

**COMPREHENSIVE PLAN**  
**CITY OF POWERS LAKE, NORTH DAKOTA**



**Prepared by**



**January 2014**

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## POWERS LAKE COMPREHENSIVE PLAN

### Introduction

#### Purpose:

The purpose of developing the City Comprehensive Plan ('Plan') is to create a framework consisting of goals, objectives, and policies that will allow an ordered, predetermined, and successful pattern of expansion to the City of Powers Lake, North Dakota.

The collection of data used in support of this document extends from:

- Determining the existing conditions of the community's infrastructure / land uses / zoning;
- Estimating population projection;
- Establishing community vision;
- Identifying objectives and goals for city expansion and growth.

The Plan can be considered a vision statement containing general guidelines for development that will be implemented through the zoning codes set forth by the City's jurisdiction. Specific rules for permitted uses, dimensional and development standards are criteria set forth by the City's Zoning Ordinance.

The Comprehensive Plan should be considered a "Living Document" as it needs to be maintained and allowed to evolve and reflect the changes that occur during its' lifetime. It is suggested that the 'Plan' be updated on a five-year interval. As the community grows, so too will the document that is a tool to shape the community consistent with the City's leadership objectives.

The Plan can serve well as a guide to aide City officials, landowners, developers, and other parties involved in making future land use decisions. It has been developed and shaped through evaluation of technical information including geography, topography, population projection, transportation, economics, public facilities, and the assistance of the responsible citizenry who provided their time in participating in the planning process.

The primary goals of the Plan are to:

- Encourage controlled growth and diversification of the local economy and broaden the City's tax base for a planning period (20 years) that is consistent with the population peak year (2029 with a population peak of 592 permanent residents) found within the Population Projection prepared by Ondracek & Bertsch (see Appendix A);
  - Provide designated areas for an increased housing demand;
  - Designate areas most suitable for residential, commercial, and industrial expansion using the basis of existing facilities and compatible uses;
  - Identify infrastructure deficiencies, needs, and suitable areas of expansion;
  - Establish areas of recreation and public use;
  - Maintain the rural attractiveness of the community;

- Provide a mechanism by which costs of expanding public facilities and services can be reasonably shared with new development

All of these goals are intended to be met without compromise to the City's character.

The information collected during the numerous Steering Committee Meetings allowed for the development of this plan to take place. Vision and Goals were developed by the Steering Committee based upon opinions and conclusions allowing for specific objectives to be established. This public involvement was key in determining issues and in establishing an understanding of what the community is striving to become in the next 5 or 20 years. Adherence to the determined goals as developed by the Steering Committees will enable the City to better the community.

The City's current Zoning Ordinance is being updated concurrently in order to bring continuity with Future Land Use Planning.

Plan Principles:

The Comprehensive Plan ('Plan') will establish a structural framework using specific Goals and Discussion that have been formulated during the plan creation process. The goals are the intention for which the community is striving. These Goals and related Discussion will then generate Policies which are specific statements of principal or directives. Policy will be implemented through existing Zoning Ordinances.

The planning area for this Comprehensive Plan is the area within the City limits extending out to the city's Extra Territorial Zoning Authority Area (ETZA) which bounds the city 1 mile out.

The Plan intends to provide for managed growth with primary consideration for the projected peak resident population of 592 residents in year 2029 derived principally from the impacts of Oil and Gas development.

Legal Foundation for Plan:

The Comprehensive Plan is not a law nor does it establish regulations. It can be considered the guiding document when developing zoning ordinances (land use laws) that will be used to implement the plan. The zoning ordinances are developed and adopted via a separate process. Per the North Dakota Century Code Chapter 40-48, 'The comprehensive plan is reviewed and adopted by the planning commission. To make the document the official master plan for the municipality, the document is to be approved by ordinance by its governing body and recorded with the county recorder.'

Adoption Process- Through an advertised, public hearing of the Planning Commission, the adoption of the plan shall be through resolution by no less than 2/3 affirmative votes. Following the advertising period (10 days) published in the official, municipal newspaper, the plan can be voted on by the City Council and enacted by Ordinance.

**PHYSICAL LOCATION AND MAJOR FEATURES:**

[Refer to Corporate Limit Maps]

The City of Powers Lake located in the southern portion of Burke County, North Dakota is an agriculturally based municipality with a current, estimated population of 385 (280 per the most recent 2010 Census). The City encompasses approximately 823± acres (1.29± sq. miles) with the City's south boundary sharing the northern coastline of the 345± acre Powers Lake. The existing incorporated limits of Powers Lake are located within Colville Township. The City's existing complexion consists of primarily agricultural, residential, transportation, and commercial uses. The corporate limits have been approximated using the best available information (i.e. early city plat records and state agency data).

Railroad Avenue serves as the city's main access from Route 50 (State Highway System) which is classified by NDDOT as Major Collector Roadway. The City's commercial uses are primarily situated along Main Street and Railroad Avenue. The Burlington Northern Railway has a single rail line aligned east & west running parallel to Railroad Avenue on the south side of the Right-of-Way, the rail line terminates approx. 3 miles west of the City limits. Agriculturally based interests are interspersed along Railroad Avenue with the grain elevator located south of the rail line at the intersection of Ueland Street and Railroad Avenue. The planning area extends east of Anderson Street roughly 1 mile to the City's Extra-Territorial Zoning Authority limit, extends west of the City's lagoon system roughly 1 mile to the west edge of the City's Extra-Territorial Zoning Authority limit covering portions of the Powers Lake Waterfowl Production Area, extends south roughly 1 mile to the County line, and extends north roughly 1 mile. This planning area represent the most significant, potentially developable portions of the City and are the areas that have been reviewed and analyzed. The Extra-Territorial Zoning Authority area encompasses approximately 6,140 acres or 9.6 square miles.

*HYDROLOGY & TOPOGRAPHY*

The City of Powers Lake is located within the Upper White Earth River Watershed which drains approximately 47,967 acres (74.9 square miles) ultimately contributing flow to Lake Sakakawea and the Missouri River System. The surrounding land drains to Powers Lake elev. 2190 feet (NAD 27) which outfalls in the northwest portion of the lake through a pond-wetland system and eventually to the White Earth River, elevations range from 1495 to 1490. Local Surface run-off drains to the generally east / north east via overland flow to the drainage located at the east end of Fourth Avenue. The USGS Benchmark elevation for Powers Lake is 2206 feet (NAD 27)

*SOILS*

Soil composition within the corporate limits consists primarily of Appam-Wabek complex (NRCS Map Unit Symbol C806B) with slopes varying from 2 to 6%, soil Hydrologic Group is A. Other pertinent soil within the corporate limits are Williams-Zahl loams (NRCS Map Unit Symbol, C132B, 3 to 6% slopes, Hydrologic Group C; Williams-Zahl-Zahill complex (NRCS Map Unit Symbol, C135C, 6 to 9% slopes, Hydrologic Group C; Zahl-Williams loams, 9 to 15% slope, Hydrologic Group C. Hydrologic Group A soils

have high infiltration rates (lower run-off rate potential) could be described as sands or gravelly sands, Hydrologic Group C soils have slow infiltration rates when saturated (higher run-off rate potential)

#### *EXISTING CONDITIONS*

[Refer to Existing Utility Maps]

Dedicated Rights-of-Way within the City contain a well maintained system of paved roadways. Access to and from the City is via State Road Route 50. Two primary access locations to Route 50 are Railroad Avenue at the City's southeast quadrant and Ward Street on the City's north side.

Water distribution and Sanitary Sewer Collection systems are networked across the City. The source of potable water is well water derived and treated for distribution from the City's water treatment facility. The sanitary sewer collection system flows via gravity to the east where it is lifted by pumps and pushed via forcemain into the Waste Water Treatment Facility. The facility is located adjacent to and south of the BNSF rail line within the City's southwest quadrant. The facility consists of two stabilization lagoon cells, a primary cell and a secondary cell which discharge into the White Earth River system. The existing lagoon system is permitted (Permit No. NDG-12000) under the North Dakota Pollutant Discharge Elimination System to discharge from the wastewater stabilization ponds. Discharge is allowed by permission from the North Dakota Department of Health per the permit conditions (following a reviewed request and effluent sample meeting limited discharge concentrations for BOD (Biological Oxygen Demand), TSS (Total Suspended Solids), PH (Potential Hydrogen, acidity), and Fecal Coliform. Discharge volume is to be measured.

Refer to City of Power Lake Utilities Map for the location of potable water and sanitary sewer collection systems.

*EXISTING LAND USES AND ZONING*

[Refer to City Zoning Map]

Existing Land Uses are categorized in the standard districts of commercial, industrial, public (government, schools and related facilities and parks), and residential (single family and multi-family combined). The distribution of designated Uses over the developed portions of the City range as follows:

2013 Existing Zoning / Land Use Designations

Zoning	Area, acres	% of Whole
Commercial	20.9	2.5
Industrial	28.3	3.5
Residential	87.9	10.7
Public	75.0	9.2
Conservation	325.3	39.4
Rights-of-Way	285.6	34.7
<b>Total</b>	<b>823.0 Acres</b>	<b>100%</b>

Public – Public Spaces & Buildings, Government Facilities, Schools, Parks, and Open Space

Portions of the City that are currently undeveloped / vacant are distributed per Use as follows:

Use	Undeveloped / Vacant Area, acres
Commercial	1.2
Industrial	2.5
Residential	15.6
Public	15.0
<b>Total</b>	<b>34.3 Acres</b>

It is important to note the availability of vacant Residential and Commercial property inventory that could be readily converted or directly used.

Using the compiled and reviewed information on the existing conditions for the City, the Plan will now present the planning goals and related policies that will allow the City to transition into a community that can effectively handle the projected increase in resident population.

## **FUTURE LAND USE ELEMENT**

## FUTURE LAND USE ELEMENT

[Refer to Future Land Use Map]

**Goal 1– Develop Balanced Land Use Pattern** The intent is to institute a plan that promotes the best use of available lands that encourages organized growth and city expansion.

**Discussion:** The city intends to develop a plan that meets the demand of increased population by allowing for a variety of land uses, targeted residential densities (dwelling units per acre) and commercial intensities (square footage of commercial space per acre), the stabilization of existing properties and values and promotes economic growth and organized city expansion.

The development of the Future Land Use Map (FLUM) which designates a full range of land use categories that are consistent and compatible with the existing and developing growth patterns, topographic conditions, and the availability of essential services.

**Policy 1.1, Establishment**-The land use determinations and intensity limits described in the following land use categories are established upon adoption of this Comprehensive Plan.

**Policy 1.2, Adoption**-The City will adopt the Future Land Use Map (FLUM). The FLUM will determine suggested land uses and direct locations of new development. The FLUM will be supported by the Zoning Ordinances in place and all new development shall comply with the subject codes.

**Policy 1.3, Land Use Review**-All new development shall be reviewed by the City for conformance with the Future Land Use Map and related policies during the development rezone and annexation process.

**Policy 1.4, Allowable Land Uses** – The listing of appropriate, intended uses in each land use category

### Residential

**Residential (R)- Areas with this designation are intended** to accommodate various structures to include: traditional single-family detached, duplex (two-unit attached), townhome, and multi-plex structures (condominiums and apartments). Additionally, Accessory Structures (i.e. detached garages, workshop, sheds and similar structures) that are accessory to the principal structure are allowed. All dimensional /development standards, parking regulations and conditional uses are provided by the Zoning Ordinances in place.

The below subcategories are intended to add further definition and specificity to the broad use.

**Residential (R-1)** - Intended to accommodate and preserve single –family development at a suggested maximum density of four (4) dwelling units per acre (min. lots size 10,000 square feet). All dimensional /development standards, parking regulations and conditional uses are provided by the Zoning Ordinances in place.

**Residential (R-2)** - Intended to accommodate single-family attached or multi-family development with a higher density residential use such as town-homes, duplex or 4-plex dwelling units at a suggested maximum density of six (6) dwelling units per acre (min. lot size 7,500 square feet). All dimensional/development standards, parking regulations and conditional uses are provided by the Zoning Ordinances in place.

**Residential (R-3)** - Intended to accommodate the multi-family development with the suggested maximum density of 14 dwelling units per acre (min. lots size 10,000 square feet). All dimensional /development standards, parking regulations and conditional uses are provided by the Zoning Ordinances in place.

**Residential (Low)** - Intended to accommodate low density single-family development with the suggested maximum density of 0.5 dwelling units per acre (min. lots size 87,120 square feet, 2 acres). All dimensional /development standards, parking regulations and conditional uses are provided by the Zoning Ordinances in place.

**Mobile Home**

**Mobile Home (MH)** – Intended to accommodate a permanent single-family detached, manufactured housing use on individual lots. Manufactured home construction to be consistent with industry standard dimensions (i.e single, double, triple widths). Suggested maximum density of ten (10) dwelling units per acre with a maximum building coverage of 50%. All dimensional /development standards, parking regulations and conditional uses are provided by the Zoning Ordinances in place.

**Recreational Vehicle - Seasonal**

**Recreational Vehicle (RV)** – Intended to accommodate the use of transient, non-permanent, portable unit designed for travel or recreational purposes. This use is intended to allow tourists and extended stay visitors available facilities for their purposes. All dimensional /development standards, parking

regulations and conditional uses are provided by the Zoning Ordinances in place.

### **Commercial**

**General Commercial (C)** - Intended to accommodate a wide range of commercial uses serving the general population. Suggested Floor Area Ratio (FAR-gross square footage of structure per acre of property) is a maximum of 1.2. Appropriate uses include a wide range of commercial retail and service use for residents and visitors: hotels / motels, convenience stores, filling stations, restaurants, office, and similar uses consistent with those permitted by the zoning ordinance in place. All dimensional/development standards, parking regulations and conditional uses are provided by the Zoning Ordinances in place.

### **Industrial**

**Industrial (I)**-Areas with this designation are intended to accommodate a wide range of industrial uses to include but not be limited to uses listed within the Zoning Ordinance: Animal Veterinary Facilities (clinic, hospital, kennel), Automotive (sales, services, repair), Bottling Plant, Cement Mixing Plant, Grain & Feed Mill, Grain Elevators, Greenhouses / Nurseries, Lumber Yard, Machinery (Heavy Equipment, Farm Implement Sales, Storage, Service, and Repair), Manufacturing or Fabricating Establishments, Parking Lots & Garages, Sewage Disposal Plants, Solid Waste Landfill, Service Stations, Trucking or Freight Terminal, Warehouses, and Welding Shops.

Suggested Intensity ratio (gross square footage of structure per acre of property) is a maximum of 1.2

### **Public**

**Public (P)** Areas with this designation are intended to accommodate uses that are intended for public uses & needs to include Government Services and related facilities, Municipal Facilities, Schools, and Medical Facilities. Additional some areas with this designation are intended for sporting facilities, parks, and viable open space intended to serve community wide recreational needs to include sporting activities such as baseball, softball, football, soccer, tennis, golf, hockey, ice skating, in-line skating, jogging, bicycling and leisure activities like walking and enjoying the outdoor setting.

A guideline for community parks / recreation facilities should be 1 additional acre of park area for every 100 additional residents.

FUTURE LAND USE MAP DISTRIBUTIONS:

Use	Designated FLUM Area, acres
Commercial	383.3
Industrial	93.2
Public – Lake Buffer	370.9
Residential (R-1, R-2, R-3)	335.7
Residential-Low Density (2.0 Acre Lot Min.)	141.9
<b>Total</b>	<b>1,325 Acres</b>

Residential opportunities based on the FLUM designations and maximum densities provide for the following: (Assume of the gross areas that 50% is not developable due to topographical constraints and 25% will be dedicated to Right-of-Way)

Use	Area, acres	Density	Potential Dwelling Units
Residential (R-1)	41.5	4 DU / Acre	166
Residential (R-2)	41.5	6 DU / Acre	249
Residential(R-3)	41.5	14 DU / Acre	581
Low Density	53.2	0.5 DU / Acre	26
	221.1 acres		1,022 DU

DU = Dwelling Unit, 1 DU = 3 residents (est.)

Residential use types are market driven and demand for a specific housing will vary. The potential 1022 DU could satisfy an estimated population of 3,066 residents which far exceeds the projected population, but will provide for significant development flexibility. Planning for this flexibility and providing options for various housing types and locations will make development in the City of Powers Lake attractive.

## **HOUSING & ECONOMY ELEMENT**

## HOUSING & ECONOMY ELEMENT

[Refer to Existing Zoning Map & Future Land Use Map]

### **Goal 2-Housing**

**Discussion:** There is a clear need to provide affordable, safe, and sanitary housing in a decent living environment to meet the demands of the existing and projected population. As the part of the population ages there is a need for transitional housing offering facilities that require less effort to maintain. While this segment of the population transitions to a different setting, there are opportunities for the vacated spaces to be occupied by a segment that is willing to accept these maintenance obligations. Furthermore the population is projected to grow primarily as a result of oil / gas and Potash development within the region as demonstrated in the study prepared by Keith Witwer & Associates, refer to appendix A.

**Policy 2.1, Future Land Use Designation-**Future Land Use Map shall designate lands for development at a range of residential densities suitable for single-family, multi-family, mobile home and manufactured housing in defined residential use categories sufficient to accommodate the existing population and anticipated growth over the planning period.

**Policy 2.2, Redevelopment-**The City shall permit existing mobile home parks to continue but shall limit new mobile home parks to areas defined by the FLUM. The City shall encourage the 'redevelopment' of older, existing park(s) through the provision of increased densities.

**Policy 2.3, Funding-**The City will explore the appropriateness of, and make application for, all additional funding such as CDBG grants etc., as warranted. The City should create, develop, and maintain a Grant Seeking Committee for the purpose of researching, reviewing, and making application to all available, pertinent, and applicable state and federal grants. Refer to attached list of Grant / Loan Programs, Appendix B.

**Policy 2.4, Central Facilities-**The City shall require residential development within the Corporate Limits to make connection with the central, municipal water and sewer system and have the option to require hook-up fee for these connections.

**Policy 2.5, Conservation-**The City shall continue to conserve existing housing by emphasizing redevelopment and enforcing appropriate development regulations as established by the Zoning Ordinance in place.

**Policy 2.6, Affordable Housing-**The City shall include within its Zoning Ordinance a provision for an affordable housing density bonus to encourage private developers to include housing for low income families in their development projects. Low Income would be defined by the Department of Housing and Urban Development. The grant of bonus density would allow an additional four (4) units per acre to the R-3 zoned area.

**Goal 3-Economic Expansion**

**Discussion:** The City currently has land zoned for commercial, residential, and industrial development and new areas designated within the Future Land Use Map. By providing new retail, services, products, and goods along with employment opportunities scaled to the community there will be improved livability to the City while adding additional tax base.

**Policy 3.1, Attraction-** Establish by way of the Future Land Use Map locations where compatible commercial and industrial enterprises may be attracted.

**Policy 3.2, Support-** Provide cooperative relationship between City government and local business through the support of local business in an effort to retain and expand existing enterprises.

**Goal 4-Recreation / Conservation**

**Discussion:** To conserve Open Space and satisfy the recreational needs of the citizens of Powers Lake through the maintenance and improvements to existing park & recreation facilities and identification of areas suitable for future recreation, sporting facilities, and park locations and development.

With the provision of recreating areas, the City promotes opportunities for residents to incorporate physical activities, community and scenic appreciation into their daily lives.

**Policy 4.1, Connect-** Encourage new development to develop and inter-connected pedestrian / bicycle path / sidewalk system

**Policy 4.2, Park-** Encourage and promote open space / recreational and park space opportunities within or adjacent to new residential development. New development should consider appropriating one (1) acre of new community park for the addition of every 100 residents.

**Policy 4.3, Powers Lake Buffer Zone-**Provide limited development buffer from Powers Lake edge of water extending an off-set distance of 500'. Development limited to single family home site construction.

**Goal 5– Property Maintenance**

**Discussion:** Implement regulations to protect land values, promote safety, minimize unsightliness, and provide general maintenance and upkeep of properties to ensure repair of buildings, structures, and signs. A city wide Property Maintenance Code is encouraged

**Policy 5.1, Property Maintenance Code** – Establish and implement a City wide Property Maintenance code. The code will address unmaintained properties /structures and signage, blighted properties and structures, and abandoned structures. Structures that are deemed unsafe for entry would be included.

**Policy 5.2, Enforcement Program-** A segment of the Property Maintenance Code will provide for an enforcement program that would allow the City the latitude to levy fines for non-compliance.

**Goal 6-Historic Preservation**

**Discussion:** The City contains various buildings and structures that have historical significance and value. Encouraging the preservation and promoting rehabilitation of these possible amenities ties the City back to its roots. The City’s history is displayed within its’ architecture and has value that should be maintained.

**Policy 6.1, Preserve-**Preserve and Protect historically significant buildings and structures from deterioration and / or demolition by pursuing funding sources for historic preservation

**Policy 6.2, Incentives-**The City will consider incentives to encourage the preservation of locally identified historic structures using mechanisms such as tax relief or tax abatement.

**Policy 6.3, Funding-** The City shall pursue funding sources for historic preservation to include state grants, federal grants, tax benefits, and revolving funds.

**Goal 7-Redevelopment**

**Discussion:** Certain areas exist where properties are being underutilized due to vacancy, abandonment, or blight. Renovation, rehabilitation, and reconstruction can raise the properties to where they can be no longer a detriment but rather asset and productive use.

**Policy 7.1, Redevelopment-**The City should encourage redevelopment in areas where public facilities and services are currently available in an effort to reduce capital costs for extending infrastructure.

Undeveloped / Vacant Property within City:

Use	Vacant Area, acres
Commercial	1.2
Industrial	2.5
Residential	15.6
Public	15.0
<b>Total</b>	<b>34.3 Acres</b>

The identified vacant properties that are currently residentially zoned could be developed without the need for significant off-site utility expansion. Considering these properties as an R-1 District, the 15.6 gross acres (reduce by 50% due to topographical constraints and 25% for Right-of-Way, 5.9 acres net) yields approximately 23 lots. Use of these vacant, underutilized properties make good sense as they are ‘shovel’ ready and will not reduce existing capacity within the municipal potable or sanitary systems.

**Policy 7.2, Underutilization**-Vacant buildings, undeveloped and underutilized property having direct access to existing roadways and water / sewer, and drainage facilities should be identified.

***Goal 8-Oil / Gas Impact Crew & Temporary Housing***

**Discussion:** Oil & Gas Impact has presented needs for immediate housing of work staff. This has been handled through the placement of ‘man camps’ in neighboring communities. The City of Powers Lake desires to plan for these ‘developments’ as proactively as possible.

**Policy 8.1, Temporary Work Force Housing**-Temporary Work Force Housing developments are to be considered for approval through the Special Use Permit process. Application requirements are defined in Appendix C. The Planning Commission and City Council can determine which requirements are applicable for each application

## **INFRASTRUCTURE ELEMENT**

## INFRASTRUCTURE ELEMENT

[Refer to Existing Utility Infrastructure Maps]

### ***Goal 8– Utilities System***

**Discussion:** Essential services of central water and sanitary sewer service are critical to any community by offering fire protection, potable quality water, and disposal of waste. Maintenance and required upgrade of these facilities is necessary to support existing facilities and to offer City expansion and growth.

**Policy 8.1, Central Facilities-**The City shall require all new development within the Corporate Limits to make connection with the central, municipal water and sewer systems and maintain the option of requiring hook-up fees for these connections. Current water and sewer user fees should be reviewed with consideration for updating.

**Policy 8.2, Connection-**The City shall encourage residential and non-residential uses to connect to the central, municipal water and sewer system where lines have been installed immediately adjoining the property and service is available.

**Policy 8.3, Annual Statement-**The City should annually prepare revenue statements to provide information about revenue sources available to support capital facility construction.

**Policy 8.4, Funding -**The City should actively seek grand funds from state, federal, and other sources where available and when appropriate for capital facility expansion construction.

**Policy 8.5, Needs-** The City should prepare an annual analysis of financial condition that will include capital facility financing needs and revenues available to finance such needs.

**Policy 8.6, Replacement-** The City shall establish replacement schedules for each of its major capital facilities.

**Policy 8.7, Development-** Where practicable, the City should participate with development interests in costs to extend required trunk facilities, water and sewer mains. This can be considered an investment in the City's infrastructure with a return of additional tax base with the serviced development. Additionally, this presents the City as being considered developer friendly.

**Policy 8.8, Utility Expansion-** In concert with the Future Land Use Map, the City has indicated areas for potential utility expansion in support of commercial / industrial, and residential growth. Refer to the Attached Utility Expansion Map and associated Opinions of Probable Costs Appendix D.

**Policy 8.9, Treatment Facility –** Potential, future limitations to the efficiency and capacity of the existing wastewater treatment facility (Lift Station / Forcemain / Stabilization Lagoons) may be

reduced through the implementation of increased aeration methods and if necessary the addition of lagoon area. The City is encouraged to implement a study to determine capacity constraints.

### **Goal 9– Roadway System**

**Discussion:** The city has the need and desire to implement a safe, convenient, interconnected roadway systems using an urban pavement section. City shall require design and construction that is developed to promote safe and efficient travel with optimal access and encourages interconnections between neighborhoods and developments while maintaining or enhancing community character.

**Policy 9.1, Roadway Construction-** All new roadways are to be constructed with curb and gutter, asphalt or concrete surfacing, sidewalks, and adequate storm sewer, where applicable. Specific design standards are per the Zoning Ordinance and City Design standards in place.

**Policy 9.2, Roadway Design-** All new roadways as it relates to turn lane design and construction and intersection design and construction are to be consistent with the practices of the North Dakota Department of Transportation.

**Policy 9.3, Roadway Interest-** The City declares an interest in land use decisions affecting roads and roadway systems outside of its corporate limits and within the Extra Territorial Zoning Authority Area (ETZA) jurisdiction.

**Policy 9.4, Development** -Where practicable, the City should participate with development interests in costs to extend roadways. This an investment in the City’s infrastructure with a return of additional tax base with the serviced development. Additionally, this serves as the City as being considered developer friendly.

**Policy 9.5, Review-** All new development shall be reviewed by the city for conformance with related policies.

### **Goal 10- Development Standards**

**Discussion:** Develop and maintain design standards for infrastructure design and construction. This allows the City to establish consistent standards for infrastructure design.

**Policy 10.1, Standard** - The City shall adopt and apply engineering design standards and specifications required for all new development supporting infrastructure (i.e water, sewer, storm sewer and roadways).

**Policy 10.2, Review-** All new development shall be reviewed by the city for conformance with City of Powers Lake design standards as established by the City Engineer, Ackerman-Estvold.

**Goal 11- Waste**

**Discussion:** The generation of inert waste will increase with additional population and commercial and industrial growth. Consideration for expanding inert facility capacity should be made.

**Policy 11.1, Inert Waste-** Consideration of coordinated transfer facility and centrally located disposal / incineration facility that could offer cost-sharing with neighboring communities (i.e. Tioga / Stanley)

## **GROWTH ELEMENT**

## GROWTH ELEMENT

[Refer to Future Land Use Map]

### **Goal 12– City Growth**

**Discussion:** In order to meet the demands of the projected population, following absorption of the inventory of developable properties, new areas of the city will need to be developed that lie outside of the existing Corporate Limits.

**Policy 12.1, Zoning Ordinance** – The City shall adopt a revised Zoning Ordinance that provides greater flexibility for growth while maintaining defined control over new development. Existing development will be grandfathered. Proposed Ordinances are provided as a basis and may require further revision prior to adoption. Refer to Work Force Housing Appendix C.

**Policy 12.2, Extra Territorial Zoning Authority (ETZA)** - New Development situated outside of the City's Corporate Limits but within the 1 mile ETZA boundary are to obtain permitting review for zone change, subdivision, and building permits through the City's Planning Commission / City Council and Building Departments as allowed by North Dakota Century Code Chapter 40-47.

City desires to have Burke County defer review and approval authority to Powers Lake within the outer 0.5 mile of the ETZA.

**Policy 12.3, Annexation-** Development of property with residential densities and commercial / industrial uses and intensities as described within the Future Land Use Map Element and Housing and Economy Element shall be annexed into the City's Corporate Limits pursuant to North Dakota Century Code 40-51.2.

## MAPS

# MAPS

Corporate Limits





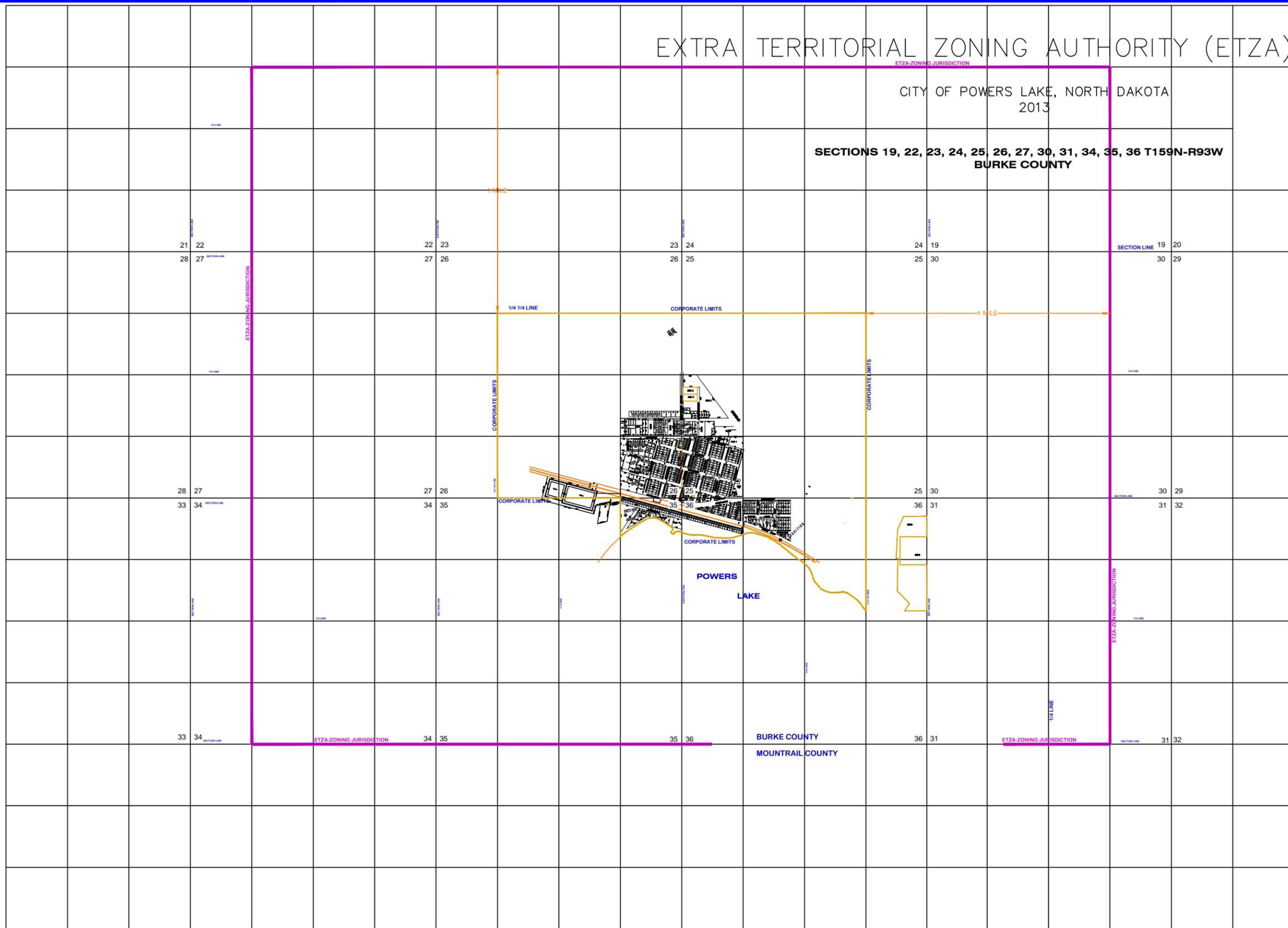
# EXTRA TERRITORIAL ZONING AUTHORITY (ETZA) LIMITS

CITY OF POWERS LAKE, NORTH DAKOTA  
2013

SECTIONS 19, 22, 23, 24, 25, 26, 27, 30, 31, 34, 35, 36 T159N-R93W  
BURKE COUNTY



1"=1000'  
11"X17" SHEET



**ACKERMAN  
ESTVOLD**  
1907 17th Street Southeast · Minot, ND 58701  
701.837.8737 · www.ackerman-estvold.com  
Minot, ND | Williston, ND

SCALE (H): 1" = 1000'  
SCALE (V): 1" = NA  
DRAWN BY: SRW  
DESIGNED BY: AE  
CHECKED BY: AE  
DATE: 12/10/2013

**ETZA LIMITS MAP**  
**CITY OF POWERS LAKE, ND**

PROJECT NO.  
R00027  
DRAWING NAME  
ETZA LIMITS

C-2A



# MAPS

Zoning Maps







# MAPS

Future Land Use Maps (FLUM)





# MAPS

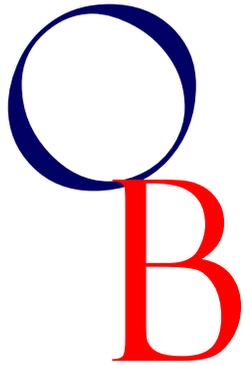
Existing Infrastructure





## **APPENDICES**

Appendix A: Powers Lake Population Study, Ondracek & Bertsch



ONDRACEK & BERTSCH

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*Helping your community plan for the future*

**Powers Lake, North Dakota Population Study**

**September 20, 2013**

**Prepared for Ackerman-Estvold Engineering and Management Consulting Inc.**

**Report prepared by  
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**Study Scope: Powers Lake, ND at 2010, 2015, 2020, 2025, and 2030 as impacted by mineral development**

**Disclaimer: Powers Lake, ND's population projections depend on information inputs concerning mineral development and are subject to change as additional information is known.**

## Executive Summary

Powers Lake, North Dakota can look forward to a sustainable future thanks to the region's oil and gas development. Its population at 2029 is expected to reach nearly 600 (592) people and should slowly trend down in the following years if no new industrial development comes online. Powers Lake has defined the parameters of its development and thus far it has avoided the clutter of uncontrolled RV parking and man camps. If Burke County acts in ways consistent with the lead taken by Powers Lake, the city should be able to maintain its orderly development path.

## Powers Lake, North Dakota's Population: Historic Trends

Powers Lake, North Dakota is a small city that has traditionally served the retail, service, and educational needs of local farm and ranch families residing between larger regional centers such as Crosby, Tioga, Stanley, and Kenmare. In fact, Powers Lake is near the intersection of an imaginary axis connecting Tioga (to Powers Lake's southwest) with Kenmare (to Powers Lake's northeast) and with an axis connecting Crosby (to Powers Lake's northwest) with Stanley (to Powers Lake's southeast). Given Powers Lake's location, it boasts a surprising range of businesses, services, churches, and hosts an elementary school and a high school. However, unlike Kenmare, Tioga, Stanley, and Crosby, Powers Lake does not have a hospital or residential facilities for the elderly. In addition, Powers Lake is not a county seat.

With the consolidation of farms and ranches, and the aging of the region's population, it was widely expected that by the middle of the current decade Powers Lake's elementary and high schools would close. It was also expected that the city would continue to decline as older residents moved to cities with medical facilities and residential facilities for the elderly. Thus, businesses, services, and churches would disappear as the city's residents dwindled. This scenario was entirely plausible given the trends reported by the U.S. Census Bureau.

**Table1: Powers Lake, ND Population: Decennial Censuses 1920-2010**

Year	Population	Change from prior decennial census
1920 Census	251	—
1930 Census	382	+52.2%
1940 Census	464	+21.5%
1950 Census	565	+21.8%
1960 Census	633	+12.0%

1970 Census	523	-17.4%
1980 Census	466	-10.9%
1990 Census	408	-12.4%
2000 Census	309	-24.3%
2010 Census	280	-9.4%

Source: U.S. Census Bureau

### **Powers Lake, North Dakota's Population: Emerging Trends**

However, a new and unexpected scenario written by oil and gas development is beginning to unfold. Unlike Tioga and its historic links to the oil and gas industry, or more recently energy induced growth in Stanley, Crosby, and Kenmare, Powers Lake has remained at the periphery of oil and gas impact. In retrospect this peripheral position has been reinforced by decisions taken by the people of Powers Lake to maintain the city's high quality of life, and external issues such as the location of wildlife refuges, and the timing of oil drilling in the area about Powers Lake.

Powers Lake is an attractive city that appears well maintained. Moreover, it has a stock of newly constructed homes built by a local nonprofit group that used inexpensive lots on which to build homes that were sold at cost. In addition, as oil and gas activity started impacting the city, Powers Lake aggressively enforced ordinances banning informal RV parking from the city.

Powers Lake has grown smartly and forced controlled in-filling and rehabilitation of its existing housing stock. In addition, Powers Lake responded to the need for temporary housing and recently opened a 13-space RV park near the lake. Today Powers Lake is well positioned for new permanent growth as private developers have recently built two four-plexes, five duplexes, and five single family homes.

### **Powers Lake, North Dakota's Current Situation**

While its population peaked at 633 residents at the 1960 census, Powers Lake's 2010 census population reported just 280 residents. By summer 2013 Powers Lake's population is approximately 385 people representing a 37.5% increase from the 2010 census report. This estimate is derived from an examination of Powers Lake's 2010 census vacancy report, Powers Lake occupancy and building changes since 2010, and by estimates provided by Mayor John Albertson in an August, 2013 interview.

**Table2: Powers Lake, ND Population: Decennial Censuses 1920-2010 and 2013 Estimate**

Year	Population	Change from prior decennial census
1920 Census	251	—
1930 Census	382	+52.2%
1940 Census	464	+21.5%
1950 Census	565	+21.8%
1960 Census	633	+12.0%
1970 Census	523	-17.4%
1980 Census	466	-10.9%
1990 Census	408	-12.4%
2000 Census	309	-24.3%
2010 Census	280	-9.4%
2013 estimate	385	+37.5%

Source: U.S. Census Bureau, John Albertson, and Ondracek & Bertsch

**Powers Lake’s Future Population and Oil and Gas Development**

Currently Powers Lake has few unabsorbed housing options. This means that new population growth will need to be accommodated with new housing options. However, in the next decades Powers Lake should experience ongoing oil and gas driven permanent population growth resulting in a population peak that approximates its former high recorded in 1960.

Further arguments for Powers Lake’s ability to accommodate growth are the following. Powers Lake has able leadership. Powers Lake’s bank is locally owned and its owners are interested in Powers Lake’s image and success. Land contiguous to Powers Lake appears to be held by owners willing to sell or develop the land. Finally, Powers Lake’s utility infrastructure has immediate capacity to serve the needs of a population of 500.

### Modeling of Oil and Gas Impacts

The following discussion parameters were provided by the Oil and Gas Division of North Dakota’s Department of Mineral Resources (DMR). According to the DMR, Burke County is expected to see ten active rigs in 2013 and active drilling rigs through 2026. The entire Bakken/Three Forks footprint currently has 188 active rigs and drilling will continue after 2034

**Table 3: Rig Counts by Year for Burke County and North Dakota**

Year	Burke Co.	State
2013	10.0	188.0
2014	10.0	188.0
2015	10.0	188.0
2016	10.0	188.0
2017	10.0	184.0
2018	8.5	180.0
2019	8.5	180.0
2020	8.5	180.0
2021	8.5	177.5
2022	8.5	177.5
2023	8.5	176.0
2024	8.5	162.5
2025	8.5	150.0
2026	8.5	99.0
2027	0.0	90.5
2028	0.0	90.5
2029	0.0	90.5
2030	0.0	69.5
2031	0.0	69.5
2032	0.0	69.5
2033	0.0	35.5
2034	0.0	35.5

Source: Oil and Gas Division of the North Dakota Department of Mineral Resources

While it might be tempting to forecast that Burke County would capture the same proportion of new population as its proportion of active rigs to total rigs (10/188 or 5.32%), Burke County and Powers Lake are late to the game due to circumstances outside of their control<sup>1</sup> and faster growing regional cities such as Tioga and Stanley will receive more growth. Thus, Burke County and Powers Lake are likely to capture growth based on their existing population and infrastructure base.

<sup>1</sup> These circumstances include (i) a thermally mature Bakken footprint that has only recently been identified by the State and the oil and gas exploration companies and (ii) a notable failure of an early well by an oil exploration company.

Two drilling phases are necessary to secure Bakken/Three Forks (BTF) oil leases in the North Dakota BTF region and to fully tap the leases' production potential. The first drilling phase is forecast to employ approximately 188 rigs to secure oil and gas leases. As oil and gas leases are secured, a second drilling phase will employ rigs until all properties have been fully drilled. To secure oil leases, phase one will require 7,000 wells to be drilled. To fully tap oil properties with pattern drilling, DMR's Oil and Gas Division Director Lynn Helms projects that an expected 43,000 phase two wells will be drilled for a total of 50,000 wells<sup>2</sup>.

Drilling is labor intensive but production is not. However, fewer production workers are needed as the wells' gas and fluid production decline and as collection pipelines are constructed and brought online. Nonetheless, for both drilling and production the population impact is magnified by economic multipliers for secondary oil and gas workers, tertiary workers, and household size. Such magnitude is decreased by the fact that a proportion of oil and gas drilling workers live at/near the jobsite and commute to homes elsewhere.

The BTF region is large as is the population associated with oil and gas drilling and extraction. Given Powers Lake's general opposition to man camps and RV parks, its growth can be modeled as dependent on permanent direct oil and gas workers, secondary oil and gas related employees, tertiary workers, and dependents. Given these, the city's oil and gas driven population could peak at 2029 with approximately 600 (592) people.

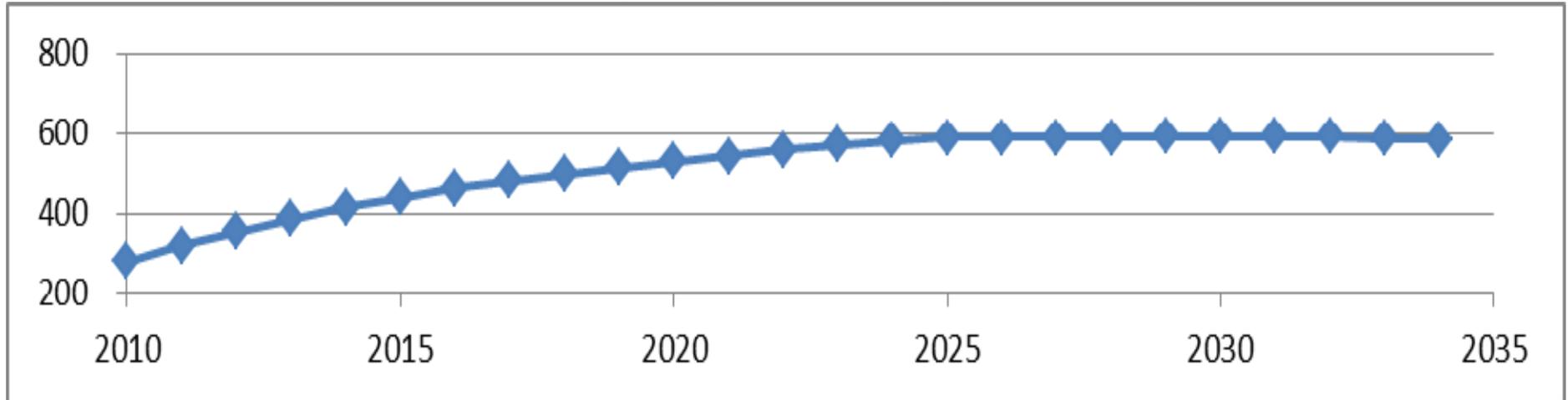
**Table 4: Powers Lake, ND Population 2010—2034 as Impacted by Oil and Gas Development: Permanent Population**

Year	Population
2010	280
2011	319
2012	354
2013	385
2014	414
2015	439
2016	463
2017	481
2018	497
2019	512
2020	527
2021	542
2022	556
2023	570
2024	581
2025	590
2026	589
2027	589
2028	590
2029	592
2030	590
2031	591
2032	592
2033	587
2034	584

Source: Ondracek & Bertsch

<sup>2</sup> These estimates of total wells are dynamic.

**Graph 1: Powers Lake, ND Population 2010—2034 as Impacted by Oil and Gas Development: Permanent Population**



Source: Ondracek & Bertsch

**Conclusion**

The Bakken/Three Forks Region’s oil prospects are uncertain. While the DMR maintains an expected value of 50,000 wells will be drilled, Continental Resources has floated the idea that as many as 200,000 wells will be drilled in northwest North Dakota to tap stacked shale formations. While exact probabilities are not known, it is very likely that 50,000 wells will be drilled while the likelihood of 200,000 wells is small. But, given the upside potential for more than 50,000 wells, Powers Lake appears to have a bright future that is sustainable.

## Appendix A

### Ondracek & Bertsch Powers Lake Population Projection Triangulation with Powers Lake Public School District #27's K-12 Enrollment Projection

Mr. Marlyn Vatne, Superintendent of Powers Lake Public School District #27, faxed a copy of his projections for K-12 enrollment on Tuesday, September 17, 2013. (See Table A1.) These projections were prepared by Mr. Vatne using enrollment data and concerns independent of Ondracek & Bertsch's oil and gas driven population model. Mr. Vatne's projections include historic data for 2010, 2011, 2012, and 2013 and projections to 2023.

**Table A1: Powers Lake Public School District #27's K-12 Enrollment Projection to 2023/2024**

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Enrollment	106	119	130	144	150	159	164	166	168	168	174	174	174	174

Source: Marlyn Vatne

Using Mr. Vatne's data from 2010 through 2023, a regression forecast model was created to project enrollment through 2034. The following table, Table A2 shows enrollment values projected to 2034 and lists Ondracek & Bertsch's Powers Lake population projection in the table's third row.

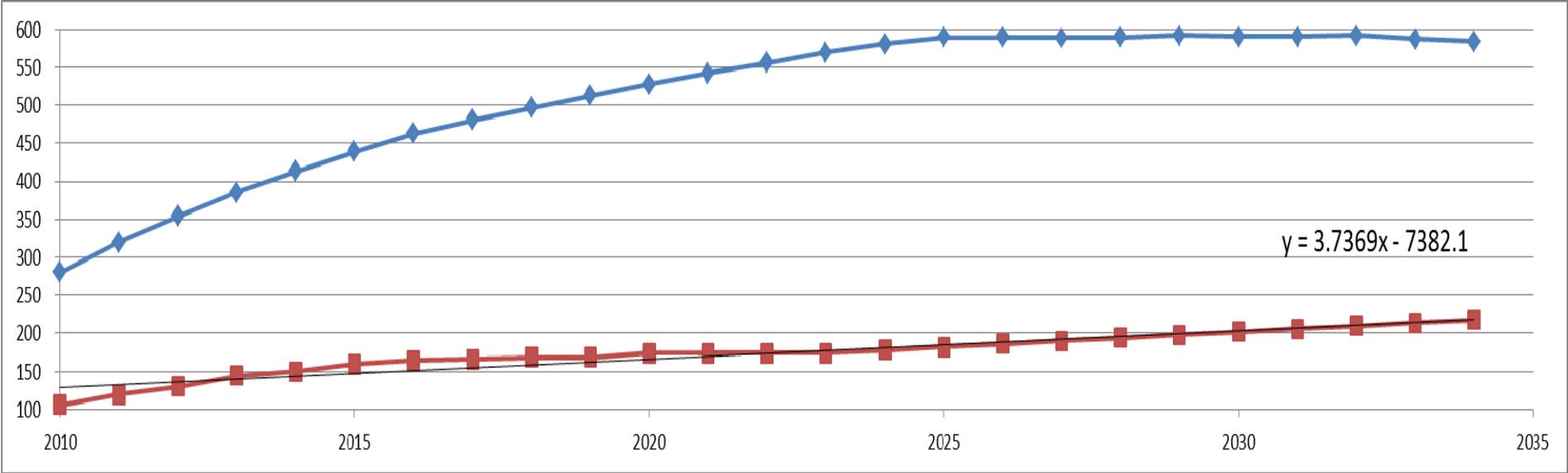
**Table A2: Powers Lake Public School District #27's K-12 Enrollment Projection to 2034/2035 with Powers Lake Population Projection to 2034**

Year	Enrollment	Population
2010	106	280
2011	119	319
2012	130	354
2013	144	385
2014	150	414
2015	159	439
2016	164	463
2017	166	481
2018	168	497
2019	168	512
2020	174	527
2021	174	542
2022	174	556
2023	174	570
2024	178	581
2025	182	590
2026	186	589
2027	190	589
2028	194	590
2029	198	592
2030	202	590
2031	206	591
2032	210	592
2033	214	587
2034	218	584

Source: Marlyn Vatne; Ondracek & Bertsch

Graph A1 juxtaposes Powers Lake populations projection to 2034 with Powers Lake Public School District #27's K-12 Enrollment Projection to 2034/2035.

**Graph A1: Powers Lake Population Projection (top line) and Powers Lake Public School District #27's K-12 Enrollment Projection (bottom line)**



Source: Ondracek & Bertsch

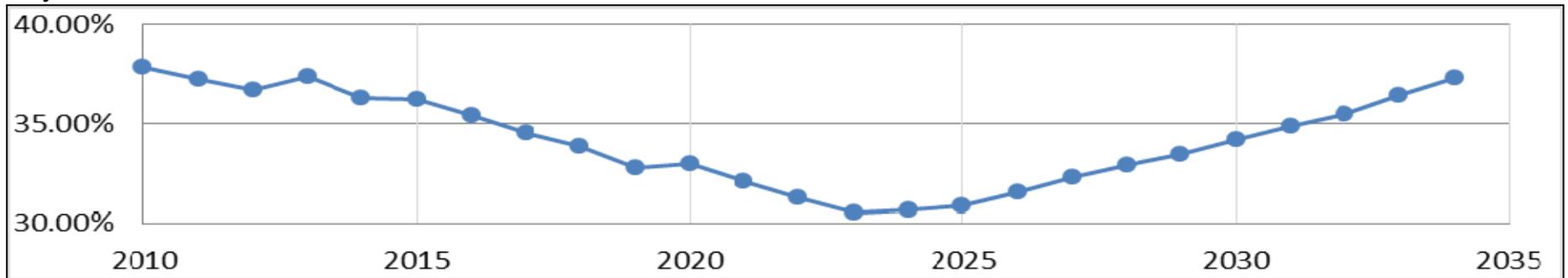
While the relationship of both lines appears supportive, a final table and graph showing the proportion of school enrollment to city population was prepared. Ondracek & Bertsch recognize that the school district draws beyond the city limits of Powers Lake; nonetheless, we employed the school enrollment projections as a means of independently triangulating our model against other data sources. (See Graph A2 and Table A3.) Table A3 shows that the percentage of school enrollment to population ranges from 37.26% in 2010 to 37.3% in 2034 with a low of 30.65% in 2024.

**Table A3: Powers Lake Public School District #27's K-12 Enrollment Projection to 2034/2035 as a Percentage of Powers Lake Population Projection to 2034**

Year	Enroll./Pop.
2010	37.86%
2011	37.26%
2012	36.70%
2013	37.37%
2014	36.28%
2015	36.20%
2016	35.42%
2017	34.54%
2018	33.82%
2019	32.79%
2020	32.99%
2021	32.11%
2022	31.30%
2023	30.54%
2024	30.65%
2025	30.87%
2026	31.57%
2027	32.28%
2028	32.91%
2029	33.47%
2030	34.21%
2031	34.88%
2032	35.49%
2033	36.45%
2034	37.34%

Source: Ondracek & Bertsch

**Graph A3: Powers Lake Public School District #27's K-12 Enrollment Projection to 2034/2035 as a Percentage of Powers Lake Population Projection to 2034**



Source: Ondracek & Bertsch

**Findings**

While the school enrollment projection to 2023/2024 and Ondracek & Bertsch's oil and gas driven population model were prepared independently the two projections complement one another and support one another well.

## **APPENDICES**

Appendix B: Grant / Loan Programs List

#### Grant Programs:

- North Dakota Department of Commerce Division of Community Services Community Development Block Grant (CDBG) Program
- North Dakota Department of Emergency Services Hazard Mitigation Grant Program
- North Dakota Department of Trust Lands Energy Impact and Infrastructure Grant Program
- Souris River Telephone (SRT) Economic Partnership Fund Grant Program
- Souris Basin Planning Council Action Grant Program
- US Economic Development Administration Economic Development Grants
- Various USDA Rural Development Grant & Guaranty Programs

#### Grant/Loan Programs:

- Bank of North Dakota Flex-PACE Program
- North Dakota Department of Commerce Division of Community Services Community Development Loan Fund (CDLF) Program

#### Loan Programs:

- Bank of North Dakota PACE Loan Program
- North Dakota Department of Health Clean Water State Revolving Fund (CWSRF) Loan Program
- North Dakota Department of Health Drinking Water State Revolving Fund (DWSRF) Loan Program
- North Dakota Public Finance Authority Capital Financing Program (CFP)
- North Dakota State Tax Commission Payment in Lieu of Tax (PILOT) Program
- Rural Development Finance Corporation (RDFC) Participation Loan Program
- Rural Development Finance Corporation (RDFC) Community Capital Loan Program
- Rural Development Finance Corporation (RDFC) Flex-PACE Loan Program
- Souris Basin Planning Council Revolving Loan Fund Program
- Souris Basin Planning Council Intermediary Relending Program
- Souris Basin Certified Development Company SBA 504 Loan Program
- USDA Rural Development Community Facilities Loan Program
- Various Special Assessment/Revenue/General Obligation Bonding Programs

## **APPENDICES**

Appendix C: Zoning Ordinance Ch. 6 Land Use, Planning & Zoning

**CHAPTER SIX**  
**LAND USE PLANNING AND ZONING**

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6.0101 Purpose

ARTICLE 2 – Title

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ARTICLE 3 – Definitions

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ARTICLE 4 – Districts

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6.0805 Building Area

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- 6.0903 Height and Area Regulations
- 6.0904 Parking Regulations
- 6.0905 Building Area

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- 6.1001 “R-MH” Mobile Home District
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- 6.1101 “C” Commercial District
- 6.1102 Use Regulations
- 6.1103 Height and Area Regulations
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ARTICLE 12 – “I” Industrial District

- 6.1201 “I” Industrial District
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- 6.1203 Height and Area Regulations
- 6.1204 Parking and Loading Regulations

ARTICLE 13 – “P” Public District

- 6.1301 “P” Public District
- 6.1302 Use Regulations
- 6.1303 Height and Area Regulations
- 6.1304 Parking and Loading Regulations

ARTICLE 14 – Table of Height and Area Requirements

- 6.1401 Table of Height and Area Requirements
- 6.1402 Notes Accompanying Table of Height and Area Requirements

ARTICLE 15 – Height and Yards

- 6.1501 Height
- 6.1502 Front Yards
- 6.1503 Side Yards
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- 6.2002 Variations and Exceptions
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- 6.2005 Amendments
- 6.2006 Severability
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ARTICLE 21 – Severability

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ARTICLE 22 – Amendments and Changes

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ARTICLE 23 – Extension of City of Powers Lake Zoning Authority, Power, and Jurisdiction to Extra-territorial Zone

- 6.2301 Extension of City of Powers Lake Zoning Authority, Power and Jurisdiction to Extra-territorial Zone
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- 6.2303 Future Modifications
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## CHAPTER SIX

### PLANNING AND ZONING

#### ARTICLE 1 – Purpose & Planning Commission

6.0101 Purpose:

For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the city and lessening and avoiding congestion in the public streets and highways it is hereby provided as follows.

6.0102 Planning Commission:

The City Council of Powers Lake shall have the authority to establish a body, titled Planning Commission, with the purpose of providing advisory recommendations to the City Council on planning and zoning matters within the corporate and extra territorial limits pursuant to North Dakota Century Code Section 40-47-06. Until such time that the City Council deems the need for the formation and function of the Planning Commission, the City Council will perform review of zoning, subdivision, and annexation application requests and make determinations on such application actions solely.

6.0103 Meetings:

The City of Powers Lake Planning Commission shall hold monthly or as necessitated, public hearings to provide recommendations for approval or denial to the City Council on submitted applications requesting planning and zoning action.

6.0103 Members Appointed:

The Planning commission shall consist of four (4) members; three of whom shall be City residents appointed by City Council by a majority vote thereof. The fourth member must be a resident of Burke County residing within the Colville or GarnessTownship.

6.0104 Term of Members: Each member shall serve for a term of three years and until his or her successor is appointed and approved by the City Council.

6.0405 Vacancies:

In the event a vacancy occurs on the Planning Commission, an appointment to fill the unexpired term shall be made in the manner in which the original appointment was made.

6.0406 Powers and Compensation:

The Planning Commission shall have the powers and shall perform the duties as may now or hereinafter be provided by law. The members thereof shall receive no compensation, except that they may be allowed actual expenses for traveling as provided by law.

#### ARTICLE 2 - Title

6.0201 Title

This ordinance shall be known and may be cited and referred to as the Planning and Zoning Ordinance.

#### ARTICLE 3 - Definitions

6.0301 Definitions

For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and plural shall include the singular; the word building shall include the word structure and premises and the word shall is mandatory and not directory.

Accessory Building: a subordinate building, the use of which is customarily incidental to that of principal building on the same lot that is not inhabited.

Alley: a public way that affords only a secondary access to abutting property.

Agriculture District: any lands or areas so designated by the City Council under authority of this ordinance.

Apartment: a room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.

Auto Wrecking: see "junk yard".

Basement: that portion of a building between floor and ceiling which is wholly or partly below grade, and having not more than one-half (1/2) of its height below grade. A basement is counted as a story if subdivided and used for business or dwelling purpose other than by a janitor employed on the premises.

Billboard: see "sign, outdoors advertising".

Block: the property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, undivided acreage, river, or live stream, or between any of the foregoing and any other barrier to the continuity of development.

Boardinghouse: a building other than a hotel where for compensation and by arrangement meals, lodging, or both are provided for three (3) or more persons. This includes lodging and rooming houses.

Building: any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

Building Height of: The vertical distance from the lawn grade, street curb level, or street grade, whichever is higher, to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

Building Inspector: The building inspector of the City of Powers Lake, North Dakota or his authorized representative.

Building Line or Buildable Envelope: A line or envelope established, in general, parallel to the platted property lot lines and off-set the distance equal to the required setback for the property's subject zoning. This represents the property's buildable envelope and no structure shall be erected outside of this area, except as otherwise provided by this ordinance.

Cellar: That portion of a building between floor and ceiling which is wholly or partly below grade, and having more than one-half (1/2) of its height below grade. A cellar is counted as a story if subdivided and used for business or dwelling purpose other than by a janitor employed on the premises.

Clinic: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians practicing medicine together.

Club: A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Commercial District: An area where Commercial uses are permitted.

District: A section or sections of the incorporated area of Powers Lake, North Dakota or other area over which the City of Powers Lake has zoning jurisdiction, of which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Dwelling: Any building, or portion thereof, which is designed or used for residential purposes.

Dwelling, Single-Family: A building designed for or occupied exclusively by one family.

Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families.

Dwelling, Multi-Family: A building designed for or occupied exclusively by three (3) or more families.

Easement: A grant by the property owner of the use of a strip of land by the public, or by one or more persons or corporations for a specific purpose or purposes.

Family: A group of one or more persons related by blood or marriage or a group of not more than three (3) persons any of whom are unrelated to any other occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

Farm: An area zoned by the city containing at least forty (40) acres, which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain, and their storage on the area, as well as for raising thereon the usual farm poultry and farm animals such as horses, cattle, sheep and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the commercial feeding of garbage or offal to swine or other animals.

Filling Station: Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.

Frontage: All the property on one side of a street or highway between two intersecting streets or highways (crossing or terminating) measured along the line of the street or highway abutting on one side between an intersecting street or highway and the dead end of the street or highway.

Garage, Private: An accessory building housing motor-driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

Garage, Public: A building or portion thereof, other than a private or storage garage designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

Garage, Storage or Parking: A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired or sold.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building, as approved by the Building Inspector.

Height of Building: See building, height of:

Highway, Primary: A street or highway used primarily for fast or heavy traffic, including expressways, freeways and boulevards.

Home Occupation: Any occupation or profession carried on by a member of the immediate family, residing on the premises; in connection with which there is used no sign other than a name plate not more than one square foot in area or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling; in which no person is employed other than a domestic servant; and in which no mechanical equipment is used except such as is permissible for purely domestic or household purposes. Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of his profession.

Hotel: A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse, a lodging house, or an apartment, which are herein separately defined.

Improvements: Street grading and surfacing with or without curbs and gutters, sidewalks, water mains, crosswalks, sanitary and storm sewers, culverts, bridges, streets, and trees.

Industrial District: An area where Industrial uses are permitted.

Institution: A building occupied by a non-profit establishment for public use.

Junk Yard: The use of more than 200 square feet of the area of any lot whether inside or outside a building, or the use of any portion of that half of any lot that adjoins any street, for the storage, keeping, or abandonment of junk, including scrap metals, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Laundromat: An establishment providing home type washing, drying, or ironing machines for hire to be used by customers on the premises.

Loading Space: A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

Lot: A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, including the open space required by this ordinance having its principal frontage upon a street or upon an officially approved place.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot, Depth: The mean horizontal distance between the front and rear lot lines.

Lot Line-rear: The lot line generally opposite or parallel to the front street line.

Lot, Double Frontage: A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of Ward County, or a parcel of land, the deed to which was recorded in the office of the Register of Deeds prior to the adoption of this ordinance.

Lot-Zoning: A tract of land occupied or to be occupied by a principal building and its accessory buildings, together with such open spaces and yards as are required under the provisions of this ordinance, having not less than the minimum area required by this ordinance for a zoning lot in the district in which such land is situated, and having its principal frontage on a street or a permanent, exclusive, unobstructed easement of access right-of-way to a street, not less than 20 feet wide. A "zoning lot" need not necessarily coincide with a "record lot" as herein defined.

Manufactured Home: A factory built structure, which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles and which bears a label certifying that it was built in compliance with the Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280), which became effective June 15, 1976, promulgated by the United States Department of Housing and Urban Development. (added effective 5/1/06)

Master Plan: The comprehensive plan, or any portion thereof, made and adopted by the Planning Commission in accordance with the laws of the State of North Dakota and regulations of the County of Ward indicating the general or specific locations recommended for streets, parks, public buildings, zoning districts and all other public improvements.

Mobile Home: A transportable, factory built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Home Construction and Safety Standards act of 1974 (24 CFR 3280), which became effective June 15, 1976. A mobile or portable structure constructed to be towed on its own chassis, connected to utilities and used for year-round living. It can consist of one or more units separately tow able but designed to be joined into one integral unit.

Motor Court or Motel: A building or group of buildings used for the temporary residence of motorists or travelers.

Non-conforming Use: Any building or land lawfully occupied by use at the time of passage of this ordinance or amendments thereto, which does not conform after the passage of this ordinance or amendments thereto with the use regulations of the district in which it is situated.

Parking Area or Lot: An open, unoccupied space used or required for use for parking of motor vehicles exclusively and in which no gasoline or automobile accessories are sold or no other business is conducted.

Parking Space: A surfaced area enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred and eighty (180) square feet, exclusive of

driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

Place: An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

Planning Commission: The Planning Commission of the City of Powers Lake.

Residential District: Any residential district designated as such under the authority of this ordinance.

Salvage Yard: A place where used parts of automobiles or other equipment are collected and processed for resale.

Sign: Any device for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

Sign-Outdoor Advertising: Sign, including billboard, which directs attention to a business, commodity, service, entertainment or other activity conducted, sold, or offered elsewhere that on the premises upon which the sign is located.

Stable-Private: A detached accessory building for the housing of horses, ponies, or mules owned by the occupants of the premises and not kept for remuneration, exhibition, or hire.

Stable-Riding: A structure in which horses, mules, or ponies used exclusively for pleasure riding or driving are housed, boarded, or kept for hire, including riding tracks or academies.

Street Line: A dividing line between a lot, tract, or parcel of land and a contiguous street.

Street-Minor: A street intended primarily to provide pedestrian and vehicular access to the abutting properties.

Street-Secondary: A street or highway that is intended to carry traffic from minor streets to the primary highways. Secondary streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar is counted as a story if subdivided and used for business or dwelling purpose other than by a janitor employed on the premises.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor is finished off for use. A half-story containing independent apartment for living quarters shall be counted as a full story.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Subdivision: The division of a tract or parcel of land into lots or parcels of land for the purpose, whether immediate or future, of sale or of building development, including any plat or plan which includes the creation of any part of one or more streets, public easements, or other right-of-way whether public or private, for access to or from such lots or parcels of land, and/or including the creation of new or enlarged parks, playgrounds, plazas or open spaces. "Re-subdivision" includes the division of land in a subdivision made and recorded prior to or after the date these ordinances are adopted. However, the division of land for agricultural purposes into parcels of 40 or more acres, not involving any new street or easement of access, shall be accepted from these ordinances.

Temporary Structure: A structure such as a tent or a building of sectional construction whose design and construction is such that it will be used only for a short period of time or that it can be readily moved to another location.

Tourist Camp: An area containing one or more tents, auto trailers or other portable or mobile shelters for use as temporary living facilities of one or more families, and intended primarily for automobile transients.

Tourist Home: A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty individuals and open to transient guests, with which there is used only one sign not more than two square feet in area, and the lighting of which is regulated by the Building Inspector.

Townhouse: A single-family dwelling located on an independent lot attached to other single-family dwellings by a common wall or party wall. No other dwelling is located either over or under the townhouse and the owner of the structure owns the entire undivided interest in the lot upon which it is located. Notwithstanding anything to the contrary in this resolution a minimum of three (3) townhouses is required for Townhouse Zoning.

Trailer: Any vehicle or structure, including but not limited to an automobile trailer and trailer coach, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide for living or sleeping quarters for one or more persons or for the conduct of a business, profession, trade, or occupation, or use as a selling or advertising device.

Trailer Camp: A tract of land, together with open spaces required by this or any other regulation, used, designed, maintained, or held out to accommodate three or more trailers, including all buildings, structures, tents, vehicles, accessories, appurtenances used or intended as equipment for such trailer camp, whether or not a charge is made for the use of the camp or its facilities. A trailer camp does not include automobiles or trailer sales lots on which unoccupied trailers are parked for inspection and sale.

Use: The term referring to:

- a. Any purpose, for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied.
- b. Any occupation, business activity or operation carried on (or intended to be carried on) in a building or other structure or on land, or
- c. A name of a building, other structure or tract of land that indicates the purpose, for which it is arranged, designed, intended, maintained or occupied.

Use Group: Two or more uses similar in physical characteristics, traffic generation, location, utility, or governmental service requirements, or generally compatible with other uses in the use group. Members of the several use groups herein established and specifically listed in this ordinance.

Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of structure from the ground upward, except as otherwise provided herein. In measuring a yard for a purpose of determining the width of a side yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entrance-way.

Yard, Rear: A yard extending across the rear lot between the side lot lines and being the minimum horizontal distance between the rear lot and the rear of the main building or any projections other than steps. On corner lots, the rear yard shall be considered as paralleled to the street upon which the lot has its least dimensions. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. On non-rectangular lots the Building Inspector shall determine the adequacy of size and location of rear yards.

Yard, Side: A yard extending from the front yard line to the rear yard line, and being the minimum horizontal distance between the side lot and the side of the main building or any projections thereof.

ARTICLE 4 - Districts

6.0401 Districts

In order to classify, regulate and restrict the location of business, trades, industries and residences, and other land uses and the location of buildings designed for specific uses; to regulate and limit the height and size of buildings hereafter erected, reconstructed or altered; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, certain incorporate areas of the City of Powers Lake, and adjoining areas over which the City exercises zoning control, may be divided into any of the following classes of districts. The use, height, and area regulations are uniform in each class of district and said districts shall be known as:

- "A-1" Agricultural District
- "R-1" Single-Family Residence District
- "R-2" Two-Family Residence District
- "R-3" Multi-Family Residence District
- "R-MH" Mobile Home District
- "R-RV" Seasonal Recreation Vehicle District
- "C" Commercial District
- "I" Industrial District
- "P" Public District

6.0402 Un-subdivided Property

In the case of un-subdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Maps or by dimensions.

6.0403 Vacation of Public Ways

Whenever any street, alley, or other public way is vacated by official action as provided by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

ARTICLE 5 - Exceptions

6.0501 Exceptions

Except as hereinafter specifically provided:

1. No land shall be used except for a purpose permitted in the district in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
3. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.
4. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which such building is located.
5. No building shall be erected, structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.

6. The minimum yards, parking spaces, and open spaces, including lot area per family, required by this ordinance for each and every building existing at the time of passage of this ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this ordinance for the district in which such lot is located.

7. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as specifically provided hereinafter, except where the lot has double frontage. Where the lot has double frontage, buildings may be erected to front on each street provided the side yards and front yards are at least minimum size, and each structure has a rear yard of at least minimum size, and the building area does not exceed the requirements for interior lots.

#### ARTICLE 6 – “A-1” Agricultural District

##### 6.0601 “A-1” Agricultural District

The regulation set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the district regulations in an "A-1" Agricultural District.

##### 6.0602 Use Regulations

A building or premises shall be used only for the following purposes:

1. Farming, including the usual farm building and structures.
2. Truck and flower gardening, nurseries, orchards, and greenhouses.
3. Private elementary, high schools, or private schools with a curriculum the same as ordinarily given in public elementary or high schools.
4. Public or private forest and wildlife reservation or similar conservation projects.
5. Public parks, parkways and playgrounds.
6. Quarries for the excavation of stone, gravel, sand, clay, or similar minerals.
7. Roadside stands offering for sale only farm products that are produced on the premises.
8. Grain elevators and the usual accessory structure including buildings for seasonal temporary storage of grain whenever such elevator and temporary storage are located upon or adjacent to a railroad right-of-way.
9. Pumping or booster stations along a pipeline or substation along an electrical transmission line.
10. Sanitary landfill operations as approved by the City Building Inspector and State Health Department.
11. Public Utility Facilities such as well houses, water storage reservoirs, sewage lagoons and similar uses.

6.0603 Height Regulations

No non-agricultural building shall exceed two and one half (2 1/2) stories or thirty-five (35) feet in height except as in Article 15.

6.0604 Area Regulations

Yards: No non-agricultural building shall be erected within fifty (50) feet of any property or street line; provided, however, that temporary roadside stands may be located within the front yards. Off-street parking requirements for all non-agriculture buildings shall comply with Article 15.

ARTICLE 7 – "R-1" and "R-Low" Single- Family Residence District

6.0701 "R-1" and "R-Low" Single- Family Residence District

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the "R-1" and "R-Low" Single-family Residence District.

6.0702 Use Regulations

A building or premise shall be used only for the following purposes:

1. Single-family dwelling.
2. Parks, playgrounds, museums, library, and community buildings owned and operated by public agencies.
3. Public schools, elementary or high or a private school having a curriculum the same as ordinarily given in a public school.
4. Country Club or golf course, except miniature course or practice driving tee operated for commercial purposes.
5. Churches, or other places of worship or Sunday School.
6. Home occupations.
7. Accessory building or use, including a private garage customarily incident to the above uses but not involving the conduct of a business and including a private stable.
8. A church or public bulletin board or temporary sign appertaining to the lease, hire, or sale of a building or premise, which sign or bulletin board shall not exceed 10 square feet in area.
9. Manufactured Homes: Criteria to be considered for placement in an "R" district:
  - a. Main Floor size 900 square feet minimum
  - b. Roof slope 2.5:12 minimum
  - c. Two non-parallel walls of 24 feet minimum
  - d. Non-reflective roofing material
  - e. Built after January 1, 2011
  - f. Majority of ceilings 7.5 feet minimum
  - g. Outside appearance not readily distinguishable from a site-built home
  - h. Permanent perimeter foundation
  - i. Must meet current plumbing and electrical code.
  - j. Must be reviewed by city council.

6.0703 Height and Area Regulations

The height and area regulations set forth in Article 14 and 15 shall be observed.

6.0704 Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article 16.

ARTICLE 8 – "R-2" Two-Family Residence District

6.0801 "R-2" Two-Family Residence District

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article are the regulations in the "R-2" Two-Family Residence District.

6.0802 Use Regulations

A building or premise shall be used only for the following purposes:

1. Any use permitted in the "R-1" Single-Family Residence District.
2. Two-Family Dwelling.
3. Townhome Dwelling.

6.0803 Height and Area Regulations

The height and area regulations set forth in Articles 14 and 15 shall be observed.

6.0804 Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article 16.

6.0805 Building Area

No building with its accessories shall occupy in excess of 30% of the lot area. Where there is an alley to the rear of the lot, one-half of said alley area should be added to the lot area for the purpose of determining the above percentage.

ARTICLE 9 – "R-3" Multi-Family Residence District

6.0901 "R-3" Multi-Family Residence District

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the "R-3" Multi-Family Residence District.

6.0902 Use Regulations

A building or premise shall be used only for the following purposes:

1. Any use permitted in the "R-1" Single-Family Residence District.
2. Two-family dwelling.
3. Multiple dwelling.
4. Townhome dwelling.
5. Rooming, lodging, or boarding house.

6. Institution of a religious, educational, eleemosynary, or philanthropic nature, but not a penal or mental institution.
7. Hospital or sanitarium, except a criminal, mental or animal hospital.
8. Nursing, convalescent, or rest home.
9. Fraternity or Sorority house.
10. Accessory building or use customarily incidental to any of the above uses, including a storage garage on a lot occupied by a multiple dwelling, hospital, or institution.

6.0903 Height and Area Regulations

The height and area requirements set forth in Article 14 and 15 shall be observed.

6.0904 Parking Regulations

Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Article 16.

6.0905 Building Area

No building with its accessories shall occupy in excess of 50% of a lot. Where there is an alley to the rear of the lot, one-half of said alley area shall be added to the lot area for the purpose of determining the above percentage.

ARTICLE 10 – "R-MH" Mobile Home District

6.1001 "R-MH" Mobile Home District

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the "R-MH" Mobile Home District.

6.1002 Use Regulations

A building or premise shall be used for the following purposes:

1. Erection of a trailer house (mobile home) on a permanent foundation. R-MH Mobile Home District shall be the only district in the City of Powers Lake, where permanent installations of trailer houses shall be permitted. Any trailer house permit pursuant to this article shall meet all Federal Code Requirements, not in conflict with the concept of a trailer house type of structure. No more than one trailer house shall be erected on one lot. No trailer house with less than 300 square feet of space shall be permitted under this section.
2. Accessory building or use customarily incidental to any of the above uses, including a storage garage on a lot occupied by a dwelling.

6.1003 Height and Area Regulations

The height and area requirements set forth in Article 14 and 15 shall be observed.

6.1004 Parking Regulations

Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Article 16.

#### ARTICLE 11 – "C" Commercial District

##### 6.1101 "C" Commercial District

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the "C" Commercial District.

##### 6.1102 Use Regulations

A building or premise shall be used only for the following purposes:

1. Any use permitted in the "R-3" Multi-Family District.
2. Automobile parking area or lot.
3. Clinic.
4. Filling station.
5. Florist shop or greenhouse.
6. Laundromat.
7. Offices and office building.
8. Retail store, provided that in connection with such store, there shall be no slaughtering of animals or poultry on the premises.
9. Tailoring, dressmaking, shoe repairing, repair of household appliances and bicycles, catering, dry cleaning, and pressing, and bakery with sale of bakery products on the premises, and other uses of similar character.
10. Personal service uses including barbershops, banks, beauty parlors, photographic or artist studios, messengers, taxicab, newspaper or telegraphic service stations, restaurants, and other personal service uses of a similar character.
11. Accessory building and use.

##### 6.1103 Height and Area Regulations

The height and area regulations set forth in Articles 14 and 15 shall be observed, and in addition every building or portion thereof used for dwelling purposes shall comply with the side and rear yard and lot area per family requirements of the "R-3" Multi-Family District.

##### 6.1104 Parking and Loading Regulations

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article 16.

#### ARTICLE 12 – "I" Industrial District

##### 6.1201 "I" Industrial District

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the "I" Industrial District.

##### 6.1202 Use Regulations

A building or premises shall be used only for the following purposes:

1. Any use permitted in the "C" Commercial District except, however, that whenever ninety (90) percent or more of a block or tract of land in the "I" Industrial District is vacant or occupied by structures that are of a non-residential use, then no new residential units may be permitted within that block or tract
2. Carting, express, hauling, or storage yard.
3. Contractor's yard.
4. Coal, coke, or wood yard.
5. Auto wrecking yards and junk yards but only when the premises upon which such activities are conducted are wholly enclosed with a building or by a fence not less than eight (8) feet in height and in which the openings or cracks are less than fifteen (15) percent of the total area.
6. Petroleum storage, but only after the location and treatment of the premises has been approved by the Building Inspector, with a letter of approval from the State Fire Marshal.
7. Industrial and manufacturing plants where the process of manufacturing or the treatment of materials is such that only a nominal amount of dust, odor, gas, smoke, or noise is emitted.

6.1203 Height and Area Regulations

The height and area regulations set forth in Articles 14 and 15 shall be observed and in addition any building that may be used for dwelling purposes shall comply with the side and rear yard and lot area per family regulations in the "R-3" Multi-Family District.

6.1204 Parking and Loading Regulations

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article 16.

ARTICLE 13 – "P" Public District

6.1301 "P" Public District

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the "P" Public District.

6.1302 Use Regulations

A building or premises shall be used only for the following purposes:

1. Recreation
2. Parks
3. Government- Municipal, State, or Federal Services or Related Offices and functions
4. Cemetery

6.1203 Height and Area Regulations

The height and area regulations set forth in Articles 14 and 15 shall be observed.

6.1204 Parking and Loading Regulations

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article 16.

5. ARTICLE 15 – Table of Height and Area Requirements

6.1401 Table of Height and Area Requirements

The required height and area regulations are established and shown on the accompanying table

	<b>Maximum Height of Buildings</b>	<b>Maximum Height of Buildings</b>	<b>Minimum Front Yard Setback</b>	<b>Minimum Side Yard Setback</b>	<b>Minimum Rear Yard Setback</b>	<b>Minimum Lot Area in Square Feet</b>	<b>Minimum Lot Width</b>
District	Stories	Feet	Feet	Feet(8)	Feet(8)	Square Feet	Feet
<b>“R-Low”</b> Single-Family Residence	2	35	100	(4)	20	87, 120	85
<b>“R-1”</b> Single-Family Residence	2	35	25	(4)	20	10,000	85
<b>“R-2”</b> Two-Family Residence	2	35	25	(4)	20	7,500	75 (10)
<b>“R-3”</b> Multi-Family Residence	2	35	25	(4)	20	(9)	85
<b>“R-MH”</b> Mobile Home	N/A	N/A	25	10	20	5,400	40
<b>“C”</b> Commercial	2	35	15	(6)	None (7)	10,000 (9)	None
<b>“I”</b> Industrial	6 (1) (3)	90 (3)	25	None (6)	None (7)	10,000	None
<b>“P”</b> Public	None (3)	None (3)	25	None (6)	None (7)	None	None

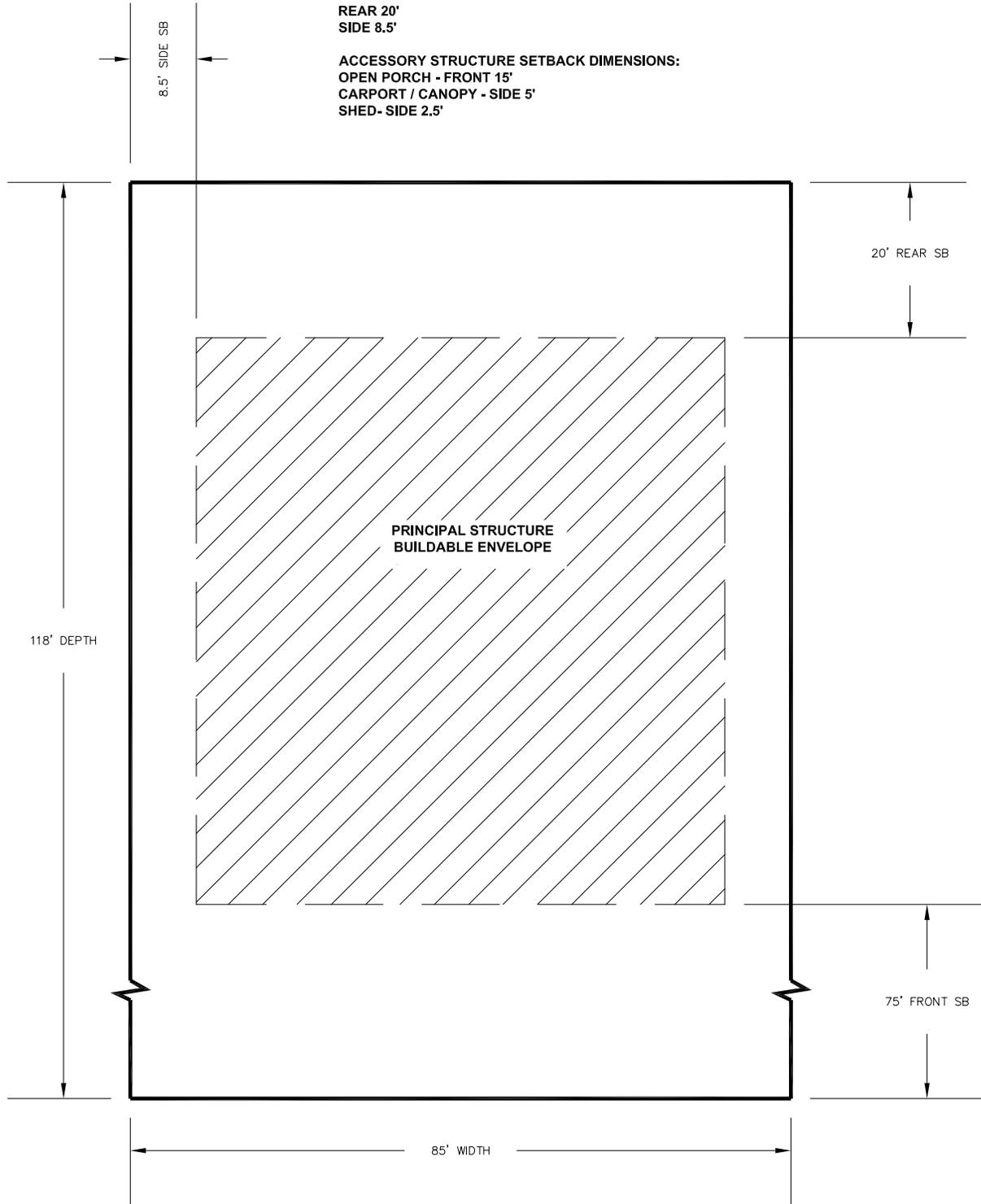
# RESIDENTIAL (R-LOW) TYPICAL LOT

## RESIDENTIAL (R-LOW) ZONED DISTRICT DEVELOPMENT STANDARDS

MIN. LOT AREA = 87,120 S.F.  
 MIN. LOT WIDTH = 85'  
 MIN. LOT DEPTH = 118'

PRINCIPAL STRUCTURE SETBACK DIMENSIONS:  
 FRONT 75'  
 REAR 20'  
 SIDE 8.5'

ACCESSORY STRUCTURE SETBACK DIMENSIONS:  
 OPEN PORCH - FRONT 15'  
 CARPORT / CANOPY - SIDE 5'  
 SHED - SIDE 2.5'



THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS DEPICTED HEREON, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION BY ACKERMAN-ESTVOLD ENGINEERING AND MANAGEMENT CONSULTING, INC. SHALL BE WITHOUT LIABILITY TO ACKERMAN-ESTVOLD ENGINEERING AND MANAGEMENT CONSULTING, INC.

PROJECT NO. R-00027 DRAWING NAME CITY OF POWERS LAKE, ND TYPICAL LOT DIMENSIONAL STANDARDS RESIDENTIAL (R-LOW) ZONED DISTRICT 1 OF 1	SCALE (H): 1"=20' SCALE (V): N/A DRAWN BY: SRW DESIGNED BY: CHECKED BY: AE DATE: 10-2013	 <b>ACKERMAN-ESTVOLD</b> engineering and management consulting, inc. © 2012, ACKERMAN-ESTVOLD ENGINEERING AND MANAGEMENT CONSULTING, INC. 1907 17th STREET SE MINOT, NORTH DAKOTA 58701 (701) 837-8737 CIVIL ENGINEERING, PLANNING, & CONSTRUCTION MANAGEMENT	<table border="1"> <tr> <td>NO.</td> <td>REVISIONS</td> <td>BY</td> <td>DATE</td> <td>APPR.</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	REVISIONS	BY	DATE	APPR.															
NO.	REVISIONS	BY	DATE	APPR.																			

# RESIDENTIAL (R-1) TYPICAL LOT

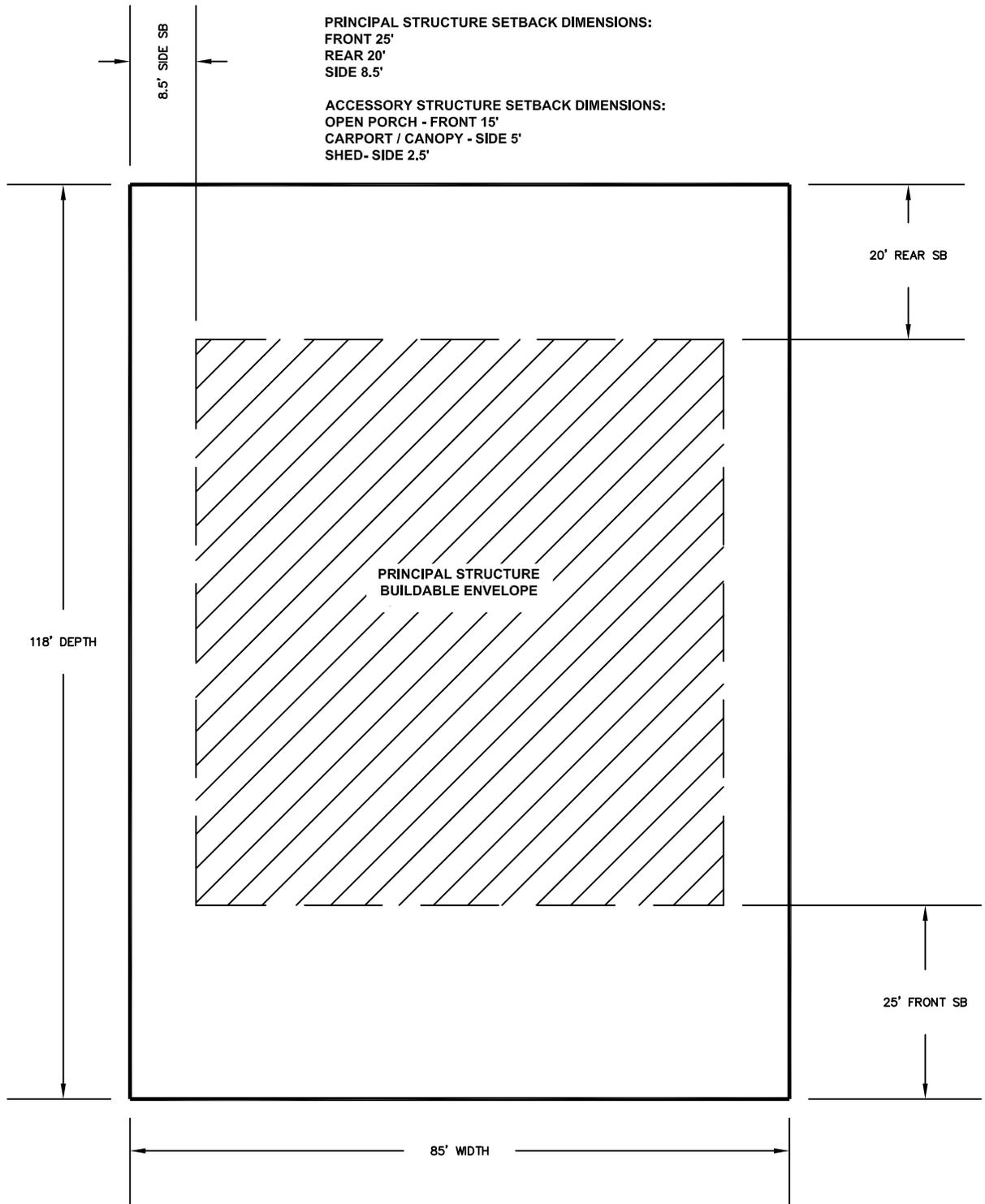
1" = 20'

## RESIDENTIAL (R-1) ZONED DISTRICT DEVELOPMENT STANDARDS

MIN. LOT AREA = 10,000 S.F.  
 MIN. LOT WIDTH = 85'  
 MIN. LOT DEPTH = 118'

PRINCIPAL STRUCTURE SETBACK DIMENSIONS:  
 FRONT 25'  
 REAR 20'  
 SIDE 8.5'

ACCESSORY STRUCTURE SETBACK DIMENSIONS:  
 OPEN PORCH - FRONT 15'  
 CARPORT / CANOPY - SIDE 5'  
 SHED - SIDE 2.5'



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PROJECT NO.  
R-00027

DRAWING NAME  
CITY OF POWERS LAKE, ND  
TYPICAL LOT DIMENSIONAL STANDARDS  
RESIDENTIAL (R-1) ZONED DISTRICT

1 OF 1

SCALE (H): 1"=20'  
SCALE (V): N/A

DRAWN BY: SRW  
DESIGNED BY:  
CHECKED BY: AE

DATE: 10-2013



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NO.	REVISIONS	BY	DATE	APPR.







# COMMERCIAL (C) TYPICAL LOT 1"=20'

## COMMERCIAL (C) ZONED DISTRICT DEVELOPMENT STANDARDS

MIN. LOT AREA = 10,000 S.F. (R-3 STDS. APPLY FOR MULTI-FAMILY USE)  
 MIN. LOT WIDTH = VARIABLE  
 MIN. LOT DEPTH = VARIABLE

PRINCIPAL STRUCTURE SETBACK DIMENSIONS:  
 FRONT 15'  
 REAR 0', 25' IF ADJOINING 'R' DISTRICT (20' BUFFER REQUIRED)  
 SIDE 0', 20' IF ADJOINING 'R' DISTRICT (20' BUFFER REQUIRED)

\* IF ADJOINING 'R' DISTRICT

0', 20'\*

0',25'\*

\* IF ADJOINING 'R' DISTRICT

VARIABLE DEPTH

STRUCTURE  
BUILDABLE ENVELOPE

15' FRONT SB

VARIABLE WIDTH

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PROJECT NO.  
R-00027

SCALE (H): 1"=20'  
SCALE (V): N/A



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DESIGNED BY:  
CHECKED BY: AE

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CIVIL ENGINEERING, PLANNING, & CONSTRUCTION MANAGEMENT

DRAWING NAME  
CITY OF POWERS LAKE, ND  
TYPICAL LOT DIMENSIONAL STANDARDS  
COMMERCIAL (C) ZONED DISTRICT

1 OF 1

DATE: 10-2013

NO.	REVISIONS	BY	DATE	APPR.





6.1402 Notes Accompanying Table of Height and Area Requirements:

(1) A building in the "I" District may be erected to a height of 6 stories and 75 feet if set back from all required yard lines a distance of one foot for each foot of additional height above 45 feet.

~~(2) A building may exceed 12 stories or 150 feet if set back one foot for each two feet of height above 150 feet but no building shall exceed the cubical content of a prism having a base equal to the area of the lot and height of two (2) times the width of the street upon which said building fronts.~~

(3) Whenever a building in an "I" District adjoins or abuts an "R" District within 100 feet there from, such building shall not exceed three (3) stories or 45 feet in height unless it is set back one foot from the required side and rear yard lines for each foot of additional height above 45 feet.

(4) Minimum side yard is 10% of lot width, but in no case less than five (5) feet for buildings under three (3) stories or eight (8) feet for buildings three (3) stories or more, and in no case more than 10 feet, except as modified by (1) above.

(5) In R-2 Zone individual single-family homes may be built with common walls and no side yards, but the entire townhouse complex must be provided with yard space on each end equal to at least 10% of the entire parcel.

(6) No side yard required except on the side of a lot adjoining a "R" District, in which case a side yard of not less than ten (10) feet shall be provided in any "P" District, a side yard of not less than twenty (20) feet shall be provided in any "C" District, and a side yard not less than thirty (30) feet shall be provided in any "I" District. "C" and "I" Districts are required to construct a buffer composed of vegetation (trees / shrubs), structure (fence, wall, or berm) or in combination so that more intense use is visually shielded. Buffer composition to be submitted and approved by Planning Commission / City Council.

(7) No rear yard required except on the rear of a lot adjoining a "R" District in which case a rear yard of not less than 25 feet shall be provided for "C" and "P" Districts, and a rear yard of not less than thirty (30) feet shall be provided in any "I" District. "C" and "I" Districts are required to construct a buffer composed of vegetation (trees / shrubs), structural (fence, wall, or berm) or in combination so that more intense use is visually shielded. Buffer composition to be submitted and approved by Planning Commission / City Council.

(8) In the case of corner lots the front yard depth must be provided on each street, but the interior sides may be considered as side yards and no rear yard is required. This exception does not apply if the front yard depth along either street is reduced by application of Article 18.

(9) The minimum lot area for Residential Zone R-3 shall be calculated as follows:

1st Unit- 10,000 Sq. Ft.

Each Additional Unit - 2,000 Sq. Ft.

(10) For a townhouse complex used in the Residential Zone R-2, the minimum lot area for a single lot shall be 3,500 square feet (35'x100') but the total area for a townhouse complex shall conform to R-3 requirements.

(11) The minimum lot area for lots in Zone C-3 used as residential lot shall be:

1st Unit- 10,000 Sq. Ft.

Each Additional Unit - 2,000 Sq. Ft.

ARTICLE 15 – Height and Yards

6.1501 Height

The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, flag poles and grain storage elevators.

Public, semi-public or public services buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding 60 feet and churches and temples may be erected to a height not exceeding 75 feet when the required side and rear yards are each increased by one foot for each foot of additional building height regulations for the district in which the building is located. Building Structure Height beyond two stories (above grade) require review and written approval from the Fire District.

The limitation on number of stories shall not exceed the height in feet permitted in the district in which they are located.

6.1502 Front Yards:

Existing lots which may be considered non-conforming per these Ordinances shall attempt to comply with the regulations as closely as possible. The City Council may approve non-conforming instances up their discretion.

On lots having double frontage the required front yard shall be provided on both streets.

In a residential district no fence, structure, or planting higher than three and one-half feet above the established street grades, which obstructs vision of the intersection, shall be maintained within 20 feet of any street intersection.

An open, uncovered porch or paved terrace may project into a required front yard for a distance of not more than 10 feet, but this shall not be interpreted to include or permit fixed canopies.

Filling station pumps, and pump islands may be located within a required yard provided they are not less than 15 feet from the street line and not less than 100 feet from the boundary of any residential district.

Off-street parking facilities may be located within the required front yard of any "C" or "I" District but shall not be nearer than 50 feet to any "R" District and no off-street public parking shall be permitted in the required front yard of any "R" District.

6.1503 Side Yards:

(1) On a corner lot the width of the yard along the side street shall not be less than any required front yard on such street, provided however, that the buildable width of a lot of record shall not be reduced to less than 32 feet.

(2) Accessory buildings may be within the required side yards but no nearer than 2 1/2 feet to the side lot line. Accessory buildings must also be at least 10 feet away from the main building on the same lot and the main building on the adjoining lot nearest the lot line.

(3) Where dwelling units are erected above the commercial establishment no side yard is required except when required for the commercial building on the side of a lot adjoining a residence district.

(4) Carport or canopy may project into a required side yard provided every part of such carport or canopy is unenclosed and not less than five feet from any side lot.

(5) For the purpose of side yard regulations, a two-family dwelling or multiple dwelling shall be considered as one building occupying one lot.

(6) Where a lot of record at the time of the effective date of this resolution is less than 50 feet in width the required side yard may be reduced to 10 percent of the width of the lot, provided, however, that no side yard shall be less than three feet.

6.1504 Rear Yards:

1. Where a lot abuts upon an alley, one-half the alley width may be considered as part of the required yard.
2. Where the accessory building is a garage and entry to the garage is from the alley at the rear, the garage must then be a minimum of 20 feet from the alley line.
3. The ordinary projections of sills, belt courses, cornices and ornamental features may extend to a distance not to exceed 18 inches into a required yard.
4. Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard may be permitted by the Building Inspector for a distance not to exceed five feet when these are so placed as not to obstruct light and ventilation.

6.1505 Lot Area Per Family:

Lot Area Per Family: Where a lot of record at the time of the effect date of this ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nonetheless be used for a one-family dwelling or for any non-dwelling use permitted in the district in which it is located.

ARTICLE 16 – Off-Street Parking and Loading Requirements

6.1601 Off-Street Parking and Loading Requirements:

In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as specified in Section 2 of this article), off-street parking spaces in accordance with the following requirements:

1. Dwelling, including a single and two-family and multiple; two (2) parking space for each dwelling unit.
2. Rooming and boarding houses; one parking space for each two sleeping rooms.
3. Fraternity or Sorority: One parking space for each four beds.
4. Private club or lodge: One parking space for each eight seats in the main auditorium.
5. School (except high school or college): One parking space for each ten seats in the auditorium or main assembly room, or one space for each classroom whichever is greater.
6. College or high schools: One parking space for each eight seats in the main auditorium or three spaces for each classroom, whichever is greater.
7. Country Club or Golf Course: One parking space for each five members.
8. Community center, library, museum or art gallery: Ten parking spaces plus one additional space for each 300 square feet or floor area in excess of 2000 square feet.
9. Hospital: One parking space for each four beds.
10. Sanitarium, convalescent home, and home for the aged or similar institution: One parking space for each six beds.
11. Sports Arena, stadium, and gymnasium: One parking space for each five (5) seats or seating spaces.
12. Hotel: One parking space for each three sleeping rooms or suites plus one space for each 200 square feet of commercial floor area contained therein.
13. Tourist home, cabin or motel: One parking space for each sleeping room or suite.
14. Dance Hall, assembly or exhibition hall without fixed seats: One parking space for each 100 square feet of floor area used therefore.
15. Business or professional office, studio, bank, medical or dental clinic: Three parking spaces plus one additional parking space for each 400 square feet of floor area over 1,000.
16. Bowling alley: Five parking spaces for each alley.

17. Mortuary or Funeral home: One parking space for each 50 square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.
18. Restaurant, nightclub, cafe or similar recreation or amusement establishment: One parking space for each 100 square feet of floor area.
19. Retail store or personal service establishment, except as otherwise specified herein: One parking space for each 200 square feet of floor area.
20. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop: Two parking spaces plus one additional parking space for each 300 square feet of floor area over 1,000.
21. Printing or plumbing shop or similar service establishment: One parking space for each three persons employed therein.
22. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, or similar establishment: One parking space for each two employees on the maximum working shift plus one space to accommodate all trucks and other vehicles used in connection therewith.

6.1602 Computing Number of Parking Spaces:

In computing the number of such parking spaces required, the following rules shall govern:

1. Floor area shall mean the gross floor area of a specific area.
2. Where fractional spaces result, the parking spaces required shall be construed to the nearest number.
3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for use of a similar nature.
4. Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements of the various uses computed separately.

6.1603 Location of Parking Spaces:

All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not to exceed 300 feet from an institutional building served and not exceed 500 feet from any other non-residential building served.

1. Not more than 50 percent of the parking spaces required for theaters, bowling alleys, dance halls, night clubs or cafes, and up to 100 percent of the parking spaces required for a church or school auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours: Provided, however that written agreement thereto is properly executed and filed as specified below.
2. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement to assure their retention for such purposes shall be properly drawn and executed by the City Attorney and shall be filed with the application for a building permit.

6.1604 Loading Space:

Every building or part thereof erected or occupied for retail business, service, manufacturing storage, warehousing, hotel, mortuary or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

1. In the "C" Commercial District and in the "I" Industrial District one loading space for each 10,000 square feet or fraction thereof, of floor area in the building.

ARTICLE 17 – Special Use

6.1701 Special Use:

In order to carry out the purpose of this regulation, the City Council may require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by such Council prior to the granting of a building permit or certificate of occupancy therefore: Any that the City Council be, and is hereby given limited discretionary powers relating to the granting of such permit or certificate as special uses.

6.1702 General Provisions:

1. The uses listed in this section are designated as special uses, and no building permit or certificate of occupancy shall be issued by the Building Inspector until the application for such permit or certificate has been reviewed and authorized by the City Council.
2. The City Council shall not authorize the issuance of a building permit or certificate of occupancy until the applicant therefore has appeared at a public hearing on such application, notice of the time and place of which hearing has been given in the official City newspaper at least ten days prior to the date of such hearing.
3. Before approving the issuance of a building permit or certificate of occupancy for a special use, the City Council shall find:
  - a. The proposed use is in harmony with the purpose of this regulation and of the master plan of the City
  - b. The proposed use will not adversely affect the health and safety of the public and the workers and residents, or farming, in the area, and will not be detrimental to the use or development of adjacent properties or of the general neighborhood.
  - c. The proposed use will comply with all appropriate regulations for the district in which it will be located.
  - d. The proposed use will comply with all special regulations established by this section, and all special conditions necessary for the sanitation, safety, lighting and general welfare of the public.
4. The City Council is authorized to impose any conditions on the granting of a building permit or certificate of occupancy for a special use it deems necessary for the protection of the neighborhood and the general welfare of the public.
5. The City Council shall not authorize the issuance of a building permit or certificate of occupancy for any special use if the Council finds that such special use would fail to comply with any of the requirements of the regulations in this section.
6. The City Council shall require the applicant for authorization of a special use to furnish any engineering drawings or specifications, site plans, or any data the Council finds necessary to appraise the need for, or effect of, such special use.

6.1703 Airports:

An airport or heliport may be permitted in an Agricultural District as a special use, provided:

1. The area shall be sufficient to meet the Federal Aviation Agency requirements for the class of airport proposed.
2. There are no existing flight obstructions such as towers, chimneys, or other tall structures, or natural obstructions outside the proposed airport that would fall within the approach zone to any of the proposed airport runways or landing strips.
3. There is sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Agency or any other appropriate authority. In cases where air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
4. Any buildings, hangers, or other structures shall be at least 200 feet from any street or lot line.
5. Adequate space for off-street parking of at least 50 vehicles has been provided. If, in the opinion of the City Council, off-street parking space for more than 50 vehicles will be required, the Council shall increase this requirement.
6. The application for authorization of an airport shall be accompanied by a plan, drawn to scale, showing the proposed location of the airport, boundary lines, dimensions, names of the owners of abutting properties, proposed lay-outs of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangers, buildings and other structures, trees, and overhead wires falling within the airport approach zone and less than 500 feet distance from the boundary lines of the airport, other pertinent data such as topography, grading plan, drainage, water, and sewage, etc.
7. The City Planning Commission shall review the plans for any proposed airport. In its approval of the proposed airport, the City Planning Commission shall make at least the following two findings:
  - a. The airport is not in conflict with any existing element of a master plan.
  - b. The benefits of and need for the airport are greater than the depreciating effects and damages to the neighboring property.

6.1704 Cemetery:

A cemetery, mausoleum, columbarium or crematory may be permitted as a special use.

6.1705 Drive-in Theater (Removed)

~~A drive in theater may be permitted in "A-1", "C", or "I" District as a special use provided:~~

- ~~1. No part of such theater shall be located closer to the boundary of any residential district than 1,000 feet, nor closer to any highway or adjoining property line than 100 feet.~~
- ~~2. The area accessible to patrons' vehicles shall be treated with a suitable material to prevent dust.~~
- ~~3. Reserve parking space off the street shall be provided for patrons awaiting admission in an amount not less than 10 percent of the vehicular capacity of the theater.~~
- ~~4. The vehicular circulation shall be so designed and constructed as to permit only one-way traffic within the boundaries of the tract of which the theater is to be located.~~
- ~~5. Ingress and egress from the highway will be so designed and constructed as to provide for safe traffic movement.~~
- ~~6. A structure for the sale and service of food and non alcoholic beverages may be permitted as an accessory use for a drive in theater when approved by the governing health authority.~~

6.1706 Golf Driving Range, Miniature Golf Course:

A golf driving or miniature golf course, go-cart track, race track or other commercial recreational facilities of a similar nature, may be permitted as a special use provided:

1. The area within 500 feet of all boundaries of the lot is not developed in residence to a greater density than one family per acre.
2. Any floodlights used to illuminate the premises are so directed and shielded as not to be annoyance to any developed residential property, highway and streets.
3. The City Council shall grant only temporary certificate of occupancy for a period not to exceed one year; which certificate may be renewed at the expiration of each temporary certificate of occupancy for an additional year, if the City Council determines that such renewal meets the original criteria for issuance and that all other standards established by this ordinance or special conditions imposed by the City Council have been fully complied with.

6.1707 Temporary Uses:

The City Council is authorized to grant a certificate of occupancy for temporary uses as follows:

1. For a carnival or circus in "A" or "I" District or other area approved by the City Council for a period not to exceed 21 days.
2. For a religious meeting in a tent or other temporary structure in "A", "C", or "I" District for a period not to exceed 60 days.
3. Contractor's office and equipment sheds in any district for a period not to exceed two years: provided further, that such temporary certificate may be renewed for additional periods of one year.

6.1708 Trailer Camp:

A trailer camp may be permitted in a "C" or "I" District as a special use, provided:

1. It complies with the requirements of, and is issued a permit, the State of North Dakota.
2. The minimum total area of the premises shall be 90,000 square feet.
3. The minimum unit area of premises used or occupied by each trailer shall be 2,000 square feet, clearly defined on the ground by stakes, posts or markers.
4. The minimum lane or driveway on which each individual trailer fronts shall be 20 feet in width surfaced with all-weather surface and giving unobstructed access to a public street or highway.
5. No trailer shall be placed within 20 feet of any other trailer, or within 30 feet of the right-of-way line of any street, nor within 10 feet of any other boundary of the trailer camp.
6. All entrances, exits, lanes and driveways between rows of trailers used or occupied in any trailer camp shall be lighted by electricity; at least 150 watt light shall be provided for each 50 lineal feet of lane or driveway.
7. No business shall be conducted in any trailer in any trailer camp.
8. Every trailer camp, if in the opinion of the Planning Commission it is necessary, shall have erected around its border suitable woven wire or open metal fence not less than five feet, nor more than six feet in height, having only necessary openings for ingress and egress to public street, highway or alley. Barbed wire shall not be used in the construction of any fence.
9. All provisions for water supply, laundry, sewage, and fire protection to be provided in any trailer camp shall have been approved by the appropriate county or state officer or agency.
10. Space shall be reserved for playground area in an amount no less than 100 square feet for each trailer space.
11. Trailer Camp, if interpreted as Work Force Housing by the Planning Commission and City Council, must comply with and adhere to the City's adopted Master Plan Policy and guidelines regarding such development.

6.1709 Taverns, Saloons, Etc: Taverns, saloons, or other places where alcoholic beverages, as defined by law, are sold or consumed shall be in "C" District only and after approval by the City Council.

6.1710 Roadside Stands: Roadside stands for the sale of agricultural products shall be located only in areas approved by the City Council.

ARTICLE 18 – Boundaries of Districts

6.1801 Boundaries of Districts:

Where uncertainties exist, with respect to the boundaries of various districts as shown on the official zoning map and made part of this resolution, the following shall apply:

- (1) The district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the official map made a part of this ordinance are bounded approximately by streets or alleys lines, the streets or alleys lines shall be construed as being the boundaries of the district.

ARTICLE 19 – Land Subdivision Regulations: Title, Purpose, Authority and Jurisdiction

6.1901 Land Subdivision Regulations: Title, Purpose, Authority and Jurisdiction:

- (1) These regulations shall be known, referred to and recited as the Land Subdivision Regulations of Powers Lake.
- (2) The Major Street Plan of which certified copies are on file in the office of the Register of Deeds of Burke County, North Dakota and the following regulations are designed to provide for the proper arrangement of streets in relation to other existing and planned streets and to other elements of the comprehensive plan; and for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, for the avoidance of congestion of population, and for easements for building setback lines and for public utility lines.
- (3) These land Subdivisions Regulations are adopted under the authority granted by the Statutes of the State of North Dakota, Chapter 40-48.
- (4) These Land Subdivisions Regulations shall govern all subdivisions of land within the corporate limits of the City of Powers Lake, as now or hereinafter established, and to the extra-territorial areas over which the City of Powers Lake has zoning jurisdiction by virtue of authority given by the State of North Dakota.

6.1902 Definitions:

For the purpose of these regulations certain terms and words are herewith defined as follows:

Building Line or Buildable Envelope: A line or envelope established, in general, parallel to the platted property lot lines and off-set the distance equal to the required setback for the property's subject zoning. This represents the property's buildable envelope and no structure shall be erected outside of this area, except as otherwise provided by this ordinance.

Commission: The Planning Commission of the City of Powers Lake.

Plat: A map, drawing, or chart on which the plan of the subdivision is submitted for approval in final form and is intended to be recorded.

Subdivision: The division of land into two or more tracts, sites, or parcels of one acre or less in area; or the establishment or dedication of a street, highway, road, or alley through a tract of land regardless

of area; or re-subdivision of land heretofore divided or platted into lots, sites, or parcels, provided however that the sale or exchange of a parcel of land to or between adjoining property owners which does not create an additional building lot, shall not be considered as a subdivision of land.

6.1903 Approval and Acceptance:

It shall be unlawful for any person being the owner, or agent of a person having any land within the zoning jurisdiction of the City to subdivide or lay out such land in lots unless by a plat, in accordance with the laws of the State of North Dakota and the regulations contained herein. No plat shall be recorded and no lots shall be sold from such plat unless and until approved as herein provided.

6.1904 Preliminary Approval:

Whenever the owner of any tract or parcel of land within the zoning jurisdiction of the City wishes to make a subdivision of the same, he shall cause to be prepared a preliminary plat and other information to the Planning Commission for its study and approval.

6.1905 Procedure:

Before preparing the general plan of a subdivision, the subdivider should consult informally with the Planning Commission concerning the relation of his property to existing conditions, future plans, and community facilities, utilities, and services.

(1) The sub divider shall then apply to the Planning Commission for tentative approval of a subdivision plat.

(2) Three prints of the preliminary plan of the subdivision shall be filed with the Planning Commission at the time of application for tentative approval is made. Fees charged for the filing of a subdivision plat shall be paid in full, on the basis of estimated number of lots created, at the time of application for tentative approval.

(3) The Planning Commission shall approve such preliminary plat, within 30 days after the date of submission to the Planning Commission. If approved with modification or waiver of certain requirements by the Planning Commission, the reasons therefore shall be stated. In any conditional approval, the Planning Commission may require the sub divider to submit a revised preliminary plat. If disapproved, the reasons for that action shall be stated and if possible, the Planning Commission shall make recommendations on the basis of which the proposed subdivision may be approved.

(4) The action of the Planning Commission shall be entered on the official records of the Planning Commission, including any conditions imposed and the reasons for any disapproval of the Planning Commission shall be noted on two prints of the preliminary plat, one of which prints shall be returned to the sub divider and the other by the Planning Commission.

(5) Tentative approval of the preliminary plat by the Planning Commission is not an acceptance of the subdivision plat for record, but is rather an expression of approval of a general plat as a guide to preparation of a subdivision plat for the final approval and recording upon fulfillment of all requirements of the regulations.

(6) Tentative approval shall be effective for a maximum period of twelve months, unless upon application by the developer, the Planning Commission grants an extension. If the final plat has not been submitted for final approval within this time limit, a preliminary plat must again be submitted to the Planning Commission for tentative approval.

(7) If the Commission does not act within thirty days, the preliminary plat shall be deemed to be approved; provided, however, that the sub divider may agree to an extension of time for a period not to exceed sixty days. No action shall be taken by the Commission upon any plat until it has afforded a hearing thereon. At least five days before the date fixed for such hearing a notice of the time and place of such hearing shall be sent by registered mail to the address shown on the plat. Public notice of all such hearings shall also be given.

- (8) Final Approval. Following the approval of the preliminary plat, the sub divider shall submit to the Planning Commission for its approval or disapproval two copies of a final plat of the subdivision which shall contain the data and information specified in Section 4 of these regulations. If the Commission approved the final plat, such approval shall be recorded on the plat over the signature of the Chairman of the Commission.

After the approval of the final plat of the subdivision by the Planning Commission, the approved final plat shall be submitted to City Council for final approval and for acceptance of all streets, alleys, ways, easements, parks or other areas reserved or dedicated to the public.

6.1906 Information Required on Preliminary and Final Plats:

A preliminary plat of a subdivision shall be prepared in accordance with the following requirements and shall show:

- (1) The location of present property lines, streets, buildings, water courses, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto.
- (2) The proposed location and width of streets, alleys, easements, and lots.
- (3) Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent thereto.
- (4) The title under which the proposed subdivisions is to be recorded and the name of the sub divider platting the tract.
- (5) The names and adjoining boundaries of all adjoining subdivisions.
- (6) Contours with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than five feet.
- (7) Grades and profiles of streets and plans or written and signed statements regarding the grades of proposed streets, and the width and the type of pavement; locations, size, and type of sanitary sewer or other utilities for storm water drainage; and other proposed improvements such as sidewalks, planting and park areas, and any grading of individual lots.
- (8) North point, scale and date.

Preliminary plats, which do not contain all the above information, will not be approved. After the preliminary plat has been approved one copy shall be retained by the Planning Commission. One signed copy shall be given to the sub divider. Receipt of this signed copy is authorization for the sub divider to proceed with the preparation of the final plat.

The final plat is to be drawn on tracing cloth or mylar at scale of 100 feet to the inch from an accurate survey and on one or more sheets whose dimensions are 18 inches by 24 inches. The final plat shall show the following.

- (1) The boundary lines of the area being subdivided with accurate dimensions and bearings.
- (2) The lines of all proposed and existing streets and alleys with their width and names.
- (3) The accurate outline of any property that is offered for dedication to public use.
- (4) All lot lines and an identification system for all lots and blocks.
- (5) The lines of all adjoining lands, building lines, and easements for any right-of-way provided for public use, services or utilities, with figures showing their dimensions.
- (6) Radii, arcs, chords, chord bearings, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.
- (7) All dimensions, both linear and angular necessary for locating boundaries of subdivisions, lots, streets, alleys and of any other areas for public or private uses; the linear dimensions are to be expressed in feet and decimals of a foot.
- (8) The location of all survey monuments with their descriptions.
- (9) The name of the subdivision and description of property subdivided, points of compass, scale of plat, and name of owner or owners and the sub divider.

- (10) Certificates of approval for endorsement by the City Council.
- (11) Certification by a licensed engineer or licensed surveyor attesting to the accuracy of the survey and the correct location of all monuments shown thereon.
- (12) Private restrictions and trusteeships and periods of existence, if any. Should such restrictions and trusteeships be of such length as to make their inclusion on the plat impractical and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- (13) Each developer must file one copy of his final plat with the City Engineer in a scale equal to the official platting map scale.
- (14) Plats shall contain proper acknowledgement of owners and the consent by the mortgagee to said plat and restrictions, including dedication to the public use of all streets, alleys, parks, or other open spaces shown thereon and the granting of easements required.

#### ARTICLE 20 – Subdivision Design and Layout

##### 6.2001 Subdivision Design and Layout:

The design and layout of all subdivisions shall conform to the following standards:

- (1) Acre Subdivision: Whenever an area is divided into lots containing one to three acres inclusive and there are indications that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional streets can be opened which will permit a logical arrangement of smaller lots.
- (2) Relation to Adjoining Street System: The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas or their proper projection where the land is not subdivided, insofar as they may be deemed necessary by the Commission for public requirements. The street and alley arrangement should also avoid creating hardships to the owners of adjoining property when they plat their own land and seek to provide a convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted. Streets obviously in alignment with existing streets shall bear the names of existing streets. All proposed street names shall be checked for duplication.
- (3) Street and Alley Width:
  - (A)The widths and locations of major streets shall conform to widths and locations designated on the plan for major streets.
  - (B)The minimum width for minor streets shall be 66 feet. When streets adjoin unsubsidized property, a half street at least 33 feet in width must be dedicated at the discretion of the Planning Commission.
  - (C)Dead-ended streets are to be avoided, but if necessary, in the opinion of the Commission, they shall terminate in a circular right-of-way with a minimum diameter of 100 feet unless the Commission approved an equally safe and convenient space.
  - (D)Alleys, when provided, shall have a minimum width of 20 feet. Alleys are required in the rear of all commercial lots and shall be at least twenty feet wide.
  - (E)Where alleys are not provided, easements of not less than ten feet in width shall be provided on each side of all rear lots lines and side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water, or other mains. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers or similar utilities.
- (4) Blocks:
  - (A)No residential block shall be less than 300 feet nor longer than 1000 feet between street lines.
  - (B) The width of blocks, except for special reasons, should not exceed 350 feet.
- (5) Lots:

(A)The lot arrangement and design shall be such that all lots will provide satisfactory and desirable buildings sites, properly related to topography and the character of surrounding development.

(B)All side lines of lots shall be as near as possible at right angles to straight street lines, or radial to curved street lines, unless a variation to this rule will give a better street and lot plan. Lots with double frontage shall be avoided.

(C)Except on cul-de-sacs or curves, no residential lot shall have a frontage of less than 60 feet nor a depth of less than 100 feet. The minimum width of residential lots shall not be less than 75 feet at the building line. If public sewer and water is not available, the minimum size of any lot shall be 20,000 square feet. Plats of areas for which public sewer and water is not available must have a statement attached, issued by the First District Health Unit, stating that proposed sanitary facilities, will not constitute a hazard to residents of the area by contamination.

(D)Corner lots shall have extra width sufficient to permit the establishment of a building line on both front and side streets.

(E)Lots at street intersections, which are likely to be dangerous, shall have a radius of not less than fifteen (15) feet at the street corner. A cutoff or chord may be substituted for the circular arc.

(6) Character of Development: The Planning Commission shall confer with the subdivider regarding the type and character and value of the surrounding development and shall also tend to secure the most appropriate character of development in the property that is subdivided.

(7) Easement Along Drainage Ways: Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course.

#### 6.2002 Variations and Exceptions:

Whenever the tract to be subdivided is such unusual size or slope or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardships or injustices, the Planning Commission may vary or modify such requirement so that the land may be developed in a reasonable manner, but so that, at the same time, the public welfare and interests of the City and the surrounding area to be protected and the general intent and spirit of these regulations is preserved. In no case shall any variance, modification or waiver be more than a minimum easing for the requirements; in no case shall it have the effect of reducing the traffic capacity of any major or secondary street; in no case shall it be in conflict with existing zoning regulations. In granting variances, modifications or waivers, the Planning Commission may require such conditions, as will in its judgment, secure substantially the objectives of the standards and requirements as affected.

Large Scale Developments. These regulations may be modified by the Planning Commission in the case of a plan for a complete community or neighborhood unit, with a building and development program, which dedicated adequate public open spaces and improvements for the circulation, recreation, education, light, air and service needs of the tract when fully developed and which provides such covenants, financial guaranties, and other legal assurances that the plan will be followed and will be achieved.

#### 6.2003 Fees:

(1) In order to cover the cost of examining plans, advertising and holding public hearing, and other expenses incidental to the approval of a subdivision, the subdivider shall pay a fee at the time of application for tentative approval of a preliminary plat. Such fee will be based upon the estimated number of lots created. At the time of application for final approval of the subdivision

the required fee will be re-calculated on the basis of the actual number of lots created, and an adjustment of the fee will be made, the sub divider to pay an additional amount or to receive a refund of any portion of the fee if the sub divider fails to apply for final approval of the subdivision. If, because of the failure of sub divider to submit a final plat within 12 months after receiving tentative approval, the plat must be re-considered, the sub divider shall be required to pay the fee currently in effect at the time of resubmission.

(2) The fees for consideration of a subdivision shall be charged and collected at a rate of \$600 plus \$50 per lot.

(3) All fees and penalties collected shall be credited to the general fund of the City of Powers Lake.

(4) All fees established by this section are in addition to any sums paid to cover the costs of review of improvement plans and field inspection required.

6.2004 Effective Date:

This ordinance shall be in full force and effect from and after its passage, publication and recordation as provided by law.

6.2005 Amendments:

(1) The Planning Commission may, from time to time, adopt and amend rules and instructions for the administration of these subdivision regulations to the end that approval of plats will be expedited.

(2) These subdivision regulations may be changed or amended by the Planning Commission after a public hearing, due notice of which shall have been given in the official newspaper, as the Planning Commission shall designate, at least ten days before the date of such hearing.

(3) These subdivision regulations and any amendments thereto, shall be published, and shall be recorded with the Register of Deeds of Burke County.

6.2006 Severability:

If any section, paragraph, clause, phrase or part of these subdivision regulations is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of the regulations; and the application of those provisions to any persons or circumstances shall not be affected thereby.

6.2007 Enforcement, Penalties:

(1) No plat of any subdivision shall be entitled to record in the Register of Deeds of Burke County, North Dakota or have any validity until it shall have been approved in the manner prescribed herein.

(2) The City Council shall not permit any public improvements over which it has any control to be made, or any money expended for improvements to any area that has been subdivided or upon any street that has been platted, after the date of the adoption of these regulations unless such subdivision or street has been approved in accordance with provisions contained herein.

(3) Whoever, being the owner or agent of the owner of any land located within or adjacent to the City of Powers Lake, knowingly or with intent to defraud, transfers or sells by reference to, or exhibition of or by other use of a plat of a subdivision of land before such plat has been approved by the City Council, shall forfeit and pay the penalty of not more than one hundred dollars for each lot so transferred or sold or agreed or negotiated to be sold, and a description by metes and bounds shall not exempt the transaction from such penalties. The municipality may

enjoin such transfer, sale, or agreement by an action for injunction, or it may recover the penalty by civil action.

ARTICLE 21 – Severability

6.2101 Severability:

If any section, paragraph, clause, phrase or part of this zoning ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of the ordinance; and the application of those provisions to any persons or circumstances shall not be affected thereby.

ARTICLE 22 – Amendments and Changes

6.2201 Amendments and Changes:

The City Council may on its own motion or on petition, amend, supplement, or change by ordinance the regulations or districts established herein or subsequently established but no such amendment shall be made without a public hearing before the Planning Commission. The public hearing shall be recessed and continued to a time and date certain, to be not less than 10 days after the initial hearing; provided that, however, if by the end of the initial public hearing it shall appear that no appearances have been made at any time either in writing or in person opposing the action proposed to be taken, then the Planning Commission at its own discretion may either continue the hearing and forward its recommendations to the City Council.

6.2202 Notice by Publication:

Notice of the time, place, and purpose of the initial hearing shall be given by publication once in a newspaper generally circulated in the City of Powers Lake, with such notice to be published at least seven days prior to the initial hearing, exclusive of the day of publication and the day of the hearing. The same notice shall be sent by certified mail, return receipt requested, not later than the date of publication of such notice to the owners of the premises to which the proposed zone change or other amendment of these regulations applies (the "affected area") and to the owner of the premises lying within one hundred and fifty feet (exclusive of streets and alleys) of the affected area. The expense of providing such notices shall be paid by the proponent of the zone change or other amendment pursuant to Section 6 hereof.

6.2203 Requirement of Mailed Notices:

The requirement that notice be mailed to landowners may be waived in whole, or in part (by such devices as selective or random mailing) in respect to proposals for zone change or proposed amendments to these regulations, which are initiated by the city itself. Such waiver shall be by resolution joined in by two-thirds of the City Council and may be made at any time before or after the public hearing.

6.2204 Protest:

If a protest against a change, supplement, modification, amendment, or repeal is signed by the owners of twenty (20) percent or more:

- (1) Of the area included in such proposed changes; or
  - (2) Of the area adjacent, extending one hundred fifty (150) feet from the area to be changed, excluding the width of streets; not including municipally owned land in the computation,
- the amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all of the members of the City Council, provided that the protest must be in writing and must be filed with the City Auditor before the closing of the public hearing.

6.2205 Petitions for Change of Established Zoning Districts:

All petitions requesting a change, amendment, or supplement of the established zoning districts of the city and regulations connected therewith shall be filed by the person requesting such action and such petition shall contain the street address of the petitioner, the lot number of any real estate owned by him adjacent to the area proposed to be changed and shall also contain an accurate legal description of the district or parts of districts proposed to be so altered. Such petition shall also recite facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this ordinance and shall further disclose the purpose for which such property is sought to be used.

6.2206 Petition for Change in Regulation:

A petition for a change in the regulations or districts herein or subsequently established shall be filed with the City Auditor in duplicate. A fee of \$300 shall be paid at the time of filing, to be applied to the cost of publication and mailing of the notice of hearing on said petition, and the petitioner shall pay the total cost of publishing and mailing such notice as a prerequisite to final action of the petition by the planning commission.

6.2207 Post-Amendment Publication and Certification not required:

(1) Notwithstanding the provisions of NDCC 40-47-04 and 40-47-05 to the contrary no publication of a notice of the establishment of any regulation, restriction, or boundary nor amendment of the zoning ordinance shall be required after the City Council acts to establish such regulation, restriction, boundary or amendment.

(2) Notwithstanding the provisions of the NDCC 40-47-04 and 40-47-05 to the contrary, a certified copy of an ordinance or resolution with respect to or affecting zoning need not be filed with the City Auditor, but rather the City Auditor shall file copies of such ordinances or resolutions in the same manner as applies to other ordinances or resolutions.

ARTICLE 23 – Extension of City of Powers Lake Zoning Authority, Power, and Jurisdiction to Extraterritorial Zone

6.2301 Extension of City of Powers Lake Zoning Authority, Power, and Jurisdiction to Extraterritorial Zone:

Pursuant to NDCC 40-47-01.1 the zoning authority, power, and jurisdiction of the City of Powers Lake is hereby extended to that geographical area lying outside the City and adjacent to and within 1 mile of the corporate city limits. This area shall be known as the **Extraterritorial Zone**.

6.2302 Use Regulations:

The lands brought within the zoning jurisdiction of the City of Powers Lake by this ordinance are hereby zoned in accordance and in conformity with the zoning earlier placed upon such land or portions thereof by the Burke County Board of County Commissioners. However, in the event that there is a conflict between this zoning ordinance and the Burke County Zoning resolution in respect to the definition or use of a term, the definition and interpretations of this zoning ordinance shall control. Further, in the event of a conflict between restrictions and permissible uses in respect to any zone as set forth in the Burke County Zoning resolution and as set forth in this zoning ordinance, this zoning ordinance shall control.

6.2303 Future Modifications:

Henceforth, when the extension of the city limits of the City of Powers Lake warrant, additions may be made to the geographical area encompassed within the extraterritorial zoning authority of the City

of Powers Lake by ordinance of the city council describing the area thus added to the Extra Territorial Zone and designating the zoning placed thereon. A copy of such ordinance shall be sent to the Burke County Board of County Commissioners. Otherwise, zone changes within the extraterritorial zone shall be made by the city council of the City of Powers Lake in the same manner and following the same procedures as though the land affected was actually located within the city limits.

6.2304 Code Enforcement: The provisions of this zoning ordinance shall be applied to the geographical area within the extraterritorial zone as though such area constituted part of the city within the city limits.

## **APPENDICES**

Appendix D: Zoning Ordinance Ch. 12 Nuisance

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**CHAPTER TWELVE**  
**PUBLIC NUISANCES**

ARTICLE 1 – Sanitary Nuisances

12.0101 Residence – When Sewer and Water Required

It shall be unlawful for any person to use or occupy or permit to be used or occupied for residence purposes, any premises or building within the corporate limits of this City without first making or causing to be made proper connections with the City's sewer and water facilities and mains.

The term “proper connections” when used in this section shall be construed to mean connections with the water mains and sanitary sewers which are equipped and furnished with proper valves and fittings so as to enable such water connections to be used at all times. Sanitary toilets and drains and such equipment shall at all times be kept in repair so as to make them available for household use and in condition to be used at all seasons of the year.

12.0102 Outhouses – Cesspools – A Nuisance

The use, construction, maintenance, building or erection of any outhouse, privy, vault or cesspool within this City is hereby declared to be a nuisance and a menace to public health, when in violation of Section 12.0101.

12.0103 Outhouses – Cesspools – Exceptions

1. Private sewage system and private water supplies may be constructed to serve new buildings to be built in areas not included in Section 12.0101, providing such lot area complies with the requirements of any zoning requirements.
2. Private sewage systems and private water systems may be installed in existing buildings in areas not included in Section 12.0101.
3. Each private sewage system or private water supply hereafter altered or constructed shall conform to the State Health Department Standards.

12.0104 Outhouses – Cesspools – Offensive Odors

It shall be unlawful for the owner or occupant of any lot or piece of ground within the corporate limits of this City to permit any private sewer system to emit any offensive odors or to become dangerous or injurious to public health or offensive to sense of smell of the people of the City. Any private sewer system emitting such odor is hereby declared to be a nuisance and a menace to the public health of the City.

12.0105 Outhouses – Cesspools – Cleaning of

In the cleaning of private septic tanks and sewage systems the contents thereof shall be removed in containers fitted so as to prevent the escape of odors or materials therefrom and disposed of in a manner approved by the City health officer.

The pumping of a private sewage system on the surface of the ground or hauling contents thereof in such a manner as to allow the material to spill on the ground, street or public ways is hereby declared to be a public nuisance.

12.0106 Dead Animals

Any person who owned or had possession or control of a dead animal prior to its death shall remove or cause the same to be removed within five (5) hours from the time the animal dies and have the same buried or disposed of in some other sanitary way approved by the City health officer. Any dead animal remaining in any street, alley or other public place in this City, or in any private premises within this City, for more than five (5) hours after the animal shall have died, is hereby declared to be a nuisance. Any person allowing any animal which that person controlled or possessed, prior to its death, to remain in any street, alley or public place, or on any private premises within the City for more than five (5) hours after its death shall be guilty of a violation of this Article.

12.0107 Water Pools – Putrid Substances

It shall be unlawful for the owner or occupant of any parcel of ground in this City to suffer or permit water or putrid substance whether animal or vegetable to accumulate or stand so as to cause an offensive odor to be emitted therefrom or to become injurious or dangerous to the health of the neighborhood. Any pool of water and any putrid substance permitted to become offensive or injurious to the public health are hereby declared to be a public nuisance.

ARTICLE 2 – Smoke – Gases

12.0201 Smoke, Dust, Ashes, Cinders, Gases – A Nuisance

The emission of dense smoke, ash, dust, cinders or noxious gases from any machine, contrivance or from the smoke stack or chimney of any building or premises in such quantities as to cause injury or detriment to any person or persons or to the public, or to endanger the comfort, health or safety of any person or persons, or in such manner as to cause or tend to cause damage or injury to property, is hereby declared to be a public nuisance.

12.0202 Smoke, Dust, Ashes, Cinders, Gases – Prohibited

No person, persons, association or corporation shall cause, permit or allow the escape from any smoke stack or chimney into the open air, of such quantities of dense smoke, ash, dust, soot, cinders, acid or other fumes, dirt, or other material, or noxious gases, in such place or manner as to cause injury, detriment or nuisance to any person or persons, or to the public, or to endanger the comfort, health or safety to any such person or persons, or the public, or in such manner as to cause or have a natural tendency to cause injury or damage to business or property.

ARTICLE 3 – Radio Interference and Noise Control

12.0301 Radio Interference Prohibited

It shall be unlawful for any person knowingly to maintain, use, operate or cause to be operated within this City, any machine, device, appliance, equipment or apparatus of any kind whatsoever, the operation of which shall cause reasonably preventable electrical interference with radio reception within said municipal limits. The maintenance, use or operation within the City of any machine, device, appliance, equipment or apparatus of any kind so as to interfere with radio reception in violation hereof is hereby declared a public nuisance.

12.0302 Loud, Disturbing, Unnecessary Noises – Prohibited

The making, creating or maintenance of loud, unnatural or unusual and disturbing noises are a detriment to public health, comfort, convenience, safety and welfare, and are hereby declared to be

unlawful and a public nuisance. The following acts, among others, are declared to be prohibited noises in violation of this section, but such enumeration is not exclusive:

1. The sounding of horns or signaling devices on any motor vehicle or motorcycle on any street or public place except as a danger warning.
2. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto. The operations of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
3. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of advertising or attracting the attention of the public to any structure.
4. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 PM and 7:00 AM, or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
5. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed indicating that a school, hospital, or court is in the vicinity.

#### ARTICLE 4 – Automobiles – Personal Property

##### 12.0401 Automobiles, Personal Property – When a Nuisance

Unsheltered storage of old, used, stripped, junked and other automobiles not in good, safe operating condition, and of any other vehicles, machinery implements and/or equipment and personal property of any kind which is no longer safe for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in a licensed junk yard) within the City, and any motor vehicle, animal and article of personal property which constitutes an obstruction to, hazard or detriment to public traffic, snow removal operations, public safety and public health, or which may be abandoned or unclaimed within the City, is hereby declared to be a nuisance and shall be abated in the manner prescribed in this article.

##### 12.0402 Abatement Required by Owners

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this City upon which such storage is made, and also the owner, /owners and /or lessees of the property involved in such storage (all of whom are hereinafter referred to collectively as “owners”), shall jointly and severally abate the nuisance by the prompt removal of the personal property into completely enclosed buildings authorized to be used for storage purposes, if within the corporate limits of the City, or otherwise to remove it to a location outside of corporate limits.

12.0403 Abatement Required – Penalty for Failure

If the owners allow a nuisance to exist or fail to abate a nuisance they, and each of them upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) for each infraction and a separate infraction may be deemed committed on each day during or on which the nuisance is permitted to exist.

12.0404 Removal and Impoundment by City

The police department may remove or cause to be removed to the City Hall, or any other place within the City selected for storage purposes, any personal property described in 12.0401, and may impound and retain the same until the expense of removal, storage and impounding is paid, together with the amount of any fine, costs, bail or other claims of the City against the owner, or any other person lawfully entitled to the possession thereof.

12.0405 Removal and Impoundment – When Sold

If not reclaimed and redeemed by the true owner or the person lawfully entitled to the possession thereof within a period of thirty (30) days after impounding, any article of personal property described in 12.0401 may be sold and disposed of by the police department in the manner hereinafter provided. Notice that such property will be sold shall be published once, at least (6) days prior to the sale, in the official newspaper. Such notice shall specify a description of the property to be sold and the time and place of sale. Any sale may be postponed or discontinued by public announcement at the time of the sale where there are not bidders or when the amount offered is grossly inadequate, or for other reasonable cause. The City may become a purchaser of any or all property at the sale. The chief of person making the sale shall give the purchaser at the sale a receipt for the purchase of such property.

12.0406 Removal and Impoundment Proceeds

Within thirty (30) days after a sale, the person making the sale shall make out, in writing, and file with the City a full report of the sale, specifying the property sold, the amount received therefore, the amount of costs and expenses and the disposition of the proceeds of the sale. The proceeds arising from the sale shall be delivered to the city auditor and credited to the general fund.

ARTICLE 5 – Noxious Weeds

12.0501 Definition

Whenever used in this ordinance, the term “noxious weeds” shall mean and include all weeds of the kind known as Canada Thistle, sow thistle, quack grass, leafy spurge (*Euphorbia esula* or *Ruphrobia virgata*), field bindweed, Russian knapweed, (*Centaurea picris*), hoary cress (*Lepidium draba*, *Lepidium roebs*), and *Humenophysa pubescens*), dodder, or any similar unwanted vegetation over eight inches in height.

12.0502 Weeds Prohibited

No owner of any lot, place or area within the City or the agent of such owner, shall permit on such lot, place or area and the one-half of any road or street lying next to the lands or boulevards abutting thereon, noxious weeds or other deleterious, unhealthful growths.

12.0503 Notice to Destroy

The City health officer or person designated by the City is hereby authorized and empowered to notify in writing the owner of any lot, place, or area within the City or the agent of such owner, to cut, destroy, and /or remove any noxious weeds found growing, lying, or located on such owner’s property or

upon the one-half of any road or street lying next to the lands or boulevards abutting thereon. The notice shall be by registered or certified mail addressed to said owner or agent of said owner at their last known address and shall give such owner or agent a minimum of five days to cut or destroy the noxious weeds.

#### 12.0504 Action Upon Non-Compliance

Upon the failure, neglect, or refusal of any owner or agent to cut, destroy and/or remove noxious weeds growing, lying or located upon the owner's property or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon, after receipt of the written notice provided for in 12.0503 or within five days after the date of such notice in the event the same is returned to the City because of inability to make delivery thereof, the health officer or person designated by the City is hereby authorized and empowered to pay for the cutting, destroying, and/or removal of such noxious weeds or to order their removal by the City.

#### 12.0505 Cost Assessed to Property

When the City has effected the removal of such noxious weeds or has paid for their removal, the actual cost thereof, if not paid by the owner prior thereto, shall be charged and assessed against the property upon which the noxious weeds were cut or destroyed. An assessment list showing the lots or tracts to be assessed with the cost against each lot or tract shall be prepared as are other special assessment lists and shall be approved by the governing body. Such assessments shall be subject to the same procedure for certification to the county auditor, payment and collection as are other special assessments under state law. (Source: North Dakota Century Code section 40-05-01.1)

### ARTICLE 6- Pets and Other Animals

#### 12.0601 Definitions

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by section:

*Animals* shall mean any male or female dog or cat whether or not spayed or neutered.

*At Large* shall mean an animal off the premises of the owner, and not under control of the owner or a member of his immediate family by a reasonable length leash, cord, or chain.

*Dog* shall mean both male and female whether or not spayed or neutered.

*Owner* shall mean any person owning, keeping, or harboring an animal.

#### 12.0602 Dogs and Cats at Large Prohibited

It shall be unlawful for the keeper of any dog or cat, whether or not licensed, to allow the dog or cat to run at large upon any of the streets, avenues, alleys, parks, public ways, school grounds, or upon the private premises of any person other than the owner or keeper of the dog or cat within the city. Any dog or cat found running at large by the City Animal Warden or by any police officer of the City may be impounded and may be reclaimed by the owner by paying to the City the taking and maintenance costs as provided in this chapter. It shall be an affirmative defense to prosecution of this section that the dog or cat was under oral command at the time of the claimed offense. Any person, firm or corporation violating any of the provisions of this ordinance shall upon conviction, be punished by a fine consistent with current Ordinance Violations Fine Schedule.

#### 12.0603 Destructive and Annoying Animals Declared a Nuisance

Any animal which shall damage or destroy any property not the property of its owner or keeper, or which shall by its actions frighten or annoy any person not then trespassing upon the property of its owner or keeper, and any animal which shall by loud and frequent yelping, barking or howling, or by defecating or urinating on property other than that of its owner or keeper, annoy any person, is hereby declared to be a public nuisance, further, that any animal that causes unreasonably fouling of the air by

odors, that causes unreasonable unsanitary conditions in enclosures or surroundings, or is determined by the animal control department or the health unit to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare, or safety, shall be declared a public nuisance. Any person, firm or corporation violating any of the provisions of this ordinance shall upon conviction, be punished by a fine consistent with current Ordinance Violations Fine Schedule.

12.0604 Trespassing Animals Declared a Nuisance

Any animal, which shall trespass upon the private property of a person other than the owner of the animals, is hereby declared to be a public nuisance. Any person, firm or corporation violating any of the provisions of this ordinance shall upon conviction, be punished by a fine consistent with current Ordinance Violations Fine Schedule.

12.0605 Vicious Animals Declared Nuisance

Any animal, which shall, within the city, bite any person, when the person so bitten was not, at the time trespassing on or injuring the person or property of the owner or keeper of such animal, is hereby declared a vicious animal. The vicious animal shall be immediately removed from the city either by the owner or by the police department who will place the animal into the city pound, at the owner's expense, until the case is heard on the nearest court date. If the animal is deemed vicious at court, the owner must permanently remove the animal from the city or have the animal destroyed, at the owner's expense.

12.0606 Owner or Keeper of Animal as Maintaining Nuisance:

Any person who owns or keeps an animal declared to be a public nuisance in Sections 8-125 through 8-127 of this chapter, and who shall fail, neglect or refuse to abate the nuisance by destroying the animal, or by removing the animal from the city, or by permanently confining the animal, or by correcting the animal's behavior, whichever shall be necessary to the abatement of such nuisance, shall be deemed guilty of maintaining a public nuisance which shall be considered an offense. The nuisance may also be abated under NDCC 40-05-01(44) and Title 42 NDCC.

12.0607 Citation to Animal Owner; Disposition

Instead of making a formal arrest for violation of this chapter committed in his presence, an officer may issue to the person charged a citation containing a notice to answer to the violation or charge in the municipal court at a time no later than thirty (30) days after the alleged violation. Upon promising to appear at the time specified in the citation, the person charged shall be released by the charging officer. If the person so charged refuses to sign the promise to appear he may be arrested or summoned to appear in municipal court.

12.0608 Disposition of Nuisance Animal

In the event of a conviction for a failure to abate a nuisance described in this division, the court may order the destruction of the animal unless the owner destroys, permanently confines, corrects the animal's behavior, or removes such animals from the city, as the court may direct, within a reasonable amount of time as set by the court.

12.0609 Poisoning Domestic Pets

No person in the city shall poison any domestic pet or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any domestic pet. This section shall not apply to a veterinarian acting in the course of his practice.

12.0610 Trapping of Animals

No person shall enter upon land not owned by him, whether privately owned or publicly owned, for the purpose of trapping animals without first obtaining the permission of the owner or tenant of the land.

No person shall operate an animal trap which is so designed or constructed that might injure a human being who inadvertently comes upon it without conspicuously posting and thereafter maintaining a suitable notice reasonably designed and located so as to alert a person of common intelligence and understanding as to the presence of the trap and the dangers presented thereby.

If a person established a trap in such a place that there is a substantial likelihood that the trap will capture a domesticated animal, then the trap employed must be a commercially manufactured live catch trap, which allows for the uninjured release of the animal. The trap must be so located as far as practical to protect captured animals from the elements. The trapper shall not allow a captured animal to remain therein an unreasonable period of time. The trapper shall turn over to the city animal warden or peace officer any domesticated animal captured. Violation of this section will be a Class B Misdemeanor.

ARTICLE 7 – Property Maintenance

12.0701 Property Owner’s Responsibilities

The property owner of the subject property (either a principal residence or investment property) must comply with the following minimum conditions:

12.0702 Vacant Lands and Structures

Vacant Land and Structures shall be maintained in a clean, safe, secure, and sanitary condition so as not to cause a blighting problem or adversely affect the public health or safety.

12.0703 Exterior Structure

Exterior Structure elements (i.e. walls, foundation walls, finish treatments) shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public, health, safety and welfare. Exterior walls shall be free from holes, breaks, and loose or rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

12.07 04 Decorative Features

All Decorative Features consisting of cornices, trim, and wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition.

12.0705 Awnings, Stairways, Decks, Porches, Patios and Balconies

Awnings, Stairways, Decks, Porches, Patios and Balconies and similar exterior structural features shall be maintained structurally sound, in good repair, and with proper anchorage and capable of supporting imposed loads.

12.0706 Yards

Property Yards consisting of driveways, landscaped areas and open spaces, sidewalks, parking areas and similar areas shall be kept in a proper state of cleanliness, repair and maintained free from hazardous conditions.

12.0707 Garbage & Waste Materials

Waste materials generated by the household or business shall be stored in a clean, orderly and sanitary manner until such time that they are removed from the property by waste collection or owner.

It is the responsibility of the owner / tenant to store garbage and waste materials in generally accepted waste containers (i.e lidded, leak proof)

Any person violating any of the provisions of this Chapter, upon non-compliance, is subject to fine consistent with current Ordinance Violations Fine Schedule, and a separate violation may be deemed committed on each day the violation is permitted to exist. Refer to current Ordinance Violation Fine Schedule.

ARTICLE 8 – General Penalty Provision

12.0801Penalty for Violation of Chapter

Any person violating any of the provisions of this Chapter, upon non-compliance, is subject to fine consistent with current Ordinance Violations Fine Schedule, and a separate violation may be deemed committed on each day the violation is permitted to exist. Refer to current Ordinance Violation Fine Schedule.

## **APPENDICES**

Appendix E: Ch. 12 Nuisance Ordinance Violations Fine Schedule

12.0801

City of Powers Lake Ordinance Violation Fines Schedule

Reference City of Powers Lake Ordinance - Public Nuisances, Chapter 12

<u>Violation</u>	<u>Ordinance Reference</u>	<u>Fine</u>
Noise	Article 3	\$100 per event /occurrence
Property – Automobiles	Article 4	\$100 per occurrence
Property-Junk	Article 4	\$100 per occurrence
Property-Noxious Weeds	Article 5	\$100 per occurrence
Property Animal Control	Article 6	\$100 per event /occurrence
Property Maintenance	Article 7	\$100 per occurrence
Non-Compliance		Discretionary up to \$100 per occurrence

Repeat occurrences would allow Police Chief discretionary authority to levy heavier fines up to \$500 per event / occurrence

## **APPENDICES:**

Appendix F: Workforce Housing

## Work Force Housing Application Requirements

The following items to be submitted with the Special Use Permit / Zone Change Application:

1. *Site Plan drawn to scale with locations & dimensions of all proposed improvements: housing units, structures, utilities- septic systems (tanks, piping, drainfield), roads, parking, dumpster, storm water facilities, buffers, and future expansion areas;*
2. *Proposed Structure Architectural Plans to include footprint, elevations, and exteriors;*
3. *North Dakota Department of Health approved septic system plan & permit (required for construction and Certificate of Occupancy);*
4. *North Dakota Department of Health approved potable water service permit (required for construction and Certificate of Occupancy);*
5. *Letter of commitment of contract with solid waste hauler;*
6. *Review letter from affected Township Board;*
7. *Review letter from office of Police / Sheriff /EMS / Fire;*
8. *Copy of the applicant's deed or lease;*
9. *Copy of Owner's Articles of Incorporation or similar ownership document if LLC or LLP;*
10. *Proof of background check for all residents, background checks to be submitted to City for all resident changes*
11. *Facilities Plan to address security and emergencies (fire, severe weather);*
12. *Special Use Permit not transferable, permit is specific to applicant;*
13. *Facilities Closure Plan, 2 year limit, renewable through re-application;*
14. *Payment of all required Permit & Utility Connection Fees(required for construction and Certificate of Occupancy)*