

OLIVER COUNTY, NORTH DAKOTA

REVISED ZONING ORDINANCES

Revised 2016

Prepared by:
The Oliver County Planning and Zoning Commission

**Approved by the Board of County Commissioners for Oliver County,
North Dakota on the 7th day of April, 2016**

ENACTING ORDINANCE

OLIVER COUNTY RESOLUTION NO. 2016-01

A RESOLUTION TO ADOPT THE REVISED ZONING ORDINANCES OF OLIVER COUNTY OF 2015, STATE OF NORTH DAKOTA, AND REPEALING ALL ORDINANCES PREVIOUSLY ADOPTED WITH CERTAIN EXCEPTIONS.

BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF OLIVER, STATE OF NORTH DAKOTA:

Section 1. Oliver County Revised Zoning Ordinances of 2015. This Ordinance and the ordinances hereby adopted shall be known and cited collectively as the Oliver County Revised Ordinances of 2015.

Section 2. ENACTMENT. The Oliver County Revised Zoning Ordinances of 2015, consisting of Chapters 1 to 23, both inclusive, an original copy of which has been authenticated by original signatures of the County's chief executive officer and auditor and which original is on file in the office of the Oliver County Auditor, are hereby adopted as the Oliver County Revised Zoning Ordinances of 2015.

Section 3. REPEAL. All zoning ordinances of Oliver County adopted prior to the date of this enactment are hereby repealed except the following ordinances which shall continue in full force and effect regardless of the fact that they are herein omitted:

1. All zoning district maps incorporated into the previously enacted Oliver County Zoning Ordinance but kept separate from the Ordinance volume.
2. Any ordinances adopted in said Oliver County Revised Zoning Ordinances of 2015 by reference, although the same are not set forth in full therein.

Section 4. EXISTING LICENSES AND PERMITS. All licenses and permits issued prior to the date on which this Ordinance becomes effective shall continue in force for the remainder of the term for which the same were issued, without additional fees, but all licensees and permittees shall be governed by the provisions of the Oliver County Revised Zoning Ordinances of 2015 for the remainder of the terms of said licenses and permits, in the same manner and to the same extent as if said licenses and permits had been issued under the provisions of the Oliver County Revised Ordinances of 2015.

Section 5. INVALIDITY OF PART. If any section, subsection, sentence, clause or phrase of these ordinances is, for any reason, held to be invalid or

unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, phrase or portion thereof. The Board of Commissioners of Oliver County hereby declares that it would have passed these ordinances and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 6. EFFECTIVE DATE. This Resolution and Ordinance shall be in full force and effect from and after its final passage and approval, publication of notice of the Ordinance, and, if no petition for separate hearing is filed pursuant to Section 11-33-10 of the North Dakota Century Code, shall take effect upon the expiration of the time for filing said petition. If a petition for a separate hearing is filed pursuant to section 11-33-10, the Ordinance shall take effect at such time as the Oliver County Board of County Commissioners has affirmed the Resolution and Ordinance in accordance with the procedures of section 11-33-10.

Adoption of the foregoing Resolution and Ordinance was moved by Darrell Berger, seconded by Blake Wilkens; the following Commissioners voting for: Darrell Berger, Blake Wilkens, and Lee Husfloen, and none voting against, the Resolution and Ordinance was approved and duly adopted the 7th day of April, 2016.

OLIVER COUNTY, NORTH DAKOTA

By: _____
Lee Husfloen, Chairman
Board of County Commissioners

ATTEST:

Judith Hintz
County Auditor

INDEX

1.	INTRODUCTION:	PG. 1
1.1	AUTHORITY	PG. 1
1.2	TITLE	PG. 1
1.3	EFFECTIVE DATE	PG. 1
1.4	JURISDICTION	PG. 1
1.5	PURPOSE	PG. 1
1.6	ABROGATION & GREATER RESTRICTIONS	PG. 1
1.7	INTERPRETATION	PG. 1
1.8	SEVERABILITY	PG. 2
1.9	REPEAL	PG. 2
2.	GENERAL PROVISIONS:	PG. 2
2.1	INTRODUCTION	PG. 2
2.2	ZONE OF COORDINATION	PG. 2
2.3	COMPLIANCE	PG. 2
2.4	USES	PG. 2
	Permitted Uses	PG. 2
	Accessory Uses	PG. 3
	Conditional Uses	PG. 3
	Temporary Uses	PG. 3
	Uses Not Specified	PG. 3
2.5	EXISTING LOTS OF RECORD	PG. 3
2.6	NON-CONFORMING USES & STRUCTURES	PG. 3
	Extension	PG. 3
	Damage or Destruction	PG. 4
	Repairs or Alterations	PG. 4
	Discontinuance	PG. 4
	Moving Buildings	PG. 4
	Change	PG. 4
	Current File	PG. 4
2.7	HEIGHT REGULATION EXCEPTIONS	PG. 4
2.8	SETBACK & YARD REGULATION EXCEPTIONS	PG. 4
2.9	EROSION & SEDIMENT CONTROL	PG. 4
3.	DISTRICTS & BOUNDARIES	PG. 5
3.1	DISTRICT CLASSIFICATIONS	PG. 5
3.2	DISTRICT ZONING MAP	PG. 5
4.	AGRICULTURAL DISTRICT (A)	PG. 5
4.1	USE REGULATIONS	PG. 5
	Permitted Uses	PG. 5
	Accessory Uses	PG. 5
	Conditional Uses	PG. 6

4.2	YARD REGULATIONS	PG.13
4.3	FENCE REGULATIONS	PG.14
4.4	HIGHWAY ACCESS REGULATIONS	PG.14
4.5	PARKING REGULATIONS	PG.14
4.6	SIGN REGULATIONS	PG.14
5.	RESIDENTIAL DISTRICT 1 (R-1)	PG.14
5.1	USE REGULATIONS	PG.14
	Permitted Uses	PG.14
	Accessory Uses	PG.14
5.2	AREA REGULATIONS	PG.14
5.3	YARD REGULATIONS	PG.15
5.4	HEIGHT REGULATIONS	PG.15
5.5	FENCE REGULATIONS	PG.15
5.6	HIGHWAY ACCESS REGULATIONS	PG.15
5.7	PARKING REGULATIONS	PG.15
5.8	SIGN REGULATIONS	PG.16
6.	RESIDENTIAL DISTRICT 2 (R-2)	PG.16
6.1	USE REGULATIONS	PG.16
	Permitted Uses	PG.16
	Accessory Uses	PG.16
6.2	AREA REGULATIONS	PG.16
6.3	YARD REGULATIONS	PG.17
6.4	HEIGHT REGULATIONS	PG.17
6.5	FENCE REGULATIONS	PG.17
6.6	HIGHWAY ACCESS REGULATIONS	PG.17
6.7	PARKING REGULATIONS	PG.17
6.8	SIGN REGULATIONS	PG.17
7.	MOBILE HOME PARK DISTRICT (MH)	PG.18
7.1	USE REGULATIONS	PG.18
	Permitted Uses	PG.18
	Accessory Uses	PG.18
7.2	AREA REGULATIONS	PG.18
7.3	YARD REGULATIONS	PG.18
7.4	HEIGHT REGULATIONS	PG.19
7.5	SPECIAL MOBILE HOME PARK REGULATIONS	PG.19
	Dedicated Streets	PG.19
	Private Streets	PG.19
	Entrances, Exits & Driveways	PG.19
	Walkways	PG.19
	Recreation Areas	PG.19
	Buffer Strip	PG.19
	Water & Sewer	PG.19
	Safety	PG.20
	Electrical Service	PG.20

Park Office	PG.20
Lawns	PG.20
7.6 SPECIAL MOBILE HOME REGULATIONS	PG.20
Foundation Skirts	PG.20
Permanent Foundation Stand	PG.20
7.7 FENCE REGULATIONS	PG.20
7.8 HIGHWAY ACCESS REGULATIONS	PG.20
7.9 PARKING REGULATIONS	PG.20
7.10 SIGN REGULATIONS	PG.20
8. COMMERCIAL DISTRICT (C)	PG.21
8.1 USE REGULATIONS	PG.21
Permitted Uses	PG.21
Accessory Uses	PG.21
8.2 AREA REGULATIONS	PG.21
8.3 YARD REGULATIONS	PG.22
8.4 HEIGHT REGULATIONS	PG.22
8.5 FENCE REGULATIONS	PG.22
8.6 HIGHWAY ACCESS REGULATIONS	PG.22
8.7 PARKING REGULATIONS	PG.22
8.8 LOADING & UNLOADING REGULATIONS	PG.22
8.9 SIGN REGULATIONS	PG.22
9. INDUSTRIAL DISTRICT (I)	PG.23
9.1 USE REGULATIONS	PG.23
Permitted Uses	PG.23
Accessory Uses	PG.23
Conditional Uses	PG.23
9.2 AREA REGULATIONS	PG.24
9.3 YARD REGULATIONS	PG.25
9.4 HEIGHT REGULATIONS	PG.25
9.5 SPECIAL INDUSTRIAL REGULATIONS	PG.25
Rail Facilities	PG.25
Outdoor Material Storage	PG.25
Building Construction	PG.25
Landscaping	PG.25
9.6 FENCE REGULATIONS	PG.25
9.7 HIGHWAY ACCESS REGULATIONS	PG.26
9.8 PARKING REGULATIONS	PG.26
9.9 LOADING & UNLOADING REGULATIONS	PG.26
9.10 SIGN REGULATIONS	PG.26
10. PLANNED UNIT DEVELOPEMENT DISTRICT (PUD)	PG.26
10.1 SITE REGULATIONS	PG.26
10.2 PROCEDURAL REGULATIONS	PG.26

11. RECREATIONAL DISTRICT (RC)	PG.27
11.1 USE REGULATIONS	PG.27
Permitted Uses	PG.27
Accessory Uses	PG.27
Conditional Uses	PG.28
11.2 AREA REGULATIONS	PG.28
11.3 YARD REGULATIONS	PG.29
11.5 FENCE REGULATIONS	PG.29
11.6 HIGHWAY ACCESS REGULATIONS	PG.29
11.7 PARKING REGULATIONS	PG.29
11.8 SIGN REGULATIONS	PG.29
12. CONSERVATION DISTRICT (CS)	PG.29
12.1 USE REGULATIONS	PG.29
13. SITE & SOIL CAPABILITY REGULATIONS	PG.30
13.1 GENERAL REQUIREMENTS	PG.30
Soil Division I	PG.30
Soil Division II	PG.31
Soil Division III	PG.31
Soil Absorption System	PG.31
Modification	PG.31
Shoreline	PG.31
14. PARKING REGULATIONS	PG.31
14.1 USE REQUIREMENTS	PG.32
Dwellings	PG.32
Schools	PG.32
Hospitals	PG.32
Places of Public Safety	PG.32
Commercial Establishments	PG.32
Manufacturing/Wholesale/ Industrial Establishments	PG.32
14.2 GENERAL REQUIREMENTS	PG.32
Location	PG.32
Size	PG.32
Surfacing	PG.32
Continuing Obligation	PG.32
Joint Cooperation	PG.32
Mixed Uses	PG.33
15. LOADING & UNLOADING REGULATIONS	PG.33
15.1 GENERAL REQUIREMENTS	PG.33
Number of Berths	PG.33
Location	PG.33

16. SIGN REGULATIONS	PG.33
16.1 GENERAL REQUIREMENTS	PG.33
Location	PG.33
Maintenance	PG.34
Safety Restrictions`	PG.34
Distance from Residential Districts	PG.34
Outdoor Advertising Permit	PG.34
16.2 DISTRICT REQUIREMENTS	PG.34
Residential Districts	PG.34
Commercial & Industrial Districts	PG.34
17. ADMINISTRATION PROCEDURES & PERMITS	PG.34
17.1 ADMINISTRATION	PG.34
Oliver County Planning Commission	PG.34
Board of Adjustment	PG.35
Land Use Administrator	PG.35
17.2 PROCEDURES	PG.35
Amendments	PG.35
Grievances	PG.36
Variances	PG.36
17.3 PERMITS	PG.37
Building Permit	PG.37
Conditional Use Permit	PG.37
Temporary Permit	PG.38
18. ENFORCEMENT	PG.38
COMPLAINTS	PG.39
REMEDIES	PG.39
PENALTIES	PG.39
19. DEFINITIONS	PG.39
19.1 GENERAL TERMS	PG.39
19.2 SPECIFIC TERMS	PG.39
20. SUBDIVISION REGULATIONS	PG.43
REQUIREMENTS	PG.43
20.1 FILING CHECKLIST	PG.44
20.2 FILING PROCEDURES & DATA REQUIREMENTS	PG.44
20.3 DESIGN STANDARDS	PG.48
21. CREW HOUSING FACILITIES	PG.51
21.1 DEFINITIONS	PG.51
21.2 TEMPORARY CREW HOUSING COINDITIONAL USE PERMIT	PG.51
21.3 CREW HOUSING FACILITY CONDITIONAL USE PERMIT	PG.51
21.4 APPLICANT BACKGROUND INFORMATION	PG.51
21.5 APPLICATION PROCEDURE AND GENERAL REQUIREMENTS	PG.52

21.6 APPROVAL OR DENIAL OF PERMIT	PG.53
21.7 PERMIT NON-TRANSFERABLE	PG.53
21.8 PROHIBITED ACTIVITIES	PG.54
21.9 REVOCATION OF PERMIT	PG.54
21.10 EXPANSION OF TEMPORARY CREW HOUSING	PG.55
21.11 RENEWAL OF CONDITIONAL USE PERMIT	PG.55
21.12 CONDITIONS - REPORTING REQUIREMENTS	PG.55
22. COMMERCIAL MOTOR VEHICLE PARKING	PG.55
22.1 DEFINITIONS	PG.55
22.2 COM. VEH. PARKING LOT CONDITIONAL USE PERMIT	PG.55
22.3 APPLICANT BACKGROUND INFORMATION	PG.56
22.4 APPLICATION PROCEDURE AND GENERAL REQUIREMENTS	PG.56
22.5 APPROVAL OR DENIAL OF PERMIT	PG.57
22.6 PERMIT NON-TRANSFERABLE	PG.57
22.7 PROHIBITED ACTIVITIES	PG.58
22.8 REVOCATION OF PERMIT	PG.58
22.9 EXPANSION OF COMMERCIAL MOTOR VEHICLE PARKING LOT	PG.59
22.10 RENEWAL OF CONDITIONAL USE PERMIT	PG.59
22.11 CONDITIONS - REPORTING REQUIREMENTS	PG.59
23. FLOODPLAIN ORDINANCE	PG.59
23.1 STATUTORY AUTHORIZATION AND PURPOSES	PG.59
23.2 FINDINGS OF FACT	PG.59
23.3 METHODS OF REDUCING FLOOD LOSSES	PG.59
23.4 DISCLAIMER	PG.60
23.5 DEFINITIONS	PG.60
23.6 LANDS TO WHICH THIS ORDINANCE APPLIES	PG.61
23.7 PERMITS	PG.61
23.8 GENERAL STANDARDS	PG.62
23.9 SPECIFIC STANDARDS	PG.62
23.10 ADMIN. REQUIREMENTS, INFORMATION MAINTAINED	PG.63
23.11 ALTERATION OF WATERCOURSE	PG.63