

Grandin, North Dakota

Zoning Ordinance

November 2008

SECTION 1

Introduction

- 1.1 Title:
This ordinance shall be known as the “Zoning Ordinance, City of Grandin, North Dakota.”
- 1.2 Purpose:
The purpose of this ordinance is to promote the health, safety, morals, and general welfare as well as provide for the orderly development of the City of Grandin, North Dakota.
- 1.3 Authority:
This ordinance is adopted under the authority of Chapter 40-47 of the North Dakota Century Code.
- 1.4 Repeal:
All other ordinances or parts of ordinances that are in conflict with this ordinance are hereby repealed.
- 1.5 Severability:
If any provision or section of this ordinance is found invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.
- 1.6 Effective Date:
This ordinance shall become effective after adoption by the City Council, Grandin, North Dakota.

SECTION 2

Definition of Terms Used In This Ordinance

- 2.1 General Definitions:
Words used in the present tense shall include the future; the singular number shall include the plural.
The word person includes a firm, partnership, association, corporation, or individual. The word shall is mandatory.
- 2.2 List of Definitions:

Accessory Building and Uses

A subordinate building or portion of the main building the use of which is clearly incidental to and serves exclusively the principal building or principal use. The accessory building or use shall be located on the same zoning lot and it is established to contribute to the comfort, convenience or necessity of occupants of the principal building or principal use.

Adult Bookstore

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

Adult Cinema

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

Adult Entertainment Facility

An enclosed building wherein an admission is charged for entrance, or food or nonalcoholic 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.

Adult Entertainment Center

An adult bookstore, adult cinema, adult entertainment facility or any combination thereof.

Agriculture:

The use of land for agricultural purposes, including the necessary buildings or structures for farm or farm labor use. Agriculture shall be limited to farming and the open grazing of livestock.

Alley:

A minor street providing access to the back or side of two or more properties.

Building:

Any structure used for shelter or enclosure or persons, animals, or property.

Building Area

That portion of the zoning lot that can be occupied by the principal use, excluding the front, rear and side yards.

Building Height

Vertical distance from the grade to the highest point of the roof.

Building Line

A line establishing the minimum distance that structures may be placed from the lot lines or highway right-of-way. For the purposes of these regulations the building line is the same as setback line.

Building, Principal

A building, the principal use of which is single family and multi-family dwellings, and offices, shops, stores and other uses.

Conditional Use:

A use which would not be appropriate in a particular district, but which, if controlled as to the number, location or relation to neighborhood, would promote the public safety, health, convenience or welfare. A conditional use is allowed in a district only if the regulations for that district specifically permit if subject to the approval of the City Council, and only when the Council finds that such use meets all of the requirements applicable to it as specified in the ordinance. The Council may choose not to approve the conditional use but the reasons must be given in writing.

Comprehensive Plan

A guide for management of the physical resources and development of the city as adopted by the Grandin city council

Dwelling

A building or portion of a building occupied exclusively for residential purposes. This does not include mobile recreational vehicles.

Dwelling Unit:

One or more rooms in a building that are designed for occupancy by one family. This does not include vehicles designed for camping or other temporary occupancy such as vacation vehicles.

Family:

Shall mean one or more individuals living together as members of a single housekeeping unit and doing their cooking in a single kitchen on the premises.

Feedlot:

The use of land or buildings for the exclusive purpose of concentrated feeding or fattening of livestock for marketing.

Home Occupation:

Any occupation (1) which is carried on solely by members of the family residing on the premises, (2) is clearly secondary to the use of the dwelling for residential purposes, and (3) does not create excess noise, traffic or other disturbances.

Junk Yard:

Any land or building used for the storage, sale, or dismantling of obsolete vehicles, junk and other machinery.

Lot:

A parcel of land capable of having a building and accessory uses and still meet the yard requirements and front on a street.

Lot Coverage:

The total surface area of a lot which is covered by any type of structure.

Lot Depth:

The average distance between the front and rear lot lines.

Lot Width: The average distance between the side lot lines measured parallel to the front lot line.

Mobile Home:

A dwelling unit designed for transportation after construction and not necessarily on a permanent foundation. A recreational travel trailer is not to be considered a mobile home.

Non-conforming Use:

Any structure, building, or tract of land existing at the time of the adoption or amendment of this ordinance which does not conform to the ordinance.

Parking Space:

A parking space shall consist of a separately accessible space, nine (9) feet by twenty feet (20) feet for parking a vehicle. All references to vehicle parking in this ordinance shall mean off-street parking.

Structure:

Anything built, constructed, or erected which requires permanent location on the ground. This does include fences.

Structural Alteration:

Any change in the supporting members or any substantial change in the roof or exterior walls of a building.

Variance:

The relaxing of the requirements of this ordinance where it can be shown that due to unusual conditions of the property, strict application of the regulations would result in undue hardship. The variance will not be contrary to the public interest.

Yard-Front:

A yard that extends across the full width of the lot. The depth is measured as the least distance between the front lot line and the front building.

Yard-Rear:

A yard that extends across the full width of the lot. The depth is measured as the least distance between the rear lot line and the rear building line.

Yard-Side:

The yard between the front and rear yards. The depth is measured as the least distance from the side of the principal building and the side lot line.

SECTION 3

General Provisions

3.1 Jurisdiction:

The provisions of this ordinance shall apply to all structures and land within and one-half mile beyond the city limits of Grandin, North Dakota.

3.2 Compliance:

Except as stated in this ordinance, no land shall be used and no building or structure shall be erected or repaired except in conformance with these regulations.

3.3 Interpretation:

In interpreting and applying this ordinance, the provisions shall be held to be the minimum requirements. Where this ordinance imposes a greater restriction than existing law, the provisions of this ordinance shall govern.

3.4 Non-conforming Uses:

- A. Non-conforming uses of land or buildings existing at the date of adoption of this ordinance may continue provided there are no structural alterations and the non-conforming use shall not be extended to occupy a greater area of land.
- B. No building or structure where a non-conforming use has been discontinued for a period of one year be devoted to a non-conforming use.

- C. A non-conforming structure destroyed or damaged less than 50 percent of its fair market value may be reconstructed within one year of such casualty. If damaged 50 percent or more of its fair market value, the non-conforming structure must be reconstructed in accordance with these regulations.

3.5 Residential Development:

- A. No lot shall contain more than one principal residential building.
- B. No dwelling unit shall be built on a lot which does not abut on a dedicated public road.
- C. No residential dwelling unit shall exceed 35 feet in height. This regulation is to include apartments, sleeping rooms, and owner-occupied residences situated above commercial service and trade establishments.
- D. Accessory buildings shall be limited to 15 feet in height and be located at least 8 feet from all lot lines.

3.6 Traffic Visibility:

In any district, no fence, structure, or plantings shall be erected or maintained that interfere with traffic visibility across a corner.

3.7 Water and Sewage Facilities:

To protect the subsurface water supply from pollution and to protect the public health and abate nuisance and odor, construction of privies and cess-pools shall be prohibited in the corporate limits of the City of Grandin unless otherwise permitted by the Grandin City Council.

3.8 Sewer and water Regulations:

To protect the public health, control water pollution and reduce nuisance and odor, all new developments within the City of Grandin shall be connected to the city sewer and water systems.

3.9 Amending the Ordinance:

- A. Should the need arise for an amendment to the zoning ordinance or zoning district map, the applicant submits the proposed zoning change to the Planning Commission (the Planning Commission itself may wish to change the ordinance text or map.)
- B. The Planning Commission will publish a notice for a public hearing in the official city newspaper once a week for two (2) consecutive weeks prior to the hearing. A notice shall also be posted in a conspicuous place of the Grandin City Post Office as well as on the property in question.

- C. If the zoning map is proposed to be changed, the applicant must notify by registered mail adjoining property owners at least 15 days prior to the public hearing. Adjacent with 150 feet of the property owners fronting or within 150 feet of the property in question.
- D. At the hearing, the applicant presents his proposal for amending the zoning ordinance or zoning map. Also at the hearing, the public may comment and the adjacent property owners may state their opinion for the record.
- E. The Planning Commission the presents its findings and recommendations to the City Council. A second public hearing is advertised through the same process as the first public hearing. At this hearing, the City Council may either approve or disapprove the amendment to the zoning ordinance or zoning map. If the City Council disapproves, the applicant may appeal to a court of law.
- F. If there is a protest to the amendment by more than 20 percent of the adjacent property owners, a three-quarter vote of approval is required by the City Council prior to passing the amendment.

3.10 Conditional Uses Procedure

- A. The applicant for a conditional use permit applies to the Planning Commission for a building permit.
- B. The Planning Commission holds a public hearing.
- C. The Planning Commission prepares a written statement for the City Council concerning the proposed conditional use. This statement shall include how the proposed conditional use complies with the rules governing conditional uses. No conditional use shall be granted unless the following conditions have been met.
 1. Entrance and exit to property with reference to public safety, traffic flow, and convenience.
 2. Parking and loading requirements of the specific use.
 3. General compatibility with the surrounding property with due consideration for noise, odor or other adverse effects.
 4. Required yards and open space.
 5. Adequate utilities, access roads, drainage and other necessary site improvements have been made or are provided.
- D. Every application for a conditional use shall include:

1. A plot plan showing: Legal dimensions of the tract to be used; location of all structures and all existing and proposed improvements including curb cut access, off-street parking and other such facilities; building setback from all property lines; location and type of planting, screening or walls; a timing schedule indicating the anticipated starting and completion dates of the development; names and addresses of adjacent property owners; any additional information the Planning Commission deems necessary.

SECTION 4

District Regulations

4.1 Classes of Districts

For the purpose of this ordinance, the City is hereby divided into the following classes of districts:

A – Agriculture

R1 – Residential

R – Residential/Mobile Home District

C – Commercial

I – Industrial

4.2 Official Zoning Map:

The boundaries of these districts are established as shown on the map entitled the “Official Zoning Map of Grandin”. This map is made part of this ordinance, and it shall be on file with the City Auditor.

- A. The zoning district boundary lines are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of natural waterways and rivers, railroad rights-of-way, and the corporate limit lines as they existed at the time of the adoption of this ordinance.
- B. Where uncertainty may exist as to the exact boundary line of a district, the City Council shall make final judgment

4.3 A – Agriculture:

- A. Purpose: To establish and preserve areas of agriculture and low intensity development which do not significantly change the existing character of the area.
- B. Permitted Uses: Agriculture and agricultural-related buildings. Farm dwellings. Park and outdoor recreational facilities and related buildings for outdoor recreation.
- C. Conditional Uses: Livestock, sanitary disposal facilities including landfills, mining or gravel removal; and junk yards or salvage and scrap yards provided all operations are conducted within an area enclosed on all sides with a solid fence or wall not less than 8 feet in height.
- D. Dimensional Standards:
 - 1. Setbacks – 50 feet from any public right – of – way.
 - 2. Building Heights – residential buildings shall not exceed 35 feet.
- E. District Restrictions: The application of chemical sprays which are noxious or offensive shall not be permitted within 300 feet of a non-farm residential building.

4.4 R1 – Residential:

- A. Purpose: To establish and preserve general residential neighborhoods which allow for varied types of residential development.
- B. Permitted Uses: Single-family residences (not to include mobile homes), multi-family residences, boarding and rooming houses, churches, schools, hospitals, and clinics; customary accessory uses; and home occupation.
- C. Minimum Lot Dimensions:
 - 1. Yards:
 - a. Front Yard – 30 feet
 - b. Rear Yard – 30 feet
 - c. Side Yard – 10 feet
 - 2. Lot:
 - a. Lot Width – 75 feet
 - b. Area of Lot – 7,500 square feet residential unit, 4,000 square feet for each additional multi-family unit
 - c. Lot Coverage – 50 percent

D. Parking Requirement:

1. Two parking places for each single-family residence; one and one-half parking places for each additional multi-family unit.

4.5 R-Residential/Mobile Home District:

A. Purpose:

To establish and preserve general residential neighborhoods which allow for various types of residential development including mobile homes.

B. Permitted Uses:

A; R1-District uses, mobile homes.

C. Minimum Lot Dimensions:

Same as R1-District.

D. Parking requirements:

Same as R1-District.

E. Mobile Home Regulations:

1. If a mobile home has wind specification anchoring requirements, the anchoring system used must be within these standards. If a mobile home does not have specific anchoring requirements, the mobile home shall be anchored down by a system of over-the-top straps and straps connected to the I-beam substructure of the home. These straps shall be connected to anchoring devices such as screw-type anchors which are embedded in the ground.
2. Mobile homes shall rest on a permanent foundation of concrete or other solid material durable enough to support the maximum weight of the mobile home. Loose blocks placed at regular intervals underneath the mobile home I-beam substructure shall not constitute an adequate foundation.
3. The mobile home foundation shall rest upon a concrete slab adequate in size to support the weight of the mobile home and supporting foundation.
4. The undercarriage wheels of the mobile home shall be removed prior to occupancy of the mobile home on the lot.

C – Commercial District:]

A. Purpose:

It is the intent of this district to reserve an area for the grouping of businesses and personal services into a concentrated area serving the shopping needs of the city and surrounding trade area.

B. Permitted Uses:

Any commercial business or service including grocery, drugs, hardware, clothing, bakeries, eating and drinking places, and professional offices, hotels, motels, public utilities, and transportation and communication facilities.

C. Conditional Uses:

1. Storage facilities for building materials such as lumber, steel, concrete blocks or pipe provided that these materials are either:
 - a. Enclosed by a wall or fence equal in height to the highest pile of materials stored but not less than 5 feet high.
 - b. Stored in an enclosed structure.
2. Sleeping rooms, apartments or owner-occupied residences housed within commercial businesses or service establishments provided that the above uses are secondary to the main commercial use of the building and occupy less than 50 percent of the total floor area.

D. Minimum Lot Dimensions:

1. Yards:
 - a. Front – 10 feet.
 - b. Rear – 10 feet except where adjoining an R-District or Mobile Home District, then same as R or MH –District.
2. Lot Size:
No minimum.

I – Industrial District:

A. Purpose:

It is the intent of this district to establish and preserve areas with good public transportation facilities such as highway and rail for industrial development in locations not incompatible with other zoning districts.

- B. Permitted Uses:
All C-District uses excluding hotels and motels. Other uses including agriculture, fertilizer plants, grain elevators, feed mills, lumber yards, truck terminals, warehouses and industries.
- C. Conditional Uses:
Automobile salvage and wrecking operations, industrial and waste salvage operations, and junk yards provided a wall or fence encloses these operations from public view.
- D. Minimum Lot Dimensions:
 - 1. Yard: All industrial uses must be situated at a minimum of 10 feet from any residential property line.
 - a. Front – 10 feet.

SECTION V

Administration and Enforcement

5.1 Organization

To administer this code the following bodies are hereby vested with authority to act in behalf of City of Grandin

- The Zoning Administrator
- The Planning Commission
- The Zoning Board of Adjustment
- The City Council

5.2 Zoning Administrator

The Zoning Administrator is duly appointed and authorized by the City Council and is responsible to administer this ordinance, to assist the Planning Commission, and the City Council on any matter related to planning for and development of the City of Grandin.

- A. Duties
 - (1) Issue all zoning certificates, permits and maintain records thereof.
 - (2) Issue all building and repair permits.

- (3) Maintain zoning related records and zoning district map including records of all amendments, conditional uses and variances.
- (4) Receive, file and forward to the Planning Commission all applications for zoning amendments, site approvals and conditional uses.
- (5) Prepare and publish notices and notify adjoining property owners.
- (6) Notify, in writing, the property owner or user upon finding violation of this ordinance and cite the nature of violation clearly, require compliance and a report of the findings to the Planning Commission.
- (7) Receive, file and forward to the Planning Commission all applications for preliminary and final plats and the supporting documents.
- (8) Receive, file and forward all requests for variances to the City Council, which may act as a Board of Adjustment.
- (9) Report all zoning and land subdivision violations to the Planning Commission.

B. Interpretation of Regulations

All questions of interpretation of this ordinance shall be presented to the City Council, which may act as the Board of Adjustment.

C. Building Permit applications

Any person or persons intending to construct or reconstruct or relocate a building or make alteration, shall, before proceeding with the work or commencing any excavation in connection with it, shall obtain a permit from the Zoning Administrator. These provisions shall also apply to mobile homes.

- (1) Each application for a building permit shall be accompanied by a legal description and a map showing the actual dimension of the lot to be built upon, the size, shape and location of the building for observing the yard requirements of this ordinance.
- (2) The application shall specify the type of the building, structure, material of which it is composed, the part or portion of the lot to be occupied by the principal building and accessory buildings and the building cost.

D. Building Permits

The Zoning Administrator shall issue a building permit if the proposed building or structure conforms to zoning and building provision of this ordinance. If the Zoning Administrator denies a permit because of nonconformance with this ordinance, The Zoning Administrator shall inform the applicant of his/her right to appeal to the City Council. **Replacement of roofs, siding and windows do not require a building permit.**

E. Fees

The Zoning Administrator shall charge and collect a fee as set by the City Council.

F. Certificate of Occupancy or Use

The Zoning Administrator shall inspect the completed building, including placement of mobile homes and manufactured homes and assurance that all provisions and conditions set forth under this ordinance are met. In the event the Zoning Administrator or their designees find violations and deviations from the terms and condition of this ordinance, The Zoning Administrator shall make a report and recommendation for action to the City Council.

G. Conditional Use and Site Approval Permits

The Zoning Administrator shall issue a conditional use of site approval permit upon approval of the application by the City Council

H. Variances

The Zoning Administrator shall issue a permit if the City Council approves the variance. The terms of the variance or special use shall be stipulated in the permit.

5.3 The Final Plat

The City Auditor shall sign the final plat, when the City Council has approved the final plat.

5.4 Planning Commission

The Planning Commission shall consist of members appointed by the City Council.

A. Duties

- (1) To hear and act on all applications for amendments to zoning districts and take action for approval, denial or approval with modification.
- (2) To hear and act on all applications for conditional uses and site approvals in the manner prescribed in this ordinance and make recommendations to the City Council.
- (3) The action of the Planning Commission is advisory to the City Council and all final decisions rest with the City Council.
- (4) The Planning Commission may serve as the building official and serve at the discretion of the City Council.

B. Notice of Hearings

The Planning Commission shall fix a reasonable date or hearing of applications for zoning district amendments, conditional use permits, site approval and plat applications and other matters before it, give public notice thereof in the official newspaper of the city and the nearest regularly published newspaper at least once a week for two consecutive weeks prior to the hearing. The notices shall give time and place of hearing and shall state the purpose of the hearing and that the applications and supporting documents for zoning district amendments and conditional use permits shall be available for public inspection by the City Auditor.

C. Meetings

Meetings of the Planning Commission shall be held at the call of the Chairperson and at such other times as the Planning Commission may determine. All meetings shall be open to the public and any person may testify for or against a petition.

5.5 Board of Adjustment

The Zoning Board of Adjustment shall consist of five members appointed by the City Council. In the absence of a Board of Adjustment, the City Council shall act as the Zoning Board of Adjustment.

A. Duties

Hear and decide variance from the terms of this code that shall not be contrary to the public interest.

B. Notice of Hearing

The Zoning Board of Adjustment shall fix a reasonable date for hearing the application for variance(s) and give public notice in the official newspaper of the city at least once a week for two consecutive weeks prior to the hearing. The notices shall give time and place of hearing and shall state the purpose of hearing and that the application and supporting documents for variance shall be available for public inspection by the City Auditor.

5.6 City Council

The City Council maintains the authority for review, approval, modification and denial of recommendations of the Planning Commission.

A. Duties

- (1) The City Council is responsible for approval, modification or denial of amendments to the text of this ordinance.
- (2) The City Council is responsible for approval, modification or denial of amendments to change the zoning district(s) boundaries.

- (3) The City Council is responsible for granting conditional use permits.
- (4) The City Council shall, in absence of a Board of Adjustment, act as the Zoning Board of Adjustment.

B. Notice of Hearing

The City Council may hold hearing(s) as required by the City of Grandin general ordinances, this ordinance and the laws of the State of North Dakota.

11-11-08
Date of Adoption

Dave Blaser
Mayor
City of Grandin