conducted primarily for financial profit, provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization or for occasional fundraising for the nonprofit organization.

**Clay tile** – A fired earthenware tile used on roofs.

**Clear Zone** – The total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. Area may consist of a recoverable slope, non-recoverable slope, shoulder, and/or a clear run-out area.

**Closure** – The taking of those actions to close and reclaim a use. Closure actions may include, but are not limited to, cleaning of buildings, disposal of materials, and demolition and/or removal of all structures.

**Co-location** – The use of a wireless communication facility by more than one wireless communication service provider.

**Column** – A supporting vertical structure consisting of a base, a cylindrical shaft, and a capital on top of the shaft.

**Commencement of Construction** – The initiation of any grading of land, excavation or other action that would affect the environment of a development site, including the construction, modification or improvement of any roads and meteorological towers.

**Commercial Parking Lots and Facilities** - A parcel of land or portion thereof that is operated as a business enterprise by charging a fee for the parking or storage of motor vehicles, by the hour, day, or month that is not an accessory to any use on the same parcel.

**Commercial WECS** – A wind energy conversion system of equal to or greater than 100 kilowatts in total name plate generating capacity.

**Community Center** – A building dedicated to social or recreational activities, serving a community, government, or neighborhood and owned by a local government or non-profit organization.

**Comprehensive Plan** - The Williams County Comprehensive Plan 2035, adopted in December 2012, and amendments thereto, which is a guide for the management of the physical resources and development of Williams County, including a statement in documented text setting forth explicit goals, objectives, policies, and standards to guide public and private development within Williams County’s jurisdiction.

**Concentrated 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 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.

**Conditional Use** – A use listed as a conditional use in a specific zoning district, or a use not specifically listed as a permitted use for a specific zoning district, which the Board of County Commissioners may set specific conditions on, and which must go through a public review process, including a public hearing and a recommendation by the Planning and Zoning Commission, with the final decision by the Board of County Commissioners.

**Conservation Development** – A development designed to concentrate building sites on a specific portion of a larger property in order to preserve important natural features such as productive agricultural lands, wetlands, stream corridors or wildlife habitat.

**Construction/Development Sign** – A sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed together with other information included thereon.

**Contractors Storage Yard** – An outdoor area used for the following: the storage of construction equipment, equipment parts, materials and supplies, fabrication of subassemblies and parking of wheeled construction equipment used in the contractor's type of business; the storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

**Corner Lot** – A lot abutting upon two streets at their intersection.

**Court Ordered Divisions** – Divisions of land ordered by a court of competent jurisdiction in the State of North Dakota.

**Cul-de-sac** – A street or road with only one inlet/outlet, generally with a circular turnaround.

**Cultural and Historical Features and Facilities** – Buildings, complexes, monuments and/or areas where culture, history, or arts are promoted for visitation by the general public, for free or for a fee.

**dB** – The A-weighted sound level in decibels, as measured with a sound level meter that meets the requirements for a type 1, 2, S1A, or S2A in American National Standard Specification for Sound Level Meters ANSI S1.4

**Deciduous tree** – Trees and shrubs that, unlike evergreens, lose their leaves and become dormant during the winter.

**Demolish** – To intentionally destroy a structure, typically with the intent to remove the structure.

**Destroy** – An act, which permanently impairs or makes unusable the object of the act. A building is considered destroyed when greater than 50% of the physical structure (measured by square footage) is damaged by fire, explosion, flood, tornado, riot, act of the public enemy or accident of any kind.

**Development** – A change in the type or intensity that may impact the use of land, building or structure, or the layout of a development project; construction or demolition of a building or structure, or the reconstruction or alteration of the size of a building or structure; commencement of extraction or excavation, clearing or grading on a parcel of land other than landscaping around a structure as provided in the stormwater management ordinances, rules, or regulations; or commercial deposit of refuse, solid or liquid waste or fill on a parcel of land

**Development Services Department/Director** – The Department or Director designated by the Williams County Board of County Commissioners to oversee and supervise the administration and enforcement of this ordinance, as well as the Williams County Building Code. The Development Services Department includes: the Planning and Zoning Division and the Building Division.



**Digital Billboard Sign** – A billboard sign with a digital display of information controlled electronically or mechanically by remote or automatic means.

**Directional Sign** – A sign providing direction, instruction, or facility information to pedestrian and vehicular traffic and which do not contain any commercial advertising message.

**Dude Ranch** – A working ranch where the general public can participate in ranching activities with eating, drinking, and sleeping accommodations for a fee.

**Dwelling** – Any building or portion thereof used and intended for use for residential purposes on a permanent basis.

**Dwelling Unit** – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Dwelling, Duplex or Two Family** – A building designed or arranged to be occupied by two families living independently, with the structure having only two dwelling units.

**Dwelling, Multiple Unit Dwelling** – A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.

**Dwelling, Single-Family** – A detached building designed and used to house one household on a permanent basis. A single-family dwelling includes manufactured/mobile homes that (a) comply with the National Manufactured Home Construction and Safety Standards Act or the Uniform Building Code at the time of production, (b) are at least 1,000 square feet in size, (c) are attached to a permanent foundation, (d) are connected to public water and sewer where available, (e) have a pitched roof, eaves and siding materials that are customarily used on site-built homes in Williams County, and (f) are built off-site in a factory on or after January 1, 1990. Mobile homes and manufactured homes that do not meet this definition are not single-family dwellings for the purposes of this ordinance.

**Easement** – A grant by the property owner to the public, a corporation, or persons, of the use of land for specific purposes.

**Electronic Message Sign** – A sign with a digital display of information that is capable of displaying characters, symbols, figures or images and can be electronically or mechanically changed by remote or automatic means.

The following are not considered to be Electronic Message signs:

1. A message sign with a digital display of information located within the public right-of-way that provides information to motorists and is operated by a governmental entity;
2. A sign with a digital display of time and temperature only;
3. A sign with a static digital display of fuel prices.

**Energy Conversion Facility** – Any plant, addition, or combination of plant and addition excluding wind energy conversion facilities (see wind energy facility), designed for or capable of the generation by any means other than wind energy conversion exceeding fifty megawatts of electricity; a plant, addition, or

building(s) that manufactures or refines one hundred million cubic feet [2831684.66 cubic meters] or more of gas per day, regardless of the end use of the gas; a plant, addition, or building(s) that manufactures or refines fifty thousand barrels [7949.36 cubic meters] or more of liquid hydrocarbon products per day; or a plant, addition, or building(s) that enriches uranium minerals. Energy conversion facilities include, but are not limited to, electric power plants, coal gasification plants, coal liquefaction plants, oil refineries and petrochemical plants.

**Evergreen tree** – A tree having foliage that persists and remains green throughout the year.

**Existing** – This refers to a use, building, structure, lot, parcel, tract in place and/or operation on the date this ordinance is effective

**FAA** – Federal Aviation Administration.

**Facade** – An exterior wall, or face, of a building. The front facade of a building contains the building's main entrance, the rear facade is the building's rear exterior wall, and the side facades are a building's side exterior walls.

**Family Farm Exemption** – The division of one parcel of land from a working farm or ranch to be conveyed to a child (by blood, marriage or adoption) of the farm or ranch family that is exempt from the subdivision review requirements if it meets the criteria in this ordinance.

**Farm(ing) or Ranch(ing)** – The cultivation of land for the production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include the production of timber or forest products or the provision of grain harvesting or other farm services by a processor or distributor of farm products or supplies in accordance with the terms of a contract.

**FCC** – Federal Communications Commission.

**Final Plat** – A map prepared in accordance with the provisions of the North Dakota Century Code and these subdivision regulations portion of this ordinance, which is prepared to be recorded in the Williams County Recorder's office.

**Free Standing Sign** - A sign so located that it is not attached to a building, fence or any structure other than a framework, post or other such device erected primarily to support the sign. A freestanding sign is also a pole sign.

**Frieze** – A broad horizontal band of sculpted or painted decoration.

**Ground Sign** - A sign that is mounted directly on the ground and/or uses posts that extend not more than twelve (12) inches above ground level.

**Group Home** – An assisted living facility or nursing home; a residence for developmentally, mentally or disabled persons; a youth foster home, transitional living facility; a halfway house; a licensed adult foster care facility; or other similar facility.

**Hazardous Waste** - Any waste or combinations of wastes of a solid, liquid, contained gaseous, or semi-solid form as defined in NDCC Section 23-20.3-02(6) and North Dakota Administrative Code Chapter 33-24-02 (State Department of Health – Identification and Listing of Hazardous Waste).

**Height (of a Building)** – See Building Height.

**Height (of A Wireless Communication Facility)** – The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, the average between the highest and lowest grades shall be used in calculating the height.

**Height (for Attached Signs)** – The vertical distance measured from the highest point of the sign to the lowest point of the sign, including all supports, framing and decorative elements.

**Height (for Freestanding Signs):** The vertical distance measured from the highest point of the sign, including supports, framing and decorative elements, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

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

**Hotel** – A building or group of buildings kept, used, maintained, or held out to the public as a place where sleeping accommodations are furnished for pay to transient guests and may provide additional services such as food service, meeting rooms, and recreational facilities.

**Household** - A household includes all the persons who occupy a dwelling unit. A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall. The occupants may be a single-family, one person living alone, two or more families living together, or any other group of related persons who share living arrangements.

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

**Identification sign** – Any sign which message does not include more than the name, address, and contact details of an institution or person and the activity or occupation being identified.

**Illuminated Sign** – A sign with electrical equipment installed for illumination, either internally illuminated by a light source contained inside the sign or externally illuminated by a light source outside of the sign surface.

**Industrial, Heavy** – A use referring to manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, flammables, corrosives or other hazardous materials in the manufacturing or other process.

**Industrial, Light** – A use referring to the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental

storage, sales and distribution of such products. Light industrial activities can generally control the external effects of the manufacturing process such as noise, light and smoke.

**Industrial Waste** – Any solid waste generated from manufacturing or industrial processes that is not a hazardous waste as defined in this ordinance. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and transportation equipment; and water treatment. This term also includes mining waste or oil and gas waste. This term does not include municipal waste.

**Industrial or heavy commercial vehicles** - A vehicle with a gross vehicle weight greater than 10,000 pounds. Personal vehicles such as boats, recreational vehicles and campers and exempt from this weight requirement.

**Industrialized Modular Building** – Do not fit under the definition of RV, Skid Unit, Park Model Trailer, Manufactured Home or Modular Structure.

**Infill Development** – A development or redevelopment designed to occupy scattered, vacant or underutilized parcels of land that remain after the majority of an area has been developed.

**Institutional Care** – Care provided in a hospital, nursing home, or other facility certified or licensed by the state primarily affording diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services. Such facility provides twenty-four-hour nursing services on its premises or in facilities available to the institution on a formal prearranged basis.

**Irrigation** – The method of supplying plant materials with water other than by natural rainfall.

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

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

**Landscape/Landscaping** – Living plant materials such as grasses, groundcover, shrubs, vines, trees or palms and nonliving durable materials commonly used in environmental design such as, but not limited to, rocks, pebbles, sand, walls or fences, aesthetic grading or mounding, but excluding paving and structures. The process of installing or planting materials commonly used in landscaping or environmental design.

**Large Scale Development** – A development project that will contain 100 or more residential lots or units, or is projected to generate 1,000 or more average daily vehicle trips.

**Livestock** – Any domestic animal that is 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.

**Loading Space** – An off-street space on the same lot as the use for the temporary parking of a commercial vehicle, while loading or unloading merchandise or material, which has appropriate means of access.

**Lodging Establishments** – Any building or structure, or any part thereof, which is kept, used, maintained, or held out to the public as a place where sleeping accommodations are furnished for pay to transient guests, and includes, but is not limited to, hotels, motels, resorts. The term does not include a facility providing personal care services directly or through contract services as defined in NDCC Sections 23-09.3-01 or 50-32-01. The term also does not include primitive lodging cabins, lodges, or ranches.

**Lot** – A platted tract or parcel of land of at least sufficient size to meet minimum zoning requirements for use, area, and to provide such yards and other open spaces as required by this ordinance.

**Lot Area** – The total area or size of a tract or parcel of land measured in square feet or square meters. Gross lot area shall be calculated to include the area to centerline of the Road Easement. Net lot area shall be calculated to exclude the area of the Road Easements.

**Lot of Record** – A lot that legally exists prior to or on the date that this ordinance is effective, and which has a distinct legal description that can legally be conveyed independent of any other lot, the description of which is recorded in the Office of the Williams County Recorder.

**Manufactured Home** – Single or multi-sectional structure which is built on a permanent chassis and is either attached to utility services or is 27 feet or more in length.

**Marina** – A facility at a shoreline which provides dock slips or moorage for five or more boats, which is intended to allow for convenient access to and usage of watercraft from the land and/or convenient access to and usage of land from the water by users of watercraft. A marina may provide fueling stations, but other uses commonly associated with a marina, such as boat rentals, guide services, tackle shops, restaurants, and eating facilities fall under other respective land uses.

**Marquee** – A permanent roofed structure attached to and supported entirely by the building and projecting over public right-of-way.

**Marquee Sign** – A sign attached to, printed on, or painted on the surface of a marquee.

**Material** (as in a material change to an application or plat or a material change in land use or intensity) – Significant, substantially altering, or having an impact on any of the evaluation criteria or on neighboring land uses by way of traffic, glare, noise, dust or other measures, or bringing the proposal, development, or use out of compliance with this ordinance or any condition placed on the proposal, development, or use.

**Mature Tree** – A tree that has reached a desired size or age for its intended use. Size, age, or economic maturity varies depending on the species and intended use.

**MET Tower** – A meteorological structure used to collect data on wind and/or weather conditions

**Mitigate** – To eliminate or make the reasonably expected impacts of a development less severe.

**Mobile Food Unit** – A vehicle-mounted food service establishment designed to be readily moveable.

**Mobile/Manufactured Home** – A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or in a trailer arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, mounted on jacks or other temporary supports, with connections to utilities. Approved by the State of North Dakota Community Services.

**Mobile Home Park** – A tract of land designed and developed to accommodate mobile homes on lots on a sale, lease or rental basis.

**Modular Structure** – Similar to a manufactured home however the chassis is removed prior to building placement.

**Monument Sign** – Freestanding sign located independent of the building with a base width of at least 80% of the width of the sign cabinet or sign face.

**Motel** – A building or group of buildings with motor vehicle parking space conveniently located near each unit and which is kept, used, maintained, or held out to the public as a place where sleeping accommodations are furnished for pay to transient guests.

**Multi-Tenant Sign** – A freestanding sign used to advertise businesses that occupy a complex or development with multiple tenants.

**Native Species** – A plant historically present in and indigenous to the ecological communities of North Dakota.

**Natural Resource Conservation Area** – A predominantly undeveloped area of land managed to provide effective wildlife habitat, water quality protection, and similar low-impact natural functions. It may include historic or cultural resources and may include recreational land uses.

**NDCC** - North Dakota Century Code.

**Nightclub** – A commercial establishment that serves alcoholic beverages to be consumed on the premises and includes amplified music and a dance floor for the entertainment of its patrons. Restaurants are not included as nightclubs.

**Noise** – The intensity and duration character of sounds from any and all sources

**Non-Commercial WECS** – A wind energy conversion system (WECS) of less than 100 kilowatts in total name plate generating capacity intended for private use.

**Nonconforming Sign** – The sign lawfully existing prior to and on the effective date of this ordinance which does not conform to the provisions of this ordinance.

**Nonconforming Use** – The lawful location, use, condition of use, or occupancy of land, buildings, structures, or premises existing at the time of and on the effective date of this ordinance which does not conform to the provisions of this ordinance.

**Occupancy, Permanent** – Use or habitation of a structure or premises on a basis exceeding 180 consecutive days.

**Occupancy, Temporary** – Use or habitation of a structure or premises on a basis of 180 consecutive days or less.

**Occupation and trade vehicles** – A vehicle that is designed specifically to perform a type of function or service associated with an occupation or trade.

**Occupied Structure** – A building in which people live, also referred to as a habitable structure

**Off-Premise Sign** – A sign advertising a specific business, product, service, entertainment activity, or other commercial or noncommercial activity which is located or conducted elsewhere other than on the premises where the sign is located.

**On-Premise Sign** – A sign advertising specific business, product, service, entertainment activity, or other commercial or noncommercial activity which is located or conducted on the same premises where the sign is located.

**Operator** – An individual, corporation, cooperative, group of individuals, partnership, joint venture, or any other entity owning, controlling, or managing a plant, business, depot, facility, site, business, or other operation which is regulated by this ordinance.

**Ordinance Permit** – Any permit issued under this ordinance including a permit customarily called a zoning verification permit, conditional use permit, preliminary or final plat approval, certificate of compliance, amendment, variance, demolition or other action having the effect of permitting development.

**Parcel** – Land that is contiguous, has a common owner, and/or has a single parcel ID number

**Park Model Trailer** – means a recreational vehicle not exceeding forty feet in length, which is designed for temporary living quarters, used in recreation, camping, or seasonal use, and not as a primary residence; built on a single chassis, mounted on wheels, has area not exceeding 400 square feet of living space.

**Parking Space** – An area surfaced for the intended purpose of, and sufficient area within for, storing one parked vehicle and which accesses onto a street or alley. A typical parking space is 9' x 20'.

**Participating Parcel** – A parcel of real estate on which any component of a Wind Energy facility will be constructed, or for which a participation agreement has been executed.

**Permanent Sign** – A sign attached to a building, structure or ground and for which its intended use appears to be indefinite.

**Person** – Any person, corporation, partnership, association, limited liability company, sole proprietorship, joint venture corporation, or any other legal entity.

**Pier** – An upright support for a structure or superstructure, such as an arch or bridge.

**Pilaster** – An upright architectural element that is rectangular in plan and is structurally a pier but architecturally treated as a column projecting from a wall

**Planning and Zoning Official** – The administrative official designated by the Board of County Commissioners to administer and enforce the provisions of this ordinance. The Planning and Zoning Official is under the oversight and supervision of the Development Services Department/Director.

**Plat** – A map of subdivision recorded in the Office of the Williams County Recorder.

**Pole/Pylon Sign** – A freestanding sign with visible support structure (pole or pylon) mounted in the ground.

**Political and Noncommercial Signs** – Any temporary sign designed for the purpose of supporting or opposing a candidate, political party, proposition, or other measure in election, or a sign for any other noncommercial expression not related to the advertisement of any business, product, entertainment, or service or the identification of any business.

**Portable sign** – Any sign which is constructed so as to be movable; or any sign which does not have a permanent foundation or is not permanently fastened to the ground and/or which is not wired for electricity.

**Portico** – A structure consisting of a roof supported by columns at regular intervals.

**Prime Farmland** – A designation assigned by the U.S. Department of Agriculture identifying land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops and is also available for these uses. For the purpose of determining whether land qualifies for conservation development status, prime farmland, unique farmland and farmland of statewide importance are included under the term prime farmland.

**Principal Use** – The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

**Projecting Sign** – A sign erected upon a building wall or canopy and projecting more than twelve inches but not more than eight feet outward from the plane of the business façade. Projection signs cannot project into the public right-of-way.

**Projection** – The horizontal distance by which the furthestmost point used in measuring the area of a sign extends beyond a street property line or a building setback line. A sign placed flat against a wall of a building parallel to a street or alley shall not be deemed to project for purposes of this definition. A sign on an awning, canopy or marquee shall be deemed to project to the extent that such sign extends beyond a street property line or a building setback line.

**Public Utility, Minor** – A utility of minor impact provided by a public service corporation, association, firm, corporation, limited liability company, or agency performing some public service and subjected to special governmental regulations, or a government agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, sewage disposal (excluding sewage lagoons and municipal sewer facilities), electric power (including high voltage), telephone, cable or satellite television services, and gas. The term does not include the utilities found in the definition of “Major Public Utility”, or that fall under another use, such as wireless communication facilities, major energy facilities, or wind energy facilities, which are specific uses otherwise specifically listed as permitted, conditional, or prohibited uses in the districts.

**Public Utility, Major** – A utility of higher potential impact than a minor utility, which is provided by a public service corporation, association, firm, corporation, limited liability company, or agency performing some public service and subjected to special governmental regulations, or a government agency performing



similar public services, the services by either of which are paid for directly by the recipients thereof. Such services that fall under “major utility” shall include, but are not limited to, sewage lagoons, industrial, municipal and/or commercial water reservoirs, storage tanks, electrical substations, pumping stations, and municipal sewer facilities. The term does not include, wireless communication facilities, major energy facilities, or wind energy facilities, which are specific uses otherwise specifically listed as permitted, conditional, or prohibited uses in the districts.

**Real Estate Sign** – A temporary sign, containing information advertising the real property upon which the sign is located for rent, lease, or sale and providing the name and location of the owner or agent.

**Recreational Center** – A commercial building providing indoor recreational facilities, such as paintball courts, racetracks, ice rinks, roller rinks, and similar facilities where paying visitors actively recreate.

**Recreational Vehicle** – A travel trailer, camping trailer, motor home, or other similar vehicular unit mounted on wheels of such size or weight that it does not require a special highway movement permit, designed and constructed for human habitation to be used as a temporary dwelling for travel, camping, recreation and vacation, and which can be operated independently of utility connections.

**Recreational Vehicle Park or Campground** – A lot, tract or parcel of land used or offered for use in whole or in part for the parking of occupied recreational vehicles, travel trailers, or tents used for temporary living quarters for recreational, vacation, camping, or travel purposes.

**Relinquishment** – To give up the provided right of usage of an easement and/or right of way. In most cases involves utility rights within a right of way.

**Restaurant** – A building regularly open to the public, which serves food for compensation, which provides suitable seating for patrons, such as a diner, café, bakery and similar facilities. A restaurant may or may not serve alcoholic beverages.

**Re-Subdivision** – A division of existing legal platted lots, tracts or parcels that creates at least one new existing lot, tract, or parcel and all the resulting parcels conform to the minimum lot area and width for zoning purposes, or the degree of nonconformity is not expanded.

**Retreat Center** – A facility providing lodging and eating facilities for people in a setting that typically offers formal or informal recreational, enlightenment, contemplation, solitude, renewal, counseling, and/or educational services for the participants.

**Reversionary Map** – A map that depicts the elimination of one or more existing platted boundary line(s) between two or more existing legal lots, tracts, or parcels and reverts the land back to previous acreage and state of the property, and where all of the resulting lots, tracts, or parcels conform to the minimum lot area and width for zoning purposes, or the degree of nonconformity is not expanded. Lots, parcels, and tracts being reverted shall be of the same classification.

**Rib** – Any of several arch-like members of a vault supporting it at the groins, defining its distinct surfaces, or dividing these surfaces into panels.

**Right of Way Vacation** – Process by which dedicated Right of Way can be made null and void. Vacation of Right of way returns half of the right of way to each adjacent parcel.

**Roof Sign** – A sign erected upon, against, or over the roof of the building or structure

**Scientific and Technical Services** – A land use with which the occupants engage in research, design, and creation of scientific or technical ingenuity or innovative products, but not in a production or mass production manner.

**Screening** – A method of reducing the impact of visual and/or noise intrusions through the use of plant materials, berms, fences, walls, or any combination thereof.

**Setback** – The shortest distance between the lot line and the building line, at grade, or any above grade extension that projects more than three feet from the outer wall at grade, of any building (See 21.Appendix B).

1. The front setback is measured from the lot line paralleling the public street on which the building is addressed to the nearest principal or accessory building. However, where a corner lot abuts a state highway, the yard on the state highway shall be the front for the purpose of measuring setbacks, regardless of where the lot is accessed.
2. The rear setback is measured from the rear lot line to any building. The rear lot line is generally parallel to the street. Corner lots have two rear yards, but except as provided in (a) above, may treat either as a side yards for the purpose of measuring setbacks.
3. Each side setback is measured from the side lot line to the closest building.

**Shall** – The requirement is mandatory, rather than optional.

**Shrub** – A woody plant smaller than a tree, usually having multiple permanent stems branching from or near the ground.

**Sign** – A display or device of any kind or character including statuary, erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting, or other advertisement of any kind whatsoever may be placed for advertising purposes and shall include but not be limited to any card, cloth, paper, metal, painted, or wooden sign of any character placed for outdoor advertising purposes, on or affixed to the ground or any tree, wall, bush, rock, fence, building, structure, or thing, either privately or publicly owned.

**Sign, Temporary** - Temporary signs are made of any temporary material such as paper, cardboard, and vinyl. These include banners, posters, pole signs, flags and pennants.

**Sign Area** – The area enclosed by one continuous line, connecting the limits or edges of sign together with any material forming an integral part of the display or the background on which the message or symbols are displayed.

**Skid Unit** – Structure or group of structures, either single or multi-sectional, which is NOT built on a permanent chassis and is ordinarily designed for human living quarters or place of business, on a temporary or permanent basis.

**Solid Waste** – Any garbage, refuse, sludge from a waste treatment plant, water treatment plant, or air pollution control facility and other discarded waste material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and

from community activities and further defined in NDCC Section 23-29-03(14) The term does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to Permit Section 402 of the Federal Water Pollution Control Act, as amended, or source, special nuclear or the by-product material as defined by the Atomic Energy Act of 1954, as amended. The term also does not include agricultural waste, including manures and crop residues, returned to the soil as fertilizer or soil conditioners.

**Stream** – A perennial flow or discharge of water that occurs in a natural channel as delineated and defined on the United States Geological Survey (USGS) Quad Maps (Quadrangle maps, scale 1:24,000).

**Street** – A road easement, dedicated to public use, providing vehicular and pedestrian traffic.

**Structure** – Anything built, constructed, or erected which requires a permanent location on the ground, but not including fences or landscaping.

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

**Subdivision, Types –**

1. **Major** – The division of a lot, tract, or parcel of land creating six or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale or of building development, and which will include the creation of any part of one or more road easements, public easements, or other rights-of-way, whether public or private, for access to or from such lots, and the creation of new or enlarged parks, playgrounds, plazas, or open spaces, providing compliance with this ordinance, Williams County road Standards, as well as all other applicable statutes, laws, codes, rules, and regulations.
2. **Minor** – The division of a lot, tract, or parcel of land creating five or less lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development, and which will include the creation of any part of one road easement with a recommended 1000 feet in length, public easements, or other rights-of-way, whether public or private, for access to or from such lots, and the creation of new or enlarged parks, playgrounds, plazas, or open spaces, providing compliance with this ordinance, Williams County Road Standards, as well as all other applicable statutes, laws, codes, rules, and regulations.

**Surface Water** – For the purposes of a concentrated animal feeding operation only, this refers to the waters of the State located on the ground surface such as lakes, reservoirs, rivers and creeks.

**Temporary Workforce Housing Facility** – (man camp, work camp, crew housing facility) means a facility serving more than 2 workers designed and intended to be used on a temporary basis for a specified period of time to house a variety of workers. Temporary housing facilities may include the use of skid units, temporarily-placed modular units, recreational vehicles, mobile homes or a combination of these.

**Tent** – A collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.

**Terracotta** – Hard unglazed brownish-red earthenware or the clay from which it is made.

**Townhouse** – A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides.

**Transient Merchant** – A person, firm, or corporation, whether as owner agency, consignee or employee who is registered to conduct temporary or transient business in the State of North Dakota and does not intend to become and does not become a permanent merchant in one location. This does not include selling of livestock or agricultural product.

**Travel Trailer** – Any portable unit designed to be used as a temporary dwelling for travel or recreational purposes. The term includes those units that contain toilet and lavatory facilities and those that do not. Travel trailer is a type of recreational vehicle.

**Tree** – A self-supporting, woody perennial plant, usually with one vertical stem or main trunk, which naturally develops a distinct, elevated crown and provides, at maturity, natural characteristics of the species.

**Variance** – An easing of the provisions of this ordinance that will not be contrary to the purpose and intent of this ordinance or the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

**Wall Sign** – A sign erected upon a building, fence or other structure at no point projecting more than twelve inches horizontally to the back of the sign from the surface upon which it is erected. Also, the sign shall not project above the apex of the main roof or false roof structure, which is visible from the public right-of-way.

**Warehouse** – A building used primarily for the holding or storage of goods and merchandise.

**Water Depot** – A commercial facility that sells water to off-site users.

**Water Purveyor** – An agency or person that supplies water (usually potable water).

**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 affect a junction with natural surface or underground waters just defined.

**Wholesale Trade** – The business of selling goods or merchandise to retailers or jobbers for the resale to the ultimate user. Any establishment for the sale of merchandise in gross for resale, and any establishment for the sale of merchandise principally to institutional, commercial, contractors and industrial users. For the purpose of this Ordinance, a warehouse shall not be deemed a wholesale trade establishment.

**Wind Energy Conversion System (WECS)** – Any device such as a wind charger, windmill or wind turbine, which converts wind energy to a form of useable energy.

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

**Window sign** – A sign that is painted directly on a window or affixed to the inside or outside of a window or glass portion of the door facing the street.

**Wireless Communication Facilities (WCF)** – A staffed or unstaffed facility or location for the transmission and/or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets, and including small cell technologies.

**Youth Camp** – A camp facility providing lodging and eating facilities for non-adults in a managed and supervised setting that typically offers formal or informal recreational, counseling, and/or educational services for the participants.

**Zoning District Map** – The map showing the zoning districts of the County which was officially adopted by the Board of County Commissioners.

## Appendix A: Platting Requirements

1. All plats will be 24"x 36" in size. Two mylar (one mandatory, two if the applicant wants a confirmed copy) copies and six paper copies (blue lines) are to be submitted to the Planning and Zoning Division office. All plats must meet the platting standards as set forth in the NDCC, Chapters 40.50.1 and 11.33.2.
2. All property owners adjoining the surveyed parcel will be shown on the plat.
  - a. All major subdivisions require notification by the Planning and Zoning Division to owners within 1-mile radius of property being subdivided.
  - b. All minor subdivision applicants are required to notify the adjoining property owners of property being subdivided.
3. A vicinity map will be shown on the plat.
4. Providing the "purpose" on the plat is optional.
5. A Surveyor's Certificate and notary is required on the plat. The Surveyor's Certificate shall contain but not be limited to the following format:

I, (surveyor's name), registered land surveyor in the State of North Dakota, do hereby certify that this plat was made from an actual survey done by me on (date), and that to the best of my knowledge said survey is a true and correct representation of the survey, that all distances are correct and monuments are placed in the ground as shown, and that the outside boundary lines are correctly designated on the plat.

Date \_\_\_\_\_ (Name) \_\_\_\_\_ P.L.S. # \_\_\_\_\_
6. The Owner's written dedication, which shall be acknowledged and signed by the Owners(s), and notarized, is required on the plat. When there is divided ownership, there must be indicated under each signature the lot or parts of lots in which each party claims an interest. The instrument of dedication must contain a full and accurate description of the land platted.
7. The signatures of the Chairman, or other authorized member, of the Williams County Board of County Commissioners and the County Auditor indicating approval of the plat by the Williams County Board of County Commissioners are required on the plat, and both signatures shall be notarized.
8. Township certification and with notary, unless the township is NOT included in the County's zoning and subdivision regulation jurisdiction. Regardless, all Major and Minor subdivisions and condominium plats must include the Township certification, which shall be notarized.
9. Auditor's and Recorder's certification must be placed on the plat, and such certifications shall be notarized.
10. All plats shall be signed and notarized with permanent black ink, not ballpoint pen ink.
11. All notary seals shall be permanent black ink, no colored inks are allowed.

12. All plat distances shall be shown in U.S. Survey feet. Curves shall be labeled entirely, showing a minimum of Radii, Delta and Length of each and every curve.
13. New legal descriptions shall be shown as a Metes and Bounds, or aliquot description of the Parent Parcel of the land being platted, for all plats. Lots shall be numbered consecutively.
14. A legend must be shown, and contain all monument types, any abbreviations, line types and other designations that may be deemed pertinent to the map.
15. Information of Corner Records shall be shown on all PLSS Corners being utilized within the boundary analysis.
16. Basis of bearing shall be shown on the plat, and shall be referenced to 2 known and recorded monuments.
17. All line weights shall be as follows:
  - a. Parent parcel (outer boundary) shall be the heaviest line weight, interior line weights shall be of a lighter and thinner weight than the parent parcel.
  - b. Easement lines shall have a unique line type, line weight must be reproducible
  - c. All line types must be matched within the legend.
18. Text – Shall be in capital letters and minimum size of 0.10 - (all lot dimensions, bearings, distances, legal description, or any and all text).
19. Plat sheet sequence, if more than one sheet, shall conform to the following:

Sheet 1 (one) shall consist of all certificates, legal descriptions, vicinity map and map headers.

Sheet 2 (two), or more, shall consist of all mapping.
20. All plats or boundary line adjustments, prior to recording and/or signing of the Board of County Commissioners, shall contain a statement that shall be attached by County Engineering certifying that the subdivider has complied with applicable County rules and regulations with regards to improvement design and platting. And that the map is technically correct.
21. A copy of the plat shall be submitted in electronic form with hard copies of all plats to be supplied to the County Engineer. This electronic copy needs to be an AutoCAD compatible format, DWG or DXF. Other formats possible upon approval by County Engineering.

## **Appendix B: Temporary Workforce Housing Facilities/Modular Housing Camps**

1. Beginning on August 1, 2015, the Williams County Planning and Zoning Division no longer accepts any new and/or renewal applications for temporary workforce housing facilities/modular housing camps (“temporary housing facility”) unless the applicant meets the following exceptions:

- a. Any temporary housing facility operating seasonally from the first of March through the first of December, with a minimum of five (5) beds. All projects will be verified through the Development Services Department;
  - b. Any temporary housing facility operating seasonally on projects for the State of North Dakota. All projects will be verified through the Development Services Department. The Development Services Department will have the authority to renew these temporary housing facilities administratively for one season;
  - c. Any temporary housing facility operating year round that has a minimum of fifty (50) beds;
2. Any temporary housing facility that does not meet one or more of the criteria stated above shall not be allowed, and shall not be approved or renewed. The owner(s)/operator(s) of a temporary housing facility that does not meet at least one of the above-stated criteria shall be required to return the property to a condition compliant with the zoning classification of the property no later than 90 days after the date the facility is determined to no longer meet the minimum criteria mentioned above, as determined by the Williams County Development Services Director or designee, or a previously granted CUP expires and no renewal has been granted, whichever event occurs first. Any housing units within a temporary housing facility that are not occupied shall be disconnected from utilities and stored on the property in an orderly fashion provided such storage is permitted within the zoning classification for the property.
  3. The Director of Development Services or designee shall have the authority to administratively review and approve a CUP renewal for a temporary housing facility for up to one year at a time, but may, in his/her discretion, determine that a full review by the Planning and Zoning Commission and the Board of County Commissioners is appropriate on a case-by-case basis. This does not prevent the Planning and Zoning Commission or the Board of County Commissioners from making its own determination that a CUP renewal for a temporary housing facility shall be subject to a full review by the Planning and Zoning Commission and the Board of County Commissioners.
  4. Crew housing fees will increase to \$800 per bed per year, starting May 1, 2016.



# Appendix C: Design Standards

## Appendix C Design Standards

### DESIGN STANDARDS FOR WILLIAMS COUNTY MAJOR COLLECTORS AND LOCAL ROADS FOR NEW OR RECONSTRUCTION OF EXISTING INFRASTRUCTURE

	County Major Collectors (CMC) "On-System"	County Roads "Off-System"	Township Roads "Off-System"	Rural Subd. Roads (More than 1 Acre)	Residential Subd. Roads** (Less than 1 Acre)
Bridge Width (Clear Roadway) - Min is 28 Ft.	30'	28'	28'	28'	28'
Storm Design Frequency (Bridges)*	25 yr	10 yr w/overflow	10 yr w/overflow	10 yr	10 yr
Design Loading (Bridges) - Min is HS-25	HS 25	HS 25	HS 20-25	HS 20-25	HS 20-25
Culvert Design Frequency*	25 yr	25 yr	25 yr	25 yr	25 yr
Minimum Culvert Size***	18"	18"	18"	18"	15"
<b>Paved Roads</b>					
Min. travel way width (both lanes + shoulders)	36'	32'	32'	28'	40'
Min. pavement section (base and HRP)	28"	28"	24"	24"	40"
Min. pavement thickness	6"	6"	6"	6"	4"
Min. gravel thickness	8"	8"	8"	8"	8"
<b>Gravel Roads</b>					
Min. travel way width (both lanes)	32'	32'	32'	N/A	N/A
Min. gravel thickness	8"	8"	8"	N/A	N/A
Design Speed	45 - 65 mph	45 - 65 mph	30 - 55 mph	30 mph	25 mph
Road Easement Width	150'	150'	150'	80'	66'
Inslope Ratio	4:1	4:1	4:1	3:1	N/A
Separation (Road Top to Ditch Bottom)	4.0'	4.0'	3.0'	2.0'	N/A
Ditch Bottom Width - Min.	14'	14'	10'	6'	N/A
Cul-de-Sac (Diameter) Travel Surface	N/A	N/A	N/A	100'	100'

\*Storm Design Frequency & Culvert Design Frequency shall be approved by the Williams County Water Resource Board.

\*\*Residential Subdivision Roads (<1 Acre) shall be paved with curb & gutter including 7.5' boulevards and 5' sidewalks.

\*\*\*Culvert shall be either Corrugated Metal Pipe (CMP) or Reinforced Concrete Pipe (RCP).

**NOTES:**

1. Design Standards may be updated annually. See Williams County website for current version.

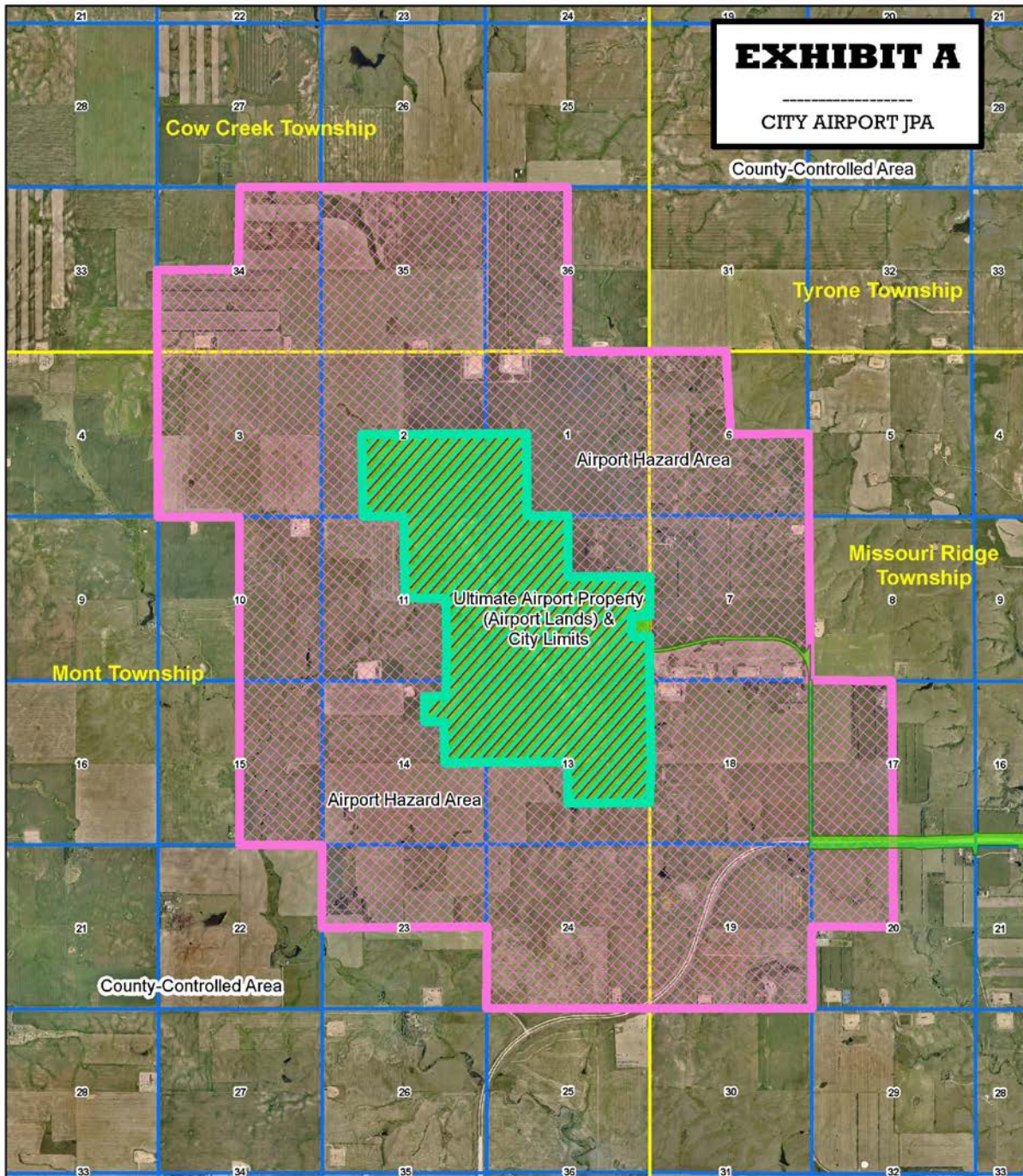
**APPROVED:**

  
County Auditor

Adopted by  
Date

 Williams County  
Chairperson, Board of County Commissioners  
6.20.15

# Appendix D: Joint Powers Agreement



**Legend**

-  Airport Hazard Area
-  Ultimate Airport Property (Airport Lands)
-  City Limits
-  Townships
-  Sections

## Williston Basin International Airport

Ultimate Airport Property (Airport Lands), City Limits, Airport Hazard Area and County-Controlled Area



DISCLAIMER: All crossings, boundaries, measurements, boundaries and other information in this report are based on the best available information and are not guaranteed to be accurate. Williams County is not responsible for any errors or omissions in this report. Williams County, ND

Download Path: \\WilliamsCounty.com\Public\GIS\MapDocs\MapDocs\WillistonBasinAirport\MapDocs\Zoning\Zoning.mxd

# Appendix E: AHA Overlay and AHA Land Use Maps

