

# Dunn Center Land Development Code

## A. General Provisions

1. **Title** - This Ordinance shall be known and may be cited and referred to as the “Dunn Center Land Development Code.”
2. **Purpose** - The purpose of this Ordinance is to promote the health, safety, morals, and general welfare of the City of Dunn Center and its residents. It is further the purpose of this Ordinance to facilitate the orderly and efficient development of the community in a manner which is consistent with its Comprehensive Plan.
3. **Statutory Authority** – This Land Development Code is adopted pursuant to the authority granted by Chapters 40-47, 40-48, and 40-50 of the North Dakota Century Code.
4. **Severability** - If any section, provision or portion of this Ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
5. **Nonconforming Lots, Uses, and Structures** - In every case where the provisions of this Ordinance, upon its effective date, cause lots or parcels, structures, and uses of land or structures to be out of compliance with the requirements of this Ordinance, such cases of non-compliance shall be allowed to continue until they are removed or change to come into compliance. After such removal or change to compliance occurs, no further non-compliance shall be allowed. Whenever, a building is destroyed or damaged by fire or other casualty to the extent of more than fifty percent (50%) of its market value it shall not be restored unless said building shall conform to the provisions of the district in which it is located. No case of non-compliance shall be allowed to expand beyond the degree of non-compliance occurring at the effective date of this Ordinance. In the case where amendments to this Ordinance cause additional lots or parcels, structures, and uses of land or structures to be out of compliance, these same rules governing non-conformance shall apply.
6. **Effective Date** - This Ordinance shall be in full force and effect from and after the date of its final passage and publication.

## B. Interpretation

1. **Applicability and Jurisdiction** – The regulations of this Land Development Code apply to all land within the corporate limits of the City of Dunn Center and to land within the Extraterritorial Jurisdiction of the City.
2. **Provisions of Ordinance Declared to be Minimum Requirements** - In its interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.
3. **General Rules of Construction** – The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. Tense and Form – Words used or defined in one tense or form shall include other tenses or derivative forms.
  2. Number – Words in the singular shall include the plural number, and words in the plural number shall include the singular number.
  3. Gender - The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.
  4. Person – The word “person” includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.
  5. Shall and May – The words “shall,” “must,” and “will” are mandatory in nature and establish an obligation or duty to comply with the particular provision. The word “may” is permissive.
  6. Undefined Terms – Any words not defined in this Section shall be construed as defined in standard dictionary usage, unless defined by the City Council of Dunn Center.
4. **Definitions** – For the purposes of this Ordinance, the following terms shall have the following meanings:
1. Mining Quarrying Oil & Gas Production – the exploration, development and production of mineral resources including coal, potash, uranium, oil, and gas by whatever means
  2. Building Construction Services – the offices and storage facilities for building construction services including materials and equipment
  3. Heavy Construction – the offices and storage facilities for all types of heavy construction activities (such as oil and gas production and road construction) including yards and buildings for storage of equipment and materials
  4. Food & Beverage Manufacturing – processing and packaging raw food and beverage materials into food or beverage products on a commercial scale
  5. Other Water Intensive Manufacturing – any other manufacturing activity which uses water for more than incidental personal use, and minor cleaning activities
  6. Printing – the production of printed materials on a commercial scale
  7. Goods Manufacturing – all other manufacturing except food & beverage manufacturing and other water intensive manufacturing
  8. Warehousing – storage and distribution systems for goods involving the redistribution to other warehouse or to retail sites, but not including salvage yards
  9. Wholesaling – sale and distribution of goods of all kinds to retailers, but not to consumers, but not including salvage yards
  10. Small Goods Retailing – sale of goods for consumption by consumer, but not including salvage yards
  11. Small Goods Rental & Leasing – rental or leasing of small goods such as furniture, office equipment, tools, and not using outdoor yards for storage and display
  12. Large Goods Retailing – sale of large goods such as automobiles, machinery, mobile homes, and typically involving outdoor yards for display and storage of goods

13. Large Goods Rental & Leasing – rental and leasing of large goods such as automobiles, machinery, mobile homes and other products typically involving outdoor storage and display
14. Financial, Insurance, & Real Estate Services – offices and services engaged primarily in financial, insurance or real estate matters
15. Professional, Scientific, & Technical Services – offices and services engaged primarily in professional, scientific, and technical services such as, but not limited to, architects, engineers, lawyers, computer programming, scientific research, and similar services
16. Educational Services – k-12 public and parochial schools
17. Management, Administrative, & Support Services – offices and services involved in the management of companies, professional organizations, foundations, or in administrative and support functions such as employment agencies, telephone call centers, business services, travel agencies, janitorial services, and other related services.
18. Public Administration Services - governmental offices and services
19. Indoor Arts, Entertainment, & Recreation Services – indoor places where people gather and pay to be entertained such as concert halls, theaters, pool halls, bowling alleys, casinos, but excluding adult entertainment
20. Outdoor Arts, Entertainment, & Recreation Services – outdoor places designed for people to gather for recreation and entertainment including parks, golf courses, outdoor waterslides, marinas,
21. Personal Care Services and Mortuary Services – services such as hair salons, tanning parlors, massage therapy, and mortuary services
22. Health Care and Social Assistance Services – health care services such as provided by dentists, optometrists, and physicians, and social or economic assistance such as adoption agencies, support services for people with disabilities, and social service agencies
23. General Repair & Maintenance Services – services for repair and maintenance of a variety of machines and products such as vacuums, televisions, and automobiles
24. Heavy Repair & Maintenance Services – services for repair and maintenance of heavy equipment and machinery such as farm machinery, road building equipment, and oil industry development and production machinery
25. Churches – churches, synagogues, and similar gathering places for religious practices
26. Crop & Animal Production – farming and ranching and the normal incidents of farming and ranching as defined by the North Dakota Century Code
27. CAFO – concentrated animal feeding operations as defined by the North Dakota Century Code
28. Home Occupations – any business operated by a household within a dwelling unit which does not use more than 25% of the square footage of the dwelling unit and which requires no storage or operations outside of the primary structure
29. Family Child Care Services – child care services for pay which do not require licensing by Dunn County or the State of North Dakota

30. Licensed Child Care Services – child care services for pay which requires licensing by Dunn County or the State of North Dakota
31. Accessory Storage – a structure other than the primary building not larger than 120 square feet on a lot which used for primarily for storage
32. Accessory building or use - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, to include privately-owned, fenced swimming pools, and satellite dishes.
33. Communications Towers – a structure upon which communications equipment is mounted including television or radio transmission towers, cell phone repeating station towers, and the like.
34. Veterinary Clinic – a facility which provides medical care to animals
35. Adult Entertainment – the performance in a public place of any activity that a reasonable person would, in all the circumstances, consider to be for the purpose of providing sexual gratification and/or titillation
36. Wildlife & Game Management Areas – areas set aside by a government for wildlife management or protection
37. Commercial Airports – a facility which provides space for aircraft to land and take off in accordance with the FAA requirements for a commercial airport
38. Hazardous Chemical Storage & Handling Facilities – any facility where flammable or other dangerous materials are stored or handled
39. Essential services - water, sewer, electrical and communication fixtures and conveyance lines and the easements needed to provide appropriate locations for them
40. Non-conforming lots, structures, and uses – lots, structures, uses of land and structures, and characteristics of uses, which are prohibited under the terms of this ordinance, but were lawful at the date of this ordinance’s enactment.
41. Yard - An open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings or such projections as are expressly permitted in this ordinance. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
42. Yard, front - A yard extending across the front of a lot between the side lot lines and extending from the front lot line to the front of the principal building or any projections thereof. The front yard shall be facing a public street. In the case of corner lots where two or more sides of a lot front on a street, the front yard shall be that yard to which the primary entrance to the structure faces.
43. Yard, rear – A yard extending across the rear of the lot between the side lot lines and extending between the rear lot line and the rear of the principal building including any projections. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. In the case of through lots, there will be no rear yards, but only front and side yards.

44. Yard, side - A yard extending between the front yard and the rear yard on both sides of a lot
45. Setback – the required distance between every structure and the front, side, or rear lot lines, as prescribed in the standards section of this ordinance. In measuring a yard for the purpose of determining the setback distance, the minimum horizontal distance between the lot line and the main building shall be used.
46. Salvage Yard – A place where waste, discarded or salvaged materials are brought, sold, exchanged, baled, packed, disassembled or handled; including auto wrecking yards, house wrecking yards, used material yards; but not including pawn shops, antique shops, purchase or storage of used furniture and household equipment, or the placing of used cars in operable condition.
47. Lot – a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of: (a) a single lot of record, (b) a portion of a lot of record, or (c) a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record, or (d) a parcel described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
48. Lot of Record – A lot which is part of a subdivision recorded in the office of the Dunn County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded, prior to the effective date of this ordinance.
49. Front Lot Line – The boundary line of a lot which abuts a platted public right-of-way intended to serve as a public street, and generally is on the side of the lot which the front of the principle building faces.
50. Rear Lot Line – The boundary line of a lot not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.
51. Side Lot Line – Any boundary line of a lot which is not a front or rear lot line.
52. Parcel – any tract of land which has been legally described in accordance with the laws of North Dakota
53. Building – any structure having a permanent foundation, a roof and enclosing walls
54. Structure – anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.
55. Pet – Any domestic animal which is customarily kept within a dwelling unit for personal use and enjoyment including domestic dogs, domestic cats, canaries, parrots, parakeets, domestic tropical birds, hamsters, and guinea pigs. It does not include livestock, poultry, pot bellied pigs, snakes or other reptiles, or other exotic animals.
56. Limited Small Animal Husbandry – an accessory use raising and caring for domesticated small birds and animals such as rabbits, chickens, goats for the purposes of food production in a manner established and approved by the City Council. Small animal

husbandry requires a conditional use permit and must be based on standards adopted by the City Council to protect the public health, safety and welfare.

57. Food Services – bars, restaurants, and other businesses where food or alcoholic beverages are prepared or served
58. Accommodation Services – hotels, motels, and other businesses where rooms are rented for sleeping, but not including temporary dwellings
59. Household – A household is a group of people including not more than 4 unrelated people functioning as a single housekeeping unit.
60. Dwelling Unit – one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities
61. One family dwelling – a building containing only one dwelling unit which is constructed on a permanent foundation with permanent utility hookups and pitched roofs with at least 4:12 slope
62. Two family dwelling – a building containing only two dwelling units, including duplexes and those looking like one family dwellings, but containing basement or second floor apartments and which is constructed on a permanent foundation with permanent utility hookups and pitched roofs with at least 4:12 slope
63. Multi-family dwelling – a building containing three or more dwelling units including condominiums
64. Accessory Dwellings – up to two dwelling units located on a lot whose primary purpose is residential and up to four dwelling units located on a lot whose primary purpose is commercial when the primary building and the lot on which it is located meet lot area and other building requirements defined by this Ordinance.
65. Bed & Breakfasts – a building which contains sleeping accommodations for daily, weekly, or monthly rent and also houses the living quarters of the proprietor, or houses another retail or service business
66. Group Living Quarters – buildings constructed for human habitation where there are private or semi-private sleeping rooms and shared living and eating spaces including nursing homes and elderly housing, but not including bed and breakfasts or temporary quarters
67. Nursing Home – any group living quarters where nursing care is provided to some or all of the residents
68. Elderly Housing – any group living quarters for four or more elderly persons (age 60 or older) and their spouses within which are provided living and sleeping facilities, meal preparation, laundry facilities, and room cleaning, but where no nursing care is provided to any of its residents
69. Temporary Quarters – mobile homes, recreational vehicles, and other temporary living or sleeping quarters which have been constructed in accordance with a federal code such as HUD instead of the International Residential Building Code

70. Mobile Home Parks – any publicly or privately owned open space established and equipped to provide short or long term occupancy by manufactured homes built after 1984 in accordance with the HUD code and which is approved by the City of Dunn Center and connected to city water and sewer facilities
71. Recreational Vehicle Parks (RV Parks) – any publicly owned open space established and equipped to provide short term occupancy by motorized temporary quarters which are not connected to city water and sewer
72. Mobile Homes – any manufactured home comprised of a single module containing complete kitchen facilities and bathroom facilities which was built after 1984 according to the HUD code and which is not set on a permanent foundation
73. Modular Home – a residential structure comprised of two or more modules, built at a manufacturing plant in accordance with the International Residential Building Code, and assembled on a permanent foundation at the ultimate building site.
74. Manufactured Home – a residential structure comprised of one or more modules, built at a manufacturing plant in accordance with the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code), and transported and installed at an ultimate point of use. The manufactured home may or may not be permanently installed at a site.
75. Site-built Home – a residential structure, also known as a stick-built home, constructed on a permanent foundation at its ultimate building site.
76. Single Employer Mobile Home Park - a mobile home park which is owned by a business and used to house some of its employees but contains no more than 4 mobile homes and is occupied by no more than 10 people.
77. Crew Camp – a privately owned area established and equipped to provide short or long term occupancy by temporary residential structures built after 1984 in accordance with a federal code and which is approved by the City of Dunn Center
78. Single Employer Crew Camp – a crew camp which is owned by a business and used to house some of its employees but which contains no more than 4 temporary residential structures and is occupied by no more than 10 people
79. Private Drive – A road meeting City Engineer requirements which is located on private property with a permanent easement for public and private ingress and egress, and which intersects with and provides access to a public right-of-way from individual mobile home park or condominium units. In the case of condominiums, the private drive may be used to satisfy the requirements for frontage on a public right-of-way when the drive meets construction standards for a local street and is not serving the function of a through street.

### **C. Official Zoning Map and Extraterritorial Planning and Zoning Authority**

1. **Official Zoning Map** – The “Dunn Center Official Zoning Map” and all notations, references and other information shown on the map are hereby incorporated by reference and made a part of this Ordinance. The City of Dunn Center and its surrounding area are hereby divided into districts as shown on the Official Zoning Map. The Official Zoning Map shall be on file at the

Dunn Center City Offices and shall be the final authority as to the current status of zoning districts in the Dunn Center zoning jurisdiction. The Official Zoning Map shall bear the signature of the Mayor, attested by the City Auditor, and include the date of adoption along with the dates of all subsequent amendments to it. No change shall be made to the Official Zoning Map except in accordance with the procedures identified in this Ordinance for Zoning Ordinance amendments. A permanent record of all amendments and the date of such amendments shall be on file at the Dunn Center City Offices.

2. **Extraterritorial Authority** – The City of Dunn Center hereby establishes extraterritorial zoning and subdivision authority over those areas of adjoining the municipal boundary of the City as identified on the Official Zoning Map. The area over which the City of Dunn Center exercises extraterritorial zoning and subdivision authority may from time to time be amended in a manner consistent with the North Dakota Century Code.

**D. Zoning District Regulations – The following zoning districts are hereby established to carry out the purposes of this ordinance:**

1. **Traditional Residential District (TR)**

- a. Purpose - The purpose of the Traditional Residential District is to establish and maintain a permanent low density residential housing stock which is consistent with the historical small community residential development pattern. This pattern is characterized by:
  - i. One family dwellings with front entries facing the street,
  - ii. Sidewalks paralleling streets
  - iii. Boulevard trees
  - iv. Garages, whether detached or attached, set back from the front lot line no less than the front entry of the dwelling
- b. Permitted Uses - one or two family dwellings, home occupations, publicly owned and operated parks and recreational facilities, essential services, family child care services
- c. Conditional Uses - churches, schools, other public or institutional facilities, licensed child care services, manufactured homes meeting the standards set forth in this Ordinance, multi-family dwellings with up to 8 dwelling units, nursing homes or elderly housing, limited small animal husbandry, accessory storage buildings with footprints no greater than two thirds the footprint of the primary structure
- d. Prohibited Uses - all uses not expressly permitted in this District
- e. Lot and Yard and Supplemental Requirements – lot and yard requirements shall be as established in Section E. Supplemental Regulations and Standards of this Ordinance.

2. **Mixed Density Residential District (MD)**

- a. Purpose - The purpose of the Mixed Density Residential District is to provide for higher density residential areas than is allowed in the Traditional Residential District and for other uses which do not conflict with residential neighborhoods. While this District does



not have regulations governing the development pattern, it is important that any development allowed in it is consistent with residential character.

- b. Permitted Uses – permitted uses allowed in this district are listed in Table 1 but multi-family dwellings may not exceed 8 units, and manufactured homes must be at least 20 feet wide.
- c. Conditional Uses – conditional uses allowed in this district are listed in Table 1, but multi-family dwellings with 9 to 16 dwelling units, and accessory dwelling units must conform with the standards set forth in this Ordinance
- d. Prohibited Uses – all uses not expressly permitted in this District
- e. Lot and Yard and Supplemental Requirements – lot and yard and supplemental requirements shall be as established in Section E. Supplemental Regulations and Standards of this Ordinance.

### 3. **Temporary Residential District (TP)**

- a. Purpose – The purpose of the Temporary Residential District is to provide locations for residential uses that are not permanent, and may eventually be redeveloped into another type of land use when the market demand for temporary housing drops. This district must be carefully located at the perimeter of the community so that it does not impair the ability of permanent development to occur.
- b. Permitted Uses – permitted uses allowed in this district are listed in Table 1
- c. Conditional Uses – conditional uses allowed in this district are listed in Table 1
- d. Prohibited Uses – all uses not expressly permitted in this District
- e. Lot and Yard and Supplemental Requirements – lot and yard and supplemental requirements shall be as established in Section E. Supplemental Regulations and Standards of this Ordinance.
- f. Development Patterns – Temporary housing facilities must be established in one of the following two ways:
  - i. Establish a mobile home park
  - ii. Establish a crew camp

### 4. **Town Center District (TC)**

- a. Purpose – The purpose of the Town Center District is to establish and maintain a residential, civic and commercial center which fosters community interaction and commerce in a walkable neighborhood. It provides goods and services commonly used on a regular basis by community residents without nuisance to the adjoining permanent residential areas of the city.
- b. Permitted Uses – permitted uses allowed in this district are listed in Table 1, but grocery stores and other retail and service establishments are limited to not more than 12,000 s.f.
- c. Conditional Uses – conditional uses allowed in this district are listed in Table 1
- d. Prohibited Uses - all uses not expressly permitted in this District

- e. Lot and Yard and Supplemental Requirements – lot and yard and supplemental requirements shall be as established in Section E. Supplemental Regulations and Standards of this Ordinance.

5. **Commercial/Office District (CO)**

- a. Purpose – The purpose of the Commercial/Office District is to provide locations for commercial uses not allowed in or appropriate to the Town Center District
- b. Permitted Uses – permitted uses allowed in this district are listed in Table 1
- c. Conditional Uses – conditional uses allowed in this district are listed in Table 1
- d. Prohibited Uses – all uses not expressly permitted in this District  
Lot and Yard and Supplemental Requirements – lot and yard and supplemental requirements shall be as established in Section E. Supplemental Regulations and Standards of this Ordinance.

6. **Heavy Commercial/Light Industry District (CI)**

- a. Purpose – The purpose of the Heavy Commercial/Light Industry District is to provide locations for commercial or light industrial operations which are not allowed in the Commercial/Office District in a manner that enhances the visual character of the city
- b. Permitted Uses -- permitted uses allowed in this district are listed in Table 1 but also specifically include automotive repair and service, business parks, large regional retail stores, automotive sales businesses
- c. Conditional Uses – conditional uses allowed in this district are listed in Table 1 but also specifically include commercial storage facilities, warehousing facilities, construction and contractor offices, construction and contractor yards which are completely screened from view from Hwy 200, veterinary clinics
- d. Prohibited Uses - all uses not expressly permitted in this District  
Lot and Yard and Supplemental Requirements – lot and yard and supplemental requirements shall be as established in Section E. Supplemental Regulations and Standards of this Ordinance.

7. **Industrial District (IN)**

- a. Purpose – The purpose of the Industrial District is to provide locations for heavy equipment, freight, and manufacturing operations, and such other uses as may be inappropriate in other districts or which create conflicts with uses in other districts
- b. Permitted Uses – permitted uses allowed in this district are listed in Table 1
- c. Conditional Uses – conditional uses allowed in this district are listed in Table 1
- d. Prohibited Uses – all uses not expressly permitted in this District
- e. Lot and Yard and Supplemental Requirements – lot and yard and supplemental requirements shall be as established in Section E. Supplemental Regulations and Standards of this Ordinance.

## 8. Agricultural and Open Space District (AG)

- a. Purpose – The purpose of the Agricultural and Open Space District is to provide for agricultural operations and open space in the Dunn Center’s extraterritorial area and to provide a district for undeveloped land which may be developed in the future
- b. Permitted Uses - one family dwellings inhabited by the owner or full time operator of an agricultural operation of at least 160 acres including the land on which the one family dwelling is located, farming or ranching as defined by the North Dakota Century Code, vacant land, home occupations, public parks and recreation facilities, wildlife and game management areas and refuges
- c. Conditional Uses - uses involving hazardous chemicals and their storage, farm and ranch product processing, sewage lagoons, aviation facilities, home child care services, public utility and service structures, landscaping businesses, greenhouses, and plant nurseries, stables or horse boarding facilities
- d. Prohibited Uses - any uses not expressly allowed in this District including Confined Animal Feeding Operations as defined by the North Dakota Century Code
- e. Lot and Yard and Supplemental Requirements – lot and yard and supplemental requirements shall be as established in Section E. Supplemental Regulations and Standards of this Ordinance.

## 9. Highway Overlay District (HO)

- a. Purpose – The purpose of this overlay district it to protect and enhance the visual character and image of Dunn Center from Highway 200.
- b. Application – This district covers any parcel located partially or fully within 880 feet of the centerline of Hwy 200.
- c. Standards – Any applicable parcel shall meet the following standards:
  - i. Landscaping. Any parking lots and open space used to house equipment or inventory for direct sale to retail customers must be no more than 30% hard-surfaced. The remaining parking lot or open space area must be landscaped or covered by sod or some other permanent permeable surface with plant cover.
  - ii. Screening. Any open yards which house equipment or inventory not for direct sale to retail customers shall be screened with a fence or hedgerow which is 80% opaque to a height of 8 feet.
  - iii. Building Materials. Any building shall be constructed with the following exterior finish materials:
    1. Brick
    2. Natural stone
    3. Decorative concrete block
    4. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, and cypress.
    5. Stucco

- iv. Other materials approved by the City Council upon recommendation of the Planning Commission

**10. Floodplain Management Overlay District (FO)**

- a. Purpose – The purpose of the Floodplain Management Overlay District is to minimize public and private losses due to flood conditions in specific FEMA defined areas which are prone to flooding.
- b. Standards – Any parcel which is located in a special flood hazard area as identified by the currently effective flood insurance rate map for Dunn Center and any area under the zoning jurisdiction of Dunn Center shall be subject to the following requirements:
- i. No construction of any structure shall be permitted until after the appropriate approvals, including but not limited to a development permit, have been obtained from the City of Dunn Center.
  - ii. No development shall occur in any area adjudged to be in a floodway by the Dunn Center Zoning Administrator.
- c. Additional Requirements – A separate Floodplain Management Ordinance has been effective since 1983, and it along with any amendments to it, are hereby made a part of this Ordinance by reference and any requirements of the Floodplain Management Ordinance must be followed, the same as if written in full in this Ordinance.

<b>TABLE 1. Land Uses by District</b>	TR	MR	TE	TC	CO	CI	IN	AG
Mining Quarrying Oil & Gas Production								C
Building Construction					C	C	P	
Heavy Construction						C	P	
Food and Beverage Manufacturing							C	
Other Water Intensive Manufacturing							C	
Waste Management & Remediation Services							C	
Printing				C	P	P	P	
Goods Manufacturing							C	
Warehousing						C	P	
Wholesaling						C	C	
Small Goods Retailing, Rental & Leasing				C	P	(P)		
Large Goods Retailing						P		
Large Goods Rental and Leasing					C	C		
Finance, Insurance, Real Estate Services				P	P	(P)		
Professional, Scientific & Technical Services				P	P	(P)		
Educational Services	C	C				(P)		
Management, Administrative, & Support Services				P	P	(P)		
Public Administration Services				P	C			
Food Services				C	P	C		
Accommodation Services				C	C			
Indoor Arts, Entertainment, & Recreation					P			
Outdoor Arts, Entertainment, & Recreation	C	C		P				
Personal Care Services and Mortuary Services				P	P			
Health Care and Social Assistance Services				P				

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General Repair & Maintenance Services					P	P		
Heavy Equipment Repair & Maintenance Services						C	P	
Bed & Breakfasts	C	C		C				
Churches	C	C		C				
Crop & Animal Production								P
Crop Production and Equipment Storage						P	P	P
One and Two Family Dwellings	P	P						
Multifamily Dwellings	C	P/C						
Group Living Quarters	C	C						
Temporary Living Quarters			P					
Home Occupations	P	P						P
Family Child Care Services	P	P						
Licensed Child Care Services	C	C						
Accessory Storage	P	P	P					
Communications Towers					C	C	C	C
Limited Small Animal Husbandry	C	C						
Mobile Home Parks			P/C	C				
Accessory Dwellings		P/C		C	C			
Veterinary Clinics					C	C		
Adult Entertainment							C	
Wildlife & Game Management Areas								P
Commercial Airports								C
Hazardous Chemicals Storage & Handling Facilities							C	C

(P) – means these uses are allowed as part of a business park

## E. Supplemental Regulations and Standards

### 1. Yard Requirements

- a. Setback and build to requirements for front, side, and rear yards shall be as set forth in Table 2.
- b. No building shall exceed a height of 30 feet from the ground to its highest point excluding chimneys and utility appurtenances.

TABLE 2. Standards	Zoning District							
	TR	MR	TE	TC	CO	CI	IN	AG
Standard	15 ft*	na	na	0 ft*	na	na	na	na
Front Build To	15 ft*	na	na	0 ft*	na	na	na	na
Front Yard Minimum Setback	na	20 ft*	10 ft*	Na	10 ft	10 ft	na	20 ft
Side Yard Setback	8 ft	8 ft	8 ft	0 ft ‡	10 ft ‡	0 ft ‡	8 ft ‡	0 ft ‡
Building Width	na	na	8	25	40	na	na	na
Rear Yard Setback	8 ft	8 ft	8 ft	Na	na	na	na	
Accessory	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft	

Building Setback								
Lot Coverage	35%	50%		100%	100%	80%	80%	
Off Street Parking	2	2	1	see table	see table	see table	see table	
Minimum Lot Size	6000 sq ft	7150 sq ft		2500 sq ft				
Lot Depth Min	100 ft	110 ft		130				
Lot Width Min	50	65		25				
Boulevard Depth Minimum	15	15		15		12	8	
Sidewalk Width	6	6	6	8		6	6	
* – on corner lots both yards adjoining public ROW, it is preferable, but not required that both yards meet the build to standard								
‡- where a residential lot abuts a non-residential lot the non-residential lot must have a side yard equal or greater than the side yard minimum of the residential lot it abuts								

2. **Screening and Buffering** – the Planning Commission and City Council may at their discretion require visual screening or horizontal setbacks between potentially conflicting uses as a condition of approval for any permit issued by the City
3. **Historic Structures and Districts** – The planning Commission and City Council may at their discretion establish requirements to protect historic structures and locations within the City from destruction of their essential historic character
4. **Manufactured Home Standards.**
  - a. All manufactured homes are divided into two classes: mobile homes and all other manufactured homes. Mobile homes are classified as those manufactured homes which are not mounted on a permanent foundation and may only be located in established mobile home parks and meet regulations for mobile home parks. All other manufactured homes must meet the remaining standards of the manufactured home standards section.
  - b. Homes must be constructed and anchored on a permanent foundation with footings and foundation walls consistent with new home construction standards of the region.
  - c. Attached garages, porches, and other additions to the structure which is moved onto the site must be constructed on a permanent foundation with footings and foundation walls consistent with new home construction standards of the region.
  - d. Roof pitches must be at a minimum of 4:12 slope.
  - e. Permanent utility connections must be provided in the same manner as with stick-built homes.
  - f. Any wheels, hitches and other parts to the home needed for transportation must be permanently removed.

## 5. Mobile Home Park Standards.

- a. All mobile homes must be mounted on stable foundations and anchored according to regional construction practice standards.
- b. Skirting must be placed around the perimeter of the mobile home.
- c. All mobile homes in Temporary Residential Districts must be tied down but permanent foundations are not necessary.
- d. Three all-weather parking spaces must be provided for each home.
- e. Utility fixtures must be constructed in a way that allows independent shutoff, or, at the discretion of the City Council, the owner and operator of the mobile home park may be required to utility costs for the entire park. In either case, deposits for meters and such other purposes as may be reasonable to protect the City's investment, may be required. If the owner and operator are paying the utility costs for the entire park, they shall be responsible for all individual utility connections and disconnections.
- f. All-weather streets of at least 16 feet width must be provided. If on street parking is allowed an additional 8 feet width must be constructed for on-street parking. Landscaping and permeable ground cover must be provided for all parts of the mobile home park not part of the home pad, parking spaces, and streets.
- g. Sidewalks are not required.
- h. No accessory buildings with a footprint larger than 8X10 ft are allowed and only one accessory building is allowed per home.
- i. A standard fire hydrant shall be located within 300-450 feet of each mobile home site or service building, or per current fire department requirements.
- j. At least 10% of the overall area of the park shall be devoted to open space.
- k. All mobile homes must have been constructed after 1984.
- l. All mobile homes must be at least 14' wide.
- m. To operate a mobile home park the property owner and operator must have a valid and current certificate of approval from the ND Department of Health. A copy of the current certificate of approval must be filed as documentation at the City Auditor's office.
- n. No person shall operate any mobile home park within the City of Dunn Center unless he holds a valid license issued annually by the City
- o. The minimum lot area in mobile home parks shall be 5,000 square feet per dwelling unit.
- p. Each mobile home within a mobile home park shall have at least 50 feet of frontage on a public or private drive and each mobile home shall have a front yard setback of 25 ft from any public street right-of-way or private drive.
- q. Each mobile home shall be at least 15 feet from other mobile homes at the closest point.
- r. Site drainage shall be approved by the City Engineer.
- s. If site is located in an area identified as within a 100 year floodplain on a Flood Insurance Rate Map or has been identified as an area prone to flooding, it must meet national flood insurance requirements and utilities must be designed and installed in a manner that resists inundation.

- t. All mobile home parks must have a city engineer and city planner approved site plan which details snow storage and/or removal, and other details for the proposed mobile home park as needed.
  - u. Dumpsters must be provided by mobile home park owner/operator.
  - v. Uncovered, outdoor storage is not allowed. This includes unlicensed vehicles.
  - w. Mailboxes must be grouped together and located at the entrance to the mobile home park.
6. **Mixed Commercial-Residential Use Standards** - For buildings and lots in the MR and CO Districts where both residential and commercial uses occur (excluding home occupations) the following standards shall apply:
- a. Residential units must be used by full time employees of the business housed on the ground floor.
  - b. No more than four residential units may be allowed in any mixed use structure
  - c. All residential units must meet all applicable fire code standards as set forth in regulations and standards adopted or established by the State of North Dakota
  - d. All residential units must have at least two rooms with exterior windows
  - e. No more than 12 bedrooms may be allowed in any mixed use structure and no more than 3 bedrooms may be allowed in any residential unit
  - f. All structures must have a fenced yard to which all residential units have access without going through the commercial use area of the building
  - g. Minimum allowed square footage is:
    - i. 800 s.f. for efficiencies
    - ii. 1050 s.f. for one bedroom units
    - iii. 1200 s.f. for two bedroom units
    - iv. 1500 s.f. for three bedroom units
  - h. Parking areas for personal vehicles must be separate from those for the commercial activities occurring in the structure
7. **Fencing.**
- a. All fences must be located completely inside the vertical plane of property lines of the parcel for which the fence is being constructed.
  - b. Fences in residential districts located in front yards may not be more than 40" above the ground. Fences in residential districts located in side and rear yards may not be more than 72" above the ground.
  - c. Fences may not obscure the line of sight at any intersection of public right-of-way within 30 feet of intersecting roadway edges (or curb lines, if they exist). In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of 30 inches and 10 feet.



- d. No fence may be constructed of spiked or electrified materials which may be injurious to the public health and safety.
- e. Reserved for future use.

**8. Construction Standards.**

- a. Exterior building finishes in residential districts shall consist of materials comparable in grade and quality to the following:
  - i. Brick
  - ii. Natural stone
  - iii. Decorative concrete block
  - iv. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, and cypress.
  - v. Stucco
  - vi. Steel or vinyl siding
  - vii. Other materials upon approval by the City Council
- b. Exterior building finishes in all other districts shall consist of materials comparable in grade and quality to the following:
  - i. Those allowed in residential districts
  - ii. Cast in place or precast concrete panels
  - iii. Curtain wall panels of steel, fiberglass and aluminum (non-structural, no load-bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.
  - iv. Glass curtain wall panels
  - v. Other materials upon approval by the City Council

**9. Accessory Buildings & Uses.**

- a. An accessory building or use which is structurally attached to a primary building shall be subject to and must conform to all regulations of this Ordinance applicable to the main building.
- b. No detached accessory building in a residential district shall have a footprint larger than 50% the footprint of the primary building on the same parcel, and shall not exceed the height of the primary building or 15 feet, whichever is taller.
- c. All swimming pools must be provided with adequate safeguards to prevent uncontrolled access. Below grade swimming pools are subject to a conditional use permit.
- d. Reserved for future use.

**10. Access to public ROW.**

- a. No structure may be constructed upon any lot or parcel which does not have direct access to public right-of-way. This access must be at least 20 feet wide.

- b. Any lot or parcel existing at the time this Ordinance is adopted without direct access to public right-of-way must secure direct access to public right-of-way or access via a permanent easement to public right-of-way. This access must be at least 20 feet wide.

**11. Parking.**

- a. Off-street parking space on a permanent all-weather surface must be provided for two full-size vehicles for each one family dwelling.
- b. Sufficient off-street parking spaces on a permanent all-weather surface must be provided to meet the needs of all residents of multi-family dwellings.
- c. Parking requirements for public, commercial and industrial uses shall be determined on a case by case basis.

**12. Home Occupations.**

- a. Hours of operation for home occupations shall not begin before sunrise and must end by 8:00 p.m.
- b. All home occupation activities must occur within a building, and no evidence of such use shall be visible outside the building except for a single sign consistent with the sign regulations of this Ordinance.
- c. No more than 25% of the square footage of the home may be used for a home occupation.

**13. Wireless Communications.**

- a. Wireless communications infrastructure may not be located in residential districts or the town center district.
- b. Wireless communications infrastructure requires a conditional use permit.
- c. All wireless communications infrastructure shall be designed and constructed so as to minimize its intrusion on the landscape.

**14. Signs.**

- a. Home occupation signs must be flat-mounted to a vertical surface of the building in which the occupation is practiced, and not be an electronic or a lighted sign.
- b. Home occupation signs must not exceed 3 square feet in surface area.
- c. No billboards or electronic messaging signs are allowed in any zoning district.
- d. Commercial signs require a conditional use permit and must be based on design standards which are adopted by the City Council to minimize light pollution, prevent visual clutter, and allow modest and fair communication of business locations.

**15. Animals.**

- a. Keeping pets in any district is allowed so long as they do not create a nuisance or cause a public health risk.
- b. Keeping chickens, goats, or other small domesticated animals for the purposes of limited small animal husbandry requires a conditional use permit and must be based on standards adopted by the City Council to protect the public health, safety and welfare.

16. **Adult Entertainment** - Adult entertainment shall be separated from all residential districts, churches, schools, daycare facilities, and parks or recreational facilities by a distance of at least 1250 feet. Adult entertainment may not be located in bars or restaurants. No alcoholic beverages may be served or consumed in a place where adult entertainment occurs.
17. **Single Employer Crew Camp Standards and Requirements.** Single employer crew camps designed and operated to serve not more than 10 persons, all of whom are full time employees of a single business may be allowed as a permitted use in an Temporary Residential District if the following standards and requirements are met:
  - a. Only full time employees may be housed on the site
  - b. The single employer crew camp must be served by municipal water and sewer, and the design and installation of such services must be approved by the City Engineer
  - c. If the site is partially or completely within the FEMA defined 100 year floodplain, all habitable structures and critical facilities must be elevated above the 100 year floodplain and be determined by the City Engineer to be reasonably safe from flooding
  - d. Housing units may be skid shacks or mobile homes but may not be RVs
  - e. Individual housing units must be assigned individual E911 numbers.
  - f. Minimum size of the parcel containing the single employer crew camp must be at least 2 acres.
  - g. Unless the crew camp is part of a tract for which an impact fee has already been paid, a City established annual impact fee must be paid prior to commencement of construction.
  - h. Landscaping and permeable ground cover must be provided for all parts of the crew camp not covered by buildings, other constructed facilities, parking spaces, and roads
  - i. A site plan of the single employer crew camp must be approved by the City Engineer and City Planner prior to construction and installation of said facilities. Once said site plan is approved, location and utilization of the crew camp facilities, utilities, amenities and housing units shall not vary from the approved site plan. The site plan shall show:
    1. a traffic circulation plan showing the crew camp in relationship to adjoining facilities and those using the same access roads
    2. the location of each housing unit with at least 20 feet minimum spacing between each housing unit
    3. utility locations
    4. schematic drainage plan and location of any constructed drainage facilities
    5. Landscaping and buffering which is designed and constructed to minimize visual impacts to surrounding properties and to ensure an aesthetically pleasing site
    6. Onsite lighting which is directed inward and downward to the site so as to minimize light pollution to surrounding areas

## 18. Crew Camp Standards.

- a. Individually platted lots are not allowed, but a site plan showing the location of each housing unit and the utilities and all other amenities and facilities of the crew camp must be approved by the City Engineer and City Planner prior to construction and installation of said facilities. Once said site plan is approved, location and utilization of the crew camp facilities, utilities, amenities and housing units shall not vary from the approved site plan.
- b. Municipal water and sewer services shall be in accordance with State of North Dakota standards and must be approved by the City Engineer
- c. Adequate water storage and pressure for firefighting purposes must be provided onsite unless the site is served by municipal water supply and has sufficient pressure and volume to fight fires on the site. This will be determined by the fire department and the city engineer.
- d. Drainage plan and construction of onsite drainage facilities must conform to requirements of the City Engineer
- e. If the site is partially or completely within the FEMA defined 100 year floodplain, all habitable structures and critical facilities must be elevated above the 100 year floodplain and be determined by the City Engineer to be reasonably safe from flooding
- f. Interior traffic and pedestrian circulation plan must be established and constructed to conform with standards established by the City Engineer and must be consistent with the site plan approved by the City
- g. At least two accesses into the site must be provided in order to provide alternative emergency response access
- h. Intersection and access sight distances must be appropriate for anticipated travel speeds, and access locations must be adequately spaced to prevent turning movement conflicts, and safety or traffic flow problems
- i. Road design of all roads proposed to serve the site (whether in urban or rural sections) must be submitted to and approved by the City Engineer prior to start of construction
- j. At least 10 feet minimum spacing must be provided between each housing unit.
- k. Landscaping and permeable ground cover must be provided for all parts of the crew camp not covered by buildings, utilities, parking spaces, and streets.
- l. Landscaping and buffering must be designed and constructed as part of the site plan to minimize visual impacts to surrounding properties and to ensure an aesthetically pleasing development
- m. Onsite lighting must be directed inward and downward to the site so as to minimize light pollution to surrounding areas
- n. No signs besides facility and wayfinding signs are allowed on the site. The signs used on the site must be the minimum size necessary to provide reasonably visible information for site uses.
- o. Individual housing units must be assigned individual E911 numbers.
- p. Sidewalks are not required.
- q. There must be a full time on-site facility manager

- r. There must be medical staff on-site at all times, as per fire department requirements.
- s. Garbage collection and disposal plan must be in place and must include a signed contract with the waste hauler, and all special wastes and solid wastes must be addressed in the manner required by the State of North Dakota
- t. The owner/operator must provide bonding and an exit plan to ensure appropriate closure of the facility and to allow appropriate re-use of the site
- u. City established annual impact fee must be paid prior to commencement of construction.
- v. No uses not explicitly requested via a conditional use permit and approved by the city are allowed
- w. Single employer crew camps designed and operated to serve not more than 10 persons, all of whom are full time employees of a single business may be allowed as a conditional use in an temporary housing zone if the following standards and requirements are met:
  - 1. Facility is serviced directly by City water and sewer services
  - 2. Only employees may be housed on the site
  - 3. The spirit of the landscaping and buffering requirements is met
  - 4. Site plan, including a traffic circulation plan, showing the crew camp in relationship to other facilities on the parcel must be provided and upon approval, adhered to.
  - 5. Site plan must be approved by the City Engineer and City Planner
  - 6. Minimum size of the parcel containing the single employer crew camp must be at least 2 acres.
  - 7. Housing units may be skid shacks or mobile homes but may not be RVs
  - 8. Other requirements established by the City at the recommendation of the Planning Commission may apply

#### **F. Subdivision Regulations**

1. **Subdivision Approval Required** – No owner, or agent of owner, shall transfer, sell or agree to sell any land before the lot split, replat, or plat is approved as provided under the requirements of this ordinance.
2. **Plat Processing Procedures – Sketch Plan**
  - a. Purpose – The purpose of the Sketch Plan is to provide a means for subdivisions with complex requirements and potential limitations to be discussed informally by the developer and city prior to major expenditures being incurred by the developer.
  - b. Applicability – For any potential subdivision involving more than 10 acres of land, or for any subdivision which is anticipated to involve more than one zoning district, before submitting a preliminary plat application, the developer shall contact the Zoning Administrator to arrange an informal meeting to discuss the potential development.
  - c. Sketch Plan Requirements – The developer shall bring the following information to the Sketch Plan meeting:

- i. Documentation of current ownership of property
  - ii. County recorded legal description of parcel containing the proposed subdivision
  - iii. Written description of proposed land use and density
  - iv. Written description and hand drawn sketch of proposed parcel to be developed
  - v. Hand drawn sketch of proposed parcel layout including approximate size of each parcel
- d. Sketch Plan Fee – The developer shall bring a sketch plan fee to the meeting in an amount established by the City Council

### 3. **Plat Processing Procedures – Preliminary Plat**

- a. Purpose – The purpose of the Preliminary Plat is to require formal preliminary approval in order to vest the plat from changes in the applicable city ordinances, phase development, and provide additional time to complete conditions of approval.
- b. Plat Requirements – All Preliminary Plats shall be prepared in conformance with the provisions of all applicable requirements of this Ordinance and any other applicable requirements of law.
- c. Submission – Submission of the Preliminary Plat application to the City shall consist of:
  - i. Preliminary Plat – 3 full size copies of the preliminary plat (for City Engineer, Zoning Administrator, and Permanent Record), 9 reduced size copies of the preliminary plat, and 1 digital copy of the same
  - ii. Supplemental Data – 2 copies of all reports, notifications and certifications that are not provided on the Preliminary Plat, as required by the Zoning Administrator, including, Stormwater Management Plans and calculations.
  - iii. Application Form – 1 application form completely and correctly executed, with all information legible, and bearing all required signatures.
  - iv. Filing Fee – a filing fee (in accordance with the City’s current fee schedule) consisting of a check or a money order drawn to the appropriate city official or office.
- d. Review and Notification – The Zoning Administrator shall review the preliminary plat application for completeness. If the application is complete, the Zoning Administrator shall notify the following of the Preliminary Plat Application and provide a copy of the Plat and application as requested:
  - i. Rural Fire Department
  - ii. City Engineer
  - iii. Water Supplier
  - iv. Appropriate Utility Companies
  - v. Any other governmental agency with a legal basis for review of this Application

- vi. The Zoning Administrator shall prepare a report indicating the consistency of the preliminary plat with the Comprehensive Plan and this Ordinance, and shall include comments received from any of the reviewing bodies noted above.
- e. Planning Commission Action – In general, the Planning Commission will schedule the Preliminary Plat application for a public hearing and action at the first Planning Commission meeting that is at least 30 days following the date of filing. In considering the Preliminary Plat application, the Planning Commission shall:
- i. Review and evaluate the application and all reports received from applicable reviewing agencies and municipal consultants and the Zoning Administrator
  - ii. Determine whether the Preliminary Plat meets the requirements and objectives of this Ordinance and other applicable ordinances, and is consistent with the Comprehensive Plan.
  - iii. Send meeting minutes or a written report recommending approval or disapproval of the Preliminary Plat, and the reasons therefore; citing the provisions of the statute or ordinance relied upon, to the following:
    - 1. Applicant
    - 2. City Council
    - 3. Any other agency having a legal basis for review
- f. Governing Body Action – Within forty-five (45) days following the receipt of the Planning Commission’s report the City Council shall schedule the Preliminary Plat application for action at a regularly scheduled meeting. In considering the Preliminary Plat application, the City Council shall:
- i. Review and evaluate the application and all reports received from applicable reviewing agencies for compliance to all city ordinances, and the Comprehensive Plan.
  - ii. Review the minutes of the relevant Planning Commission meeting(s).
  - iii. Act to approve or deny the application.
  - iv. Communicate the decision to the applicant and other reviewing agencies.

#### 4. **Plat Processing Procedures – Final Plat**

- a. Purpose – The purpose of the Final Plat is to record the subdivision plat according to state law, insure formal approval by the City Council before the plat is recorded, and provide sufficient information so that construction of the proposed development will be according to the requirements of this Ordinance, and any conditions established by the City Engineer or the City Council.
- b. Plat Requirements – All Final Plats shall be prepared in conformance with the provisions of all applicable requirements of this Ordinance and any other applicable requirements of law.
- c. Submission – Submission of the Final Plat application to the City shall consist of:

- i. Final Plat – 3 full size copies of the final plat (for City Engineer, Zoning Administrator, and Permanent Record), 2 reduced size copies of the final plat, and 1 digital copy of the same
  - ii. Supplemental Data – 2 copies of all reports, engineering drawings as required by the City Engineer, and supplemental information as required by the Zoning Administrator
  - iii. Application Form – 1 application form completely and correctly executed, with all information legible, and bearing all required signatures.
  - iv. Filing Fee – a filing fee (in accordance with the City’s current fee schedule) consisting of a check or a money order drawn to the appropriate city official or office.
- d. Review – The City Engineer and Zoning Administrator shall review the final plat application for completeness. If the application is complete, the City Engineer shall review all required information for consistency with applicable standards, and the Zoning Administrator review the application for consistency with preliminary plat conditions of approval and this Ordinance. Upon completion of this review, the City Engineer and Zoning Administrator shall schedule the application for Planning Commission Public Hearing.
- e. Planning Commission Action – In general, the Planning Commission will schedule the Final Plat application for a Public Hearing and action at the first regularly scheduled Planning Commission meeting that can be scheduled pursuant to public hearing notice requirements. In considering the Final Plat application, the Planning Commission shall:
- i. Review and evaluate the application and all reports received from the City Engineer, the Zoning Administrator, applicable reviewing agencies and municipal consultants.
  - ii. Determine whether the Final Plat is consistent with the preliminary plat and conditions of approval, as well as the requirements and objectives of this ordinance and other applicable ordinances.
  - iii. Send meeting minutes or a written report recommending approval or disapproval of the Final Plat, and the reasons therefore; citing the provisions of the statute or ordinance relied upon, to the following:
    - 1. Applicant
    - 2. Governing body
    - 3. Any other agency having a legal basis for review
- f. Governing Body Action – Following the receipt of the Planning Commission’s report and within forty-five (45) days following the date of the Planning Commission meeting at which its recommendation was decided, the City Council shall hold a public hearing and consider approval of the final plat.

## 5. Subdivision Design and Improvement Standards

- a. Permanent Monuments – Permanent reference monuments shall be placed within each subdivision as approved by a registered land surveyor, and shall be placed at all block



corners, lot corners, and control points. Block and control point monuments shall be iron pins set in concrete and each lot corner monument shall be iron pins set in the ground. The type and placement of each monument shall be consistent with City Engineer guidelines.

- b. Blocks and Lots – The length, width and shape of blocks shall be designed to accommodate the planned use of land, zoning requirements, needs for convenient access, the topographic conditions, and to assure traffic safety and ease of traffic control and circulation. Additionally, blocks and lots shall conform to the following standards:
- i. Block length must not be more than 1600 feet.
  - ii. Blocks must be wide enough to provide for two tiers of lots providing frontage on streets adjoining the block.
  - iii. No lot may be divided by a public road, alley or utility right-of-way or easement.
  - iv. Each lot must abut and have access to a public or private street or road. Alleys may not be used to provide the primary access to a lot.
  - v. Corner lots must have a driveway access to the same street that provides access to the interior lots.
  - vi. Corner lots must be designed to provide acceptable sight distances for safe vehicular movement.
  - vii. No lot may have an average depth greater than four times its average width.
  - viii. Side lot lines must be substantially right angles to street or road lines, and radial to curved street or road lines.
  - ix. Through lots are prohibited except when they are essential to provide separation of residential development from major streets which are intended to carry heavy traffic volumes.
- c. Drainage –
- i. The drainage system and facilities required for any surface run-off affecting the subdivision are subject to approval by the governing body.
  - ii. A grading and drainage plan must be submitted and approved by the City Engineer prior to consideration of final plat by the Planning Commission.
  - iii. Curb and gutters or swales will be required based on the character of the area, density of development, and nature of adjoining properties. Curbs and gutters of adjoining properties must be extended in conformance with specifications of local and state authorities.
  - iv. Culverts and bridges of adequate size must be provided and installed by the subdivider where drainage channels intersect any street or road right-of-way or easement, and must be large enough to accommodate potential run-off from upstream drainage areas.
  - v. Drainage systems must not discharge into any sanitary sewer facility.
  - vi. Drainage systems must be designed and certified by a professional engineer.

- vii. Floodplain – Land located in a floodway of a 100 year floodplain as established by a Flood Insurance Rate Map or Special Flood Hazard Boundary Map, or other land determined by the Dunn Center City Council to be subject to flooding, may not be subdivided for building development or other purposes that may increase or aggravate flood hazards to the life, health, or property.

d. Streets

- i. Location, extent, width, grade, surface, and construction of all roads must be considered in relationship to existing and other planned roads, to topographical conditions, and public convenience and safety, and efficiency of access by emergency services
- ii. Roads must meet design specifications established by the City Engineer, and such design shall be completed and submitted for approval by the City Engineer prior to final plat approval
- iii. Cul-de-sacs are not allowed
- iv. All proposed streets must be offered for dedication as a public road.
- v. All buildings must front on a publicly dedicated road or a private road which is maintained by an approved property owners association
- vi. Private roads designed for internal circulation of a parcel must meet the same standards as publicly dedicated roads
- vii. Residential driveways may not access directly onto a state or federal highway, and any vehicular access onto state or federal highways must be approved by the NDDOT
- viii. Public dedication and construction of half streets are prohibited
- ix. Alignment of all roads must be provide adequate sight distances
- x. Intersections must meet at 90 degree angles or be approved by a professional traffic operations engineer as adequate to the existing and planned conditions of the surrounding land. The cost for analysis of said engineer shall be included in the fees charged for review and approval of applicable subdivision.
- xi. Two streets meeting a third street from opposite sides must meet at a common intersection or be offset by at least 125 feet for local streets and 300 feet for major streets
- xii. Grades of approaches to major highways may not exceed 5 percent
- xiii. Local streets shall support connectivity but discourage through traffic by the use of broken grid design or other efficient street network patterns.
- xiv. Construction plans for roads, bridges, sidewalks, curbs and gutters, and rural section ditches must meet or exceed standards and specifications which are established by the City Engineer, and City Engineer approval of proposed plans and specifications for such construction must be received prior to commencement of any construction activities.

- e. Rivers, Railroads, and Highways – Whenever a subdivision borders or contains a railroad, a highway, or a river the following controls shall be in effect:
- f. Access points must be approved by appropriate jurisdictional authority such as the city, county or state highway department.
- g. Residential development along arterial streets may be required to establish a buffer easement up to 40 feet in width, possible berms of 4-6 feet high, and screening with solid fencing, coniferous trees or both. Residential development along Highway 200 shall be required to establish a buffer easement of 80 feet containing a continuous screen of two rows of coniferous trees, and other trees or shrubs to create a substantially opaque screen which also reduces the effect of highway noise on the residential development.
- h. Development adjacent to river shall be required to establish a 100 foot building control line from the riverbank. If the top of the riverbank is more than 15 feet above the normal high water mark, a stability analysis must be performed to determine if a distance exceeding 100 feet from the edge of the riverbank is warranted.
- i. Naming of Streets – Street names shall not duplicate or be likely to be confused with existing street names. Whenever possible streets shall be numbered in accordance with a progressive numbering system established by the City Council. The Street names must be considered acceptable to and consistent with the 911 Emergency Management address requirements.
- j. Sidewalks and Multi-use trails – sidewalks are required to be constructed in the boulevard of, and on both sides of, all streets at locations approved by the City Engineer, and shall be constructed to City standards. When deemed appropriate, additional rights-of-way may be required for dedication to provide for the location of multi-use trails. Such trails shall be constructed to City standards.
- k. Water Supply and Fire Protection – all lots must be provided with municipal water of sufficient pressure and volume to fight fires and meet potable water needs of the anticipated use. Plans for said water supply and fire protection must be prepared and approved by the City Engineer prior to final plat approval by the City Council.
- l. Sewage Treatment – all lots must be provided with access to municipal sewage collection and treatment system. In the event that a proposed development does not have immediate access to sewage collection and treatment system, the City may allow temporary use of onsite septic systems until the sewage collection and treatment system is in place. Plans for said sewage collection and treatment must be prepared and approved by the City Engineer prior to final plat approval by the City Council.
- m. Utility Easements – appropriate easements shall be provided on the final plat for all utilities and infrastructure in accordance with an overall plan for installation of utilities which is approved by the City Engineer prior to final plat approval.
- n. Solid Waste – all non-residential lots must provide a site for convenient garbage pickup
- o. Parks and Public Spaces Dedication and Maintenance – all subdivisions contemplated for residential use must designate and dedicate space for public parks or open space within 1000 feet walking distance of every lot in the subdivision. The minimum amount of

space to dedicate for public parks or open space shall be the greater of 8000 square feet or 5% of the land area contained in lots of the subdivision. All such park land shall be maintained by the City or the City Park Board.

- p. Payment in Lieu of Public Space Dedication – if there is already public parks or open space sufficient to meet the Parks and Public Spaces Dedication requirements, cash in lieu of additional park or public space dedication may be paid to the City’s park maintenance fund. The amount of the cash in lieu shall be equivalent to the market value of the lots being developed and/or sold for development.
- q. Parks and Public Space Standards – parks and public spaces must contain landscaped greenspace with seating areas for public gatherings, or playground equipment, or both. Additional requirements may be established at the time of plat approval depending on the location of the proposed park or open space.
- r. Preservation of Natural Features – to the maximum extent feasible, natural features such as mature trees, watercourses and wetlands, and other significant natural features shall be preserved and incorporated into the development of subdivisions.
- s. Subdivision Improvement Agreements – Upon final approval of any preliminary subdivision plat, the subdivider or developer may petition the City Council for the purpose of installing the required public improvements. The subdivider or developer may petition the City Council to install public improvements in one of three ways:
  - i. The subdivider or developer installs all the required public improvements at their own cost. Should the developer or subdivider request to install all required public improvements at their own cost, and the City Council provides approval to this request, the developer shall be required to sign an agreement authorizing improvements by developer, as provided by the City's Attorney and approved by the City Commission which sets out the required security to be furnished by the developer.
  - ii. The City creates an improvement district in order to assess the improvement costs against benefitted properties. Should the developer or subdivider request to have the City create an improvement district in order for the public utilities to be installed, and the City Council approves this request, the following procedure shall be followed:
    - 1. Subdivider or developer shall sign an Improvement District Agreement as furnished by the City Attorney and approved by the City Council, which sets out the required security to be furnished by the developer.
  - iii. Part of the improvement costs are borne by the subdivider or developer and the City creates an improvement district in order to assess the remaining improvement costs against benefitting properties. Should the developer or subdivider request to have the City create an improvement district for the installation of part of the improvements and also request to install the remaining improvements, and the City Commission approves these requests, the following procedure shall be followed:

1. Subdivider or developer shall sign an agreement authorizing improvements by developer, as provided by the City's Attorney and approved by the City Council which sets out the required security to be furnished by the developer.
  2. Subdivider or developer shall sign an Improvement District Agreement as furnished by the City Attorney and approved by the City Council, which sets out the required security to be furnished by the developer.
  - iv. Regardless of the method used to pay for the improvement costs for the subdivision, all improvements shall be installed in accordance with these regulations and the City Engineer's guidelines.
6. **Information Required On or With Plats** – Final plats must contain such information as required by the North Dakota Century Code and Dunn County, and such other information as may be required by the Zoning Administrator and the City Council.
  7. **Assurance of Completion and Maintenance of Improvements** - No final plat shall be approved by the City Council until it has received assurance in the form of a bond or irrevocable letter of credit for all work to be undertaken by the developer of said plat for all improvements required by the City, and that a development agreement as to the construction and maintenance of all improvements has been signed by the developer.
  8. **Supplemental Requirements** (reserved for future use)

#### **G. Administration and Enforcement**

1. **Zoning Administrator.** An administrative official shall be designated by the Dunn Center City Council to administer and enforce this Ordinance. The administrative official may be provided with assistance of such other persons as the City Council may direct.
2. **Permits Required.** No lots or parcels, structures, and uses of land or structures shall heretofore be permitted until applications for such lots or parcels, structures, and uses of land or structures shall have been made on forms and according to procedures established by the administrative official of Dunn Center, and approved in accordance with the procedures and regulations established by this Ordinance:
  - a. All Permitted Uses require a zoning permit issued by the Zoning Administrator upon appropriate review as required by this Ordinance. Any construction or development activity authorized by said zoning permit must be substantially completed within one year or the applicant must apply for another zoning permit to complete the activity.
  - b. All Conditional Uses require a conditional use permit upon approval by the City Council after a public hearing has been held and the recommendations of the Planning Commission have been considered in accordance with any applicable procedures established by the Planning Commission and this Ordinance.

- c. All Zoning Text Amendments and Zoning Map Amendments require approval by the City Council after a public hearing has been held and the recommendations of the Planning Commission have been considered in accordance any applicable procedures established by the Planning Commission and this Ordinance.
  - d. All subdivision plats require approval by the City Council after a public hearing has been held and the recommendations of the Planning Commission have been considered in accordance with any applicable procedures established by the Planning Commission and this Ordinance.
  - e. No action allowed under the requirements this Ordinance shall be initiated until any required application process is complete. No permit shall be issued except in conformity with the provisions of this Ordinance except after written order from the Board of Adjustment.
3. **Planning Commission.** Pursuant to the North Dakota Century Code a body known as the Dunn Center Planning Commission is hereby established. The Dunn Center Planning Commission shall also serve as the Zoning Commission of the City of Dunn Center, and is hereby charged with the duties identified in this ordinance and such other duties as may be allowed by the North Dakota Century Code for Planning and Zoning Commissions. The Planning Commission shall hold public hearings and provide recommendations to the City Council on applications for conditional use permits, land development code text amendments, zoning map amendments, and subdivision plats. The Planning Commission shall also recommend changes to the Dunn Center Comprehensive Plan from time to time as it considers necessary. The Planning Commission shall be appointed by the City Council of Dunn Center and shall establish bylaws governing its terms of office, membership, and procedures which are consistent with the North Dakota Century Code.
4. **City Council.** Pursuant to the North Dakota Century Code the Dunn Center City Council has the following responsibilities under this Ordinance:
- a. Review Dunn Center Land Development Code text amendment applications and take the final action to approve or deny such applications.
  - b. Review Dunn Center Land Development Code Zoning Map amendment applications and take the final action to approve or deny such applications.
  - c. Review Subdivision applications and take the final action to approve or deny such applications.
  - d. Review Conditional Use Permit Applications and take final action to approve or deny such applications.
5. **Board of Adjustment.** Pursuant to the North Dakota Century Code a body known as the Dunn Center Board of Adjustment is hereby established. The Dunn Center Board of Adjustment shall be appointed by the City Council of Dunn Center, and is charged with such duties as are allowed by the North Dakota Century Code. The Board of Adjustment shall hear and act on applications for variances, and on procedural appeals to actions by the Zoning Administrator. The Dunn Center City Council may appoint itself as the Board of Adjustment. The Dunn Center Board of

Adjustment shall establish bylaws governing its terms of office, membership, and procedures which are consistent with the North Dakota Century Code.

6. **Fees Established by City Council.** The City Council shall establish a schedule of fees, charges and expenses and a collection procedure of the same for any actions and applications which may occur in the course of the administration and enforcement of this Ordinance. The schedule of fees, charges, and expenses shall be on file in the office of the City Auditor, and may be altered and amended by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.
7. **Enforcement.** The zoning administrator is hereby designated as the official who shall be responsible for the enforcement of this Ordinance. The zoning administrator may, upon approval of the City Council, contract with attorneys, professional planners, and other experts in order to carry out the enforcement responsibilities of this Ordinance. Procedures for enforcement of this Ordinance shall be established by the Zoning Administrator and approved by the City Council.
8. **Penalties.** Any violation of this Ordinance shall be a class B misdemeanor and punishable by a maximum fine of \$1000 or 30 days imprisonment or both. Each day a violation continues may be considered a separate misdemeanor.
9. **Procedures.** Procedures for Variances, Conditional Use Permits, Land Development Code text amendments, and Zoning Map Amendments.
  - a. Applications on forms provided by the City must be completed to initiate a variance, conditional use permit, land development code text amendment or zoning map amendment.
  - b. A public hearing must be held prior to any recommendation or decision being made by the appropriate body. Notice of the public hearing must be in accordance with North Dakota Century Code requirements.
  - c. Applications may be submitted only by the city council, the planning commission or a representative of a person or organization having a real interest in property affected by the requirement to be changed.
  - d. Any proposed action must be consistent with the Dunn Center Comprehensive Plan.