

NOTICE OF ZONING ORDINANCE AMENDMENT

On November 5, 2013, the Billings County Commission adopted various amendments to the Zoning Ordinance. The following amendments, will take effect thirty (30) days from the date of the first publication of this notice. A copy of the adopted amendment is available for inspection at the office of the Billings County Auditor, Medora, ND between the hours of 8:00 am and 4:00 pm, (MST) Monday through Friday. It is also available on the county website at www.billingscountynd.gov.

AMENDMENT TO BILLINGS COUNTY ZONING RESOLUTION NO. 1

6.15 Supplemental Design Standards

6.15.1

Applicants for zoning permits shall demonstrate compliance of their proposed use and development with the following design standards in the application and shall continue to meet these standards if approved:

- 1) Adequate water service in terms of quality, quantity, and dependability is available to the site to serve the uses permitted
- 2) Adequate sewer service is available
- 3) Adequate fire protection measures are available
- 4) All parking and loading and vehicle storage activities shall take place on the site and no parking shall be permitted within any public right-of-way except in approved residential areas
- 5) An access and traffic management plan shall be provided which identifies anticipated traffic volumes and provides appropriate access locations and circulation patterns within the site. The County may require service roads, acceleration and deceleration, and turning lanes to facilitate the safe and expedient movement of traffic
- 6) Any proposal which involves truck traffic must have an approved dust control plan
- 7) Responsibility for maintenance of the land being developed and a standard for the control of invasive and noxious weeds shall be established as prescribed by the ND Century Code and the Billings County Weed Control Management Plan.

6.15.2

Applicants for zoning permits may demonstrate compliance of their proposed use and development with the following design standards in the application and shall continue to meet these standards if deemed necessary by the board of county commissioners:

- 1) Compliance with the following stormwater management standards:

- a) Onsite retention facilities designed to retain stormwater runoff from the fully developed site from a 100 year storm shall be provided except that a CAFO must meet all applicable County, State, and Federal requirements
 - b) Drainage facilities must be designed by a North Dakota licensed engineer to protect downstream areas from erosion and inundation and must meet all requirements of North Dakota law
- 2) Berms or trees and bushes to screen the development from surrounding areas and which helps to blend the development into the rural landscape

UPDATES FOR AGRICULTURAL DISTRICTS:

5.1.3 Lot Area and Yard Requirements

- a) The minimum lot area for the Agriculture District shall be five (5) acres
- b) Each front yard must have a minimum depth of 75 feet
- c) Each side yard must have a minimum width of 25 feet
- d) Each rear yard must have a minimum depth of 25 feet
- e) The minimum lot width and minimum lot depth is that size which allows all applicable highway setbacks, lot area, and yard requirements to be met

UPDATES FOR RESIDENTIAL DISTRICTS:

5.2.3 Lot Area and Yard Requirements

- a) The minimum lot area for the Residential District shall be five (5) acres. For lots platted prior to November 5, 2013, a single-family dwelling and accessory buildings may be erected on a lot having a minimum lot area of 40,000 square feet provided said lot meets the minimum standards for on-site sewage disposal by the Southwest District Health Unit or North Dakota State Health Department.
- b) Each front yard must have a minimum depth of 75 feet.
- c) Each side yard must have a minimum width of 10 feet.
- d) Each rear yard must have a minimum depth of 25 feet.
- e) The minimum lot width and minimum lot depth is that size which allows all applicable highway setbacks, lot area, and yard requirements to be met

5.2.4 Lot Area and Yard Requirements – for Major Subdivisions

- a) The minimum lot area for single family dwelling units, in areas where public water and sewer are not available, shall be 65,000 square feet provided that the site meets the minimum standards for on-site sewage disposal by the Southwest District Health Unit or the North Dakota State Health Department. The minimum lot width shall be one hundred (100) feet and lot depth two hundred (200) feet. For lots platted prior to November 5, 2013, a single-family dwelling and accessory buildings may be erected on a lot having a minimum lot area of 40,000 square feet provided said lot meets the minimum standards for on-site sewage disposal by the Southwest District Health Unit or North Dakota State Health Department.
- b) The minimum lot area for single family dwelling units in areas where public water and/or sewer are available shall be 12,750 square feet provided the lot has a minimum lot width of eighty-five (85) feet.
- c) The minimum lot area for multi-family units shall be the same as those for single family units, provided however, that an area of not less than 2,500 additional square feet shall be required for each dwelling unit over one in number in multi-family structures.
- d) Each front yard must have a minimum depth of 75 feet. With the following exception:
 - 1) Lots within Original Fryburg or the Updike Addition to Fryburg shall have a minimum front yard depth of 25 feet.
- e) Each side yard must have a minimum width of 10 feet.
- f) Each rear yard must have a minimum depth of 25 feet.

UPDATES FOR RECREATIONAL DISTRICTS

5.3.3 Lot Area and Yard Requirements

- a) The minimum lot area for the Recreational District shall be five (5) acres
- b) Each front yard must have a minimum depth of 75 feet
- c) Each side yard must have a minimum width of 25 feet
- d) Each rear yard must have a minimum depth of 25 feet
- e) The minimum lot width and minimum lot depth is that size which allows all applicable highway setbacks, lot area, and yard requirements to be met

UPDATES FOR COMMERCIAL DISTRICTS

5.4.2 Lot Area and Yard Requirements

- a) The minimum lot area for the Commercial District shall be five (5) acres. For lots platted prior to November 5, 2013, commercial buildings and structures may be erected on a lot having a minimum lot area of 40,000 square feet provided said lot meets the minimum standards for on-site sewage disposal by the Southwest District Health Unit or North Dakota State Health Department.
- b) Each front yard must have a minimum depth of 75 feet.
- c) Each side yard must have a minimum width of 50 feet
- d) Each rear yard must have a minimum depth of 50 feet
- e) The minimum lot width and minimum lot depth is that size which allows all applicable highway setbacks, lot area, and yard requirements to be met

UPDATES FOR INDUSTRIAL DISTRICTS

5.5.5 Lot Area and Yard Requirements

- a) The minimum lot area for the Industrial District shall be five (5) acres.
- b) The minimum setback from the centerline of all section lines and the front public road or access shall be 250 feet.
- c) Each front yard must have a minimum depth of 150 feet
- d) Each side yard must have a minimum width of 100 feet
- e) Each rear yard must have a minimum depth of 100 feet
- f) The minimum lot width and minimum lot depth is that size which allows all applicable highway setbacks, lot area, and yard requirements to be met.
- g) No Industrial District boundary shall be located within 1,250 feet from the boundary of any Residential District.

OTHER AMENDMENTS TO INCLUDE WITHIN THE ORDINANCE

2.3 Definitions

- 36.1) **Dwelling, Recreational, i.e. Cabins** – A building used exclusively for temporary human living quarters of no less than 400 square feet and no greater than 900 square feet, but not including hotels, motels, mobile homes, or recreational vehicles as herein defined. Structures contain one (1) dwelling unit only and generally fit the appearance of a small single family dwelling, but are often modular structures and may be designed to be transported to the site.

5.1.2 Conditionally Permitted Uses –Agriculture District

- r) Up to two (2) cabins may be allowed as accessory buildings in an Agricultural District on lots with five (5) acres or more.

The above Amendment was approved by the Billings County Board of County Commissioners on the 5th day of November, 2013.

By: James R. Arthaud, Board Chairman

Attest: Marcia Lamb, County Auditor/Treasurer

Pursuant to the provisions of N.D.C.C. Section 11-33-10, any person aggrieved by any provision contained within the adopted amendment shall have thirty (30) days from the date of the first publication of this notice to file with the Billings County Auditor a petition to the County Commission for a separate hearing regarding the objection. The petition must be in writing and state with specificity the grounds for objection to the adoption of the whole, or any part, of the adopted amendments to the Billings County Zoning Ordinance.

Dated at Medora this 8th day of November, 2013.

Stacey Swanson

Zoning Director

(November 14 & 21)