

Planning and Zoning Ordinance

CITY OF CROSBY, ND



Contents

Article 1: Planning and Zoning Introduction 3

 15.0101 Authority 3

 15.0102 Title 3

 15.0103 Purpose and intent 3

 15.0104 Severability..... 3

 15.0105 Repeal 3

 15.0105 Effective Date 3

Article 2: General Provisions 4

 15.0201 Jurisdiction 4

 15.0202 Amendments..... 4

 15.0203 Non-Conforming Uses Discontinued..... 4

 15.0204 Non-Conforming Use Changes or Expanded..... 4

 15.0205 Non-Conforming Uses Destroyed or Damaged 5

 15.0206 Conditional use permits 5

 15.0206 Administration 6

Article 3: Zoning 6

 15.0301 Zoning Map 6

 15.0302 Interpretation of District Boundaries..... 6

 15.0303 Extension of Zoning..... 6

 15.0304 District Classifications 6

 15.0305 Definitions of Use and Form 7

 15.0306 O- Open Space 8

 15.0307 R- Residential 9

 15.0308 CC1- City Center 10

 15.0309 CC2- Neighborhood Commercial 11

 15.0310 CC3- Mixed Use 12

 15.0311 I- Industrial 12

 15.0312 PF- Public Facilities 13

 15.0313 SD- Special District 13

 15.0315 Table of Permitted Use 16

Article 4: Special Provisions 17

 15.0401 Signage 17

15.0402 Fences	18
15.0403 Parking and Parking Lots	18
15.0404 Landscaping.....	18
15.0405 Travel trailers/recreational vehicles.	19
Article 5: Design Standards	20
15.0501 Adequate Public Facilities	20
15.0502 Street Sizing	20
15.0503 Complete Streets Network	21
15.0504 Blocks	22
15.0505 Lots.....	22
15.0506 Parks and Open Space.....	22
15.0507 Utility Easements	23
15.0508 Grading and Drainage	23
15.0509 Sewage Disposal System	24
15.0510 Municipal Water Supply.....	24
14.0511 Solid Waste	24
15.0512 Mail Delivery	24
15.0513 Survey Monuments.....	24
Article 6: Subdivision and Administration.....	25
15.0601 Purpose	25
15.0602 Compliance Required.....	25
15.0603 Penalty, Injunction, Civil Action	25
15.0604 Binding Site Plan Required.....	25
15.0605 Exemptions	25
15.0606 Procedures for Subdivision Approval.....	26
15.0607 Required Improvements, Developer’s Agreements	30
15.0608 Subdivision Variances	31
15.0609 Phased Development.....	31
15.0610 Modifications of Plats and Binding Site Plans and Vacations of Plats	31
Article 7: Definitions of Terms	33

Article 1: Planning and Zoning Introduction

15.0101 Authority

This Ordinance is adopted under the authority granted by Chapters 40-47 and 40-48 of the North Dakota Century Code.

15.0102 Title

This Ordinance shall be known as "Zoning Ordinance and Subdivision Regulations - City of Crosby, North Dakota.

15.0103 Purpose and intent

The regulations in this Ordinance have been made in accordance with the goals and strategic actions set forth in a duly adopted General Plan for the City of Crosby and have been enacted with the following purposes in mind:

- (1) Promote the public health and general welfare of residents of Crosby.
- (2) Secure safety from fire, panic, and other dangers.
- (3) Facilitate the development of land at its highest and best use.
- (4) Promote development and economic investment in the city that reflects the highest marginal social benefit.
- (5) Protect uses from undue environmental harm.
- (6) Facilitate adequate provisions for public services.
- (7) Provide a mechanism by which the city can establish and carry out its development policies.

This Ordinance establishes comprehensive zoning regulations for the City of Crosby and unincorporated territory located within the extra-territorial zoning jurisdiction of the City, and provides for the administration, enforcement and amendments thereof.

15.0104 Severability

If any section, provision, or portion of this Ordinance is adjudged invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

15.0105 Repeal

These Ordinances replace Ordinance 303 of the Crosby City ordinances and Ordinance 303 shall be repealed and no longer enforceable.

15.0105 Effective Date

This Ordinance shall be effective after a public hearing and adoption by the City Council of the City of Crosby and publication thereof. The effective date is _____.

Article 2: General Provisions

15.0201 Jurisdiction

The jurisdiction of this Ordinance shall include all lands within the corporate limits of the City of Crosby and all land outside its boundaries over which the City is authorized to exercise powers in accordance with provisions of section 40-48-18 of the North Dakota Century Code.

15.0202 Amendments

The City Council may hold a meeting to amend, supplement or change the district boundaries or regulations contained in this Zoning Ordinance. A proposal for an amendment or a change in zoning may be initiated by the City Council, by the City Planning Commission, Administrator, or upon application of the owner of the property affected. All such proposed changes shall be submitted to the Planning Commission.

- (1) Applications for Amendments: The party desiring any change in zoning district boundaries or Regulations contained in this Zoning Ordinance as to any lot, tract or area of land, shall file with the City Auditor an application upon forms provided by the City Auditor, and such application shall be accompanied by such data and information as may be prescribed by the Planning Commission.
- (2) Filing Fee: For the purpose of wholly or partially defraying the costs of the Proceedings prescribed herein, including publication costs, the applicant, upon filing of the application, shall pay to the City Auditor a fee in the amount set by the City Council. Promptly upon the filing of an application, the City Auditor shall refer the application to the Planning Commission for study and recommendation and shall report to the City Council concerning the nature of the application and that said application has been referred to the Planning Commission.
- (3) Public Hearing and Notice: The City shall comply with North Dakota Century Code Section 40-47-04 prior to any changes to the planning and zoning ordinances.

15.0203 Non-Conforming Uses Discontinued

The lawful use or occupation of land or premises existing at the time of the adoption of this Ordinance may be continued, If such non-conforming use or occupancy is discontinued for a period of more than twelve (12) months, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. If the State of North Dakota or Divide County acquires title to any land or premises, all further use or occupancy thereof shall be a conforming use or occupancy.

15.0204 Non-Conforming Use Changes or Expanded

- (1) Whenever the use of a building or premises becomes a non-conforming use through a change in the regulations of this Ordinance or district boundaries such use may be continued, and if no structural alterations are made a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- (2) No existing building or premises devoted to a use prohibited by these regulations in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended or reconstructed unless such use is changed to a use permitted in the district in which the building or premises is located. However, in order to provide for off-street parking and off-street loading areas, a non-conforming use of either building or land may be expanded by enlargement of

either the building or land area by not more than twenty-five (25) percent of its size existing at the time of adoption of these regulations.

15.0205 Non-Conforming Uses Destroyed or Damaged

When a building, the use of which does not conform to the provisions of these regulations, is damaged by fire, explosion, act of God or the public enemy, to the extent of more than fifty (50) percent of its fair market value, it shall not be restored except in conformity with the district regulations of the district in which the building or premises is situated. In the event of a question as to the structural value of such a building, the same shall be determined by the Planning and Zoning Board.

15.0206 Conditional Use Permits

- (1) Applications for a conditional use permit shall be submitted to the Crosby Planning and Zoning Commission.
- (2) The Planning and Zoning Commission shall hold a public hearing before action is taken on the application for approval of a conditional use permit. After such hearing, should the Planning and Zoning Commission vote to recommend approval of the permit, the City Council shall hold a public hearing to approve or deny the conditional use permit.
- (3) Two times before the date of each public hearing, notice of the hearing shall be published in a newspaper of general circulation in Divide County giving the time and place of the hearing and the character of the subdivision.
- (4) No application for a conditional use permit shall be granted unless the Planning and Zoning Commission shall find all of the following conditions are present:
 - (a) The conditional use permit will not be detrimental to, or endanger the public health, safety or general welfare.
 - (b) The existing permitted use in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use permit
 - (c) The conditional use permit will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (5) A conditional use permit shall conform to all applicable regulations of the district in which it is located.
- (6) The Planning and Zoning Commission may stipulate conditions and restrictions upon a conditional use permit in order to promote and protect public health, safety and general welfare. In all cases in which a conditional use permit is granted, the City Council, prior to issuance of a Certificate of Compliance, shall require evidence of compliance with these provisions and with the conditions set forth.
- (7) In any case where a conditional use permit has not been instituted within one (1) year of the date of approval, the permit shall be null and void.
- (8) Any use, for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one (1) year, will be deemed to have been terminated and any future use of the building or premises shall be in conformity with the regulations of the district in which it is located.
- (9) Should the property remain compliant with conditional use permit, the permit shall allow the continuation of the use until there is a change of ownership of the parcel(s) in which the permit applies, in which then the permit shall no longer be valid.

15.0206 Administration

The City Council shall appoint a person or group of persons to serve as the Administrator to implement this ordinance and provide guidance to the City on matters pertaining to this ordinance.

Article 3: Zoning

15.0301 Zoning Map

- (1) The City of Crosby is hereby divided into districts, or zones, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Article. The Crosby Planning and Zoning Commission shall regularly update the "Zoning District Map" to show any changes in the zoning district boundary line resulting from amendments adopted.
- (2) The "Zoning District Map" shall be prepared and accurately maintained by the City Auditor and be displayed at all times in the office of the City Zoning Administration.
- (3) The official "Zoning District Map" shall bear a certification of the Administrator or the Mayor in lieu of an appointed Administrator. If any changes to the map are made by amendment of these regulations, such changes shall be made to the official zoning map and signed and certified upon the map or upon materials attached thereto.

15.0302 Interpretation of District Boundaries

- (1) Where district boundaries are indicated as approximately the centerlines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the center lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the scale of the map.
- (4) Where any uncertainty exists as to the exact location of the zoning district boundary line, the Crosby City Council shall determine the location of such boundary lines.

15.0303 Extension of Zoning

The City of Crosby hereby extends the application of its zoning regulations to extend zoning within one

- (1) mile of the city limits as authorized under North Dakota Century Code (NDCC) 40-47001.1 (1). The property with be zoned as shown on the "Zoning District Map".

15.0304 District Classifications

- (1) For the purpose of this Article, the City of Crosby is hereby divided and classified into the following districts:
 - (2) O- Open Space
 - (3) R- Residential
 - (4) CC1- Centers and Corridors 1
 - (5) CC2- Centers and Corridors 2
 - (6) CC3- Centers and Corridors 3

- (7) I- Industrial
- (8) PF- Public Facilities
- (9) SD- Special District

15.0305 Definitions of Use and Form

- (1) Agricultural Uses: General farming activities and the usual buildings, structures and operations incidental to the operation of a farm.
- (2) Religious Uses: Structures or sites which serve a primary purpose of enabling for the gathering and practice of religious or spiritual groups.
- (3) Park: An area of natural, semi-natural or planted space set aside for human enjoyment and recreation or for the protection of wildlife or natural habitat.
- (4) Schools, Daycares, and Assisted Living: Structures or sites which serve the primary purpose of conducting the public or private education or providing for the general care of children or adults.
- (5) Detached House: A dwelling initially constructed for the occupancy of a single-family unit, defined as having a single primary front entrance that faces the street.
- (6) Attached House: A single structure consisting of multiple dwelling units, whereas each dwelling unit has a single primary front entrance at the ground level that faces the street, alley, or side yard. Attached Houses are able to be designed to match architectural styles of detached houses. Common forms include twin-home, duplex, or townhouse.
- (7) Apartment Building: A single structure consisting of multiple dwellings units, whereas the primary private entrances may be inside the structure.
- (8) Accessory Structure: A secondary building on a property to supplement or enhance the use of the primary
- (9) Home Business: Any service or office use not restricted, which when conducted out of one's private residence which does not generate more than two vehicle trips per hour excepting home daycare facilities, which shall be subject to all relevant state law for the Licensed Family Child Care.
- (10) Mixed Use: A building which contains both residential uses and the uses of RSO-1 or RSO-2.
- (11) RSO-1: Retail, Service, and Office uses appropriate for Crosby's City Center and in the City's residential neighborhoods:
 - (a) General Retail- uses such flower shops, pharmacies, stores that sell electronics, home goods, hardware, food
 - (b) General Services- uses such as banks, laundromats, gyms, daycare facilities, hotels/motels, hostels
 - (c) General Offices- uses such as lawyers, doctors, or other professional offices
 - (d) Places of social gathering- including coffee shops, bakeries, restaurants, bars/taverns/public houses, libraries
- (12) RSO-2 Retail, Services, and Office Uses that require automobile access, a large site footprint and/or direct highway access. This includes:
 - (a) Car Dealerships
 - (b) Places of Automobile Cleaning, Service, or Repair
 - (c) Gas Station
 - (d) Hospitals
 - (e) Hotels/Motels
 - (f) Sports Arenas
 - (g) Drive-Thru Businesses

- (h) Construction yards with retail
 - (i) Places for the maintenance of construction or agriculture equipment and materials
 - (j) Places for the sale of construction, agriculture, or other heavy equipment
- (13) RSO-R: Restricted commercial uses excluding the sale of beer, wine, or spirits. By definition, these must be located more than 150 feet from schools and daycares. This includes:
- (a) A place of adult entertainment
 - (b) Casinos
 - (c) Compassion Centers
- (14) Small Scale Manufacturing: A building where the primary function is to provide space for the making of boutique or craft products, in which the process of making the item can generally occur within the confines of the building. May include a retail component.
- (15) Light Industrial:
- (a) The assembly of components to an end-user product, or the assembly of components to a larger component, in such a manner that the chemical composition of the beginning component is not altered, except when allowed in item 15.03.05 (15)(b).
 - (b) Making of food and beverages
 - (c) Construction yards with or without retail
 - (d) Mini-Storage
- (16) Heavy Industrial:
- (a) The chemical alteration (refinement, smelting, tanning, etc.) of a raw material or component for the purpose of making a marketable component or end-user product
 - (b) The storage of hazardous materials.
 - (c) Junk Yards
- (17) Mobile Home Park: A plat of ground under single ownership or management which has been planned and improved for the placement of at least one (1) mobile home which are used for dwelling or sleeping purposes.
- (18) Temporary House/Crew Housing: one or more lodging units ordinarily designed as living quarters on a temporary basis constructed for the expressed purpose of housing employees for construction, natural resource extraction, or other similar business activity.

15.0306 O- Open Space

- (1) Intent: The purpose of this district is to provide for an area of continued agricultural activity, rural residential use, and activities to support natural resources surrounding the City of Crosby until such time as that land is deemed desirable for urban expansion with the necessary services.
- (2) Uses and Forms Allowed
- (a) Permitted Uses
 - (i) Agricultural Uses
 - (ii) Religious Uses
 - (iii) Detached House
 - (iv) Parks
 - (v) Schools, Daycares, and Assisted Living
 - (b) Conditional Uses
 - (i) RSO-2
 - (ii) RSO-R

- (3) Dimensional Standards
 - (a) Area Minimum: 10 Acres
 - (b) Setback: 50ft on all sides
- (4) Height Requirements: No building shall exceed 35 feet in height when within 150 feet of a property zoned R. Buildings outside the 150-foot buffer shall not exceed 60 feet in height.

15.0307 R- Residential

- (1) Intent: To preserve and promote appropriate forms and uses for residential housing in the City of Crosby.
- (2) Uses and Forms Allowed
 - (a) Permitted Uses
 - (i) Detached Houses
 - (ii) Attached Houses, 2-4 Units
 - (iii) Accessory Structures
 - (iv) Religious Uses
 - (v) Home Business
 - (vi) Parks
 - (b) Conditional Uses
 - (i) Apartment Buildings
- (3) Yard Standards
 - (a) Frontage Minimum: 50 feet
 - (b) Area Minimum: 7,000 square feet
 - (c) Front Yard Setback: 10 feet
 - (d) Rear Yard Setback: 20 feet (if no alley), 0 feet (if alley)
 - (e) Side Yard Setback: 7 feet
- (4) Height Requirements

No building shall exceed 35 feet in height, consisting of no more than 2 stories with a basement and attic.
- (5) Accessory Non-Dwelling Structure (Detached Garages)
 - (a) Accessory non-dwelling structures, include detached garages, are allowed by-right provided they comply with the following stipulations:
 - (b) Accessory structure is built in accessory to a principal structure of conforming use
 - (c) The area footprint of the accessory structure is no larger than 25% of the area of the property
 - (d) The height of the accessory structure is no taller than that of the principal structure, to be measured from the ground to the highest peak
 - (e) Accessory structure must match the principal structure's color and architectural style.
 - (f) Accessory structure must include a permanent foundation.
 - (g) Accessory structure must be set behind the principal structure
 - (h) Accessory structure must comply with the setbacks of the R zone with the exception of rear setbacks on lots not alley loaded, in which the rear setback shall be 7 feet.
- (6) Accessory Dwelling Structure
 - (a) Accessory dwelling structures are allowed by-right provided they comply with the following stipulations:
 - (b) All stipulations outlined in 13.0307(5)

- (c) There is no more than one bedroom per structure
- (d) Structure complies with all relevant local, state, and national building codes for single family residences
- (7) Additional Standards
 - (a) Alley Loaded Lots: should a property zoned R abut an alley to the rear or side, the alley must be utilized for automobile access and no front or side yard driveways shall be allowed.
 - (b) Yard Encroachments: Every part of a required yard shall be open to the sky, unobstructed by any part of any structure with the exception of the following:
 - (i) Projections of sills, cornices, and ornamental features which do not project more than twelve (12) inches from the principal building.
 - (ii) Terraces, uncovered porches, platforms and ornamental features may not project into the front setback.
 - (iii) Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required rear yard, provided these projections be at least five (5) feet from the property line.
 - (iv) Driveways, parking spaces, sidewalks, uncovered patios and terraces of non-combustible materials and ornamental objects are allowed in all yards.
 - (c) Design Guidelines for Modular Construction
 - (i) Homes built of modular construction shall be considered an unattached dwelling provided they comply with all of the following stipulations:
 - (1) Structure must have a permanent foundation
 - (2) The structural components of the dwelling must be newer than 2010 and cannot have been assembled before on a previous site
 - (3) Structure must have a pitched and singled roof unless the expressed architectural style of the house calls for a flat roof
 - (4) Structure must be inspected and certified as an unattached dwelling unit pursuant to all relevant local, state, and federal building codes.

15.0308 CC1- City Center

- (1) Intent: To preserve and promote appropriate uses, building forms, and vibrancy of downtown Crosby
- (2) Uses and Forms Allowed
 - (a) Permitted Uses
 - (i) RSO-1
 - (ii) Apartment Buildings
 - (iii) Mixed-Use
 - (iv) Small Scale Manufacturing
- (3) Dimensional Standards
 - (a) Frontage Minimum: N/A
 - (b) Area Minimum: N/A
 - (c) Front Build-To Line: Right-Of-Way
 - (d) Rear Yard Setback: N/A
 - (e) Side Yard Setback: N/A
- (4) Height Requirements

CC1 building height is regulated in stories. No building shall exceed 3 stories in height.

(5) Additional Standards

- b) All buildings shall provide ground floor windows along all street facades.
 - i) Ground floor windows must allow view from the street into working areas, lobbies, seating areas, pedestrian entrances, offices, or display windows, and vice versa.
 - ii) Minimum window coverage per façade shall be 50%.
 - iii) Glass must be clear. Tinted or covered glass, with exceptions of allowed window signage, is prohibited.
- c) All business, service, repair, storage, or merchandise display shall be conducted in wholly within an enclosed building, or fully screened area, except for the following:
 - i) Off-street parking and loading
 - ii) Food and drink service in connection with café, restaurant, or other eating establishment

15.0309 CC2- Neighborhood Commercial

(1) Intent: To preserve and promote appropriate and convenient RSO uses within residential neighborhoods

(2) Uses and Forms Allowed

- (a) Permitted Uses:
 - (i) RSO-1
 - (ii) Small Scale Manufacturing
 - (iii) Mixed-Use
- (b) Conditional Uses
 - (i) Apartment Buildings
 - (ii) RSO-2

(3) Yard Standards

- (a) Frontage Minimum: 50 feet
- (b) Area Minimum: 7,000 feet
- (c) Front Yard Setback: 10 feet but no greater than 50ft
- (d) Rear Yard Setback: 20 feet
- (e) Side Yard Setback: 7 feet or zero lot line.

(4) Height Requirements: No building shall exceed 35 feet in height, consisting of no more than 2 stories with a basement and an attic.

(5) Additional Standards

- a) All buildings shall provide ground floor windows along all street facades.
 - i) Ground floor windows must allow view from the street into working areas, lobbies, seating areas, pedestrian entrances, offices, or display windows, and vice versa.
 - ii) Minimum window coverage per façade of 30%
 - iii) Glass must be clear. Tinted or covered glass, with exceptions of allowed window signage, is prohibited.
- b) All business, service, repair, storage, or merchandise display shall be conducted in wholly within an enclosed building, or fully screened area, except for the following:
 - i) Off-street parking and loading
 - ii) Food and drink service in connection with café, restaurant, or other eating establishment

15.0310 CC3- Mixed Use

- (1) Intent: To preserve and promote highest intensity RSO and residential uses in appropriate locations
- (2) Uses and Forms Allowed
 - (a) Permitted Uses:
 - (i) RSO-1
 - (ii) RSO-2
 - (iii) Apartments
 - (iv) Mixed-Use
 - (v) Small Scale Manufacturing
 - (b) Conditional Uses
 - (i) Light Industrial
 - (ii) Heavy Industrial
 - (iii) RSO-R
- (3) Dimensional Standards
 - (a) Frontage Minimum: 100 feet
 - (b) Area Minimum: 14,000 feet
 - (c) Front Yard Setback: 25 feet but no greater than 75 feet
 - (d) Rear Yard Setback: 20 feet
 - (e) Side Yard Setback: 15 feet
- (4) Height Requirements: No building shall exceed 35 feet in height when within 150 feet of a property zoned R. Buildings outside the 150-foot buffer shall not exceed 60 feet in height.
- (5) Additional Standards
(Hold for Later)

15.0311 I- Industrial

- (1) Intent: To ensure protect and promote light industrial uses in appropriate locations
- (1) Uses and Forms Allowed:
 - (a) Permitted Uses:
 - (i) Small Manufacturing
 - (ii) Light Industrial
 - (iii) RSO-2
 - (b) Conditional Uses:
 - (i) Heavy Industrial
 - (ii) RSO-R
- (2) Dimensional Standards
 - (a) Frontage Minimum: 50 feet
 - (b) Area Minimum: 7,000 feet
 - (c) Front Yard Setback: 10 feet
 - (d) Rear Yard Setback: 20 feet
 - (e) Side Yard Setback: 10 feet or zero lot line.
 - (f) Coverage Maximum: The build structures on a property zoned I may not exceed 60% of the property's footprint.
- (3) Height Requirements: No building shall exceed 35 feet in height when within 150 feet of a property zoned R. Buildings outside the 150-foot buffer shall not exceed 60 feet in height.

- (4) Design Standards
(Hold for Later)

15.0312 PF- Public Facilities

- (1) Intent: To ensure there is adequate available land for facilities necessary to protect and promote the health, safety, and general welfare of the public.
- (2) Uses and Forms Allowed
 - (a) Permitted Uses:
 - i) Parks
 - ii) Schools
 - iii) Public Buildings
 - iv) Fairgrounds and other places of regular gatherings scheduled by a public or quasi-public entity
 - (b) Conditional Uses:
 - i) Water and Sewer Storage and Treatment Facilities
 - ii) Airports
- (3) Dimensional Standards: Dimensions shall comply with the zoning of neighboring properties to the sides and front. Should neighboring properties have different zoning with dimensional standards in conflict, the PF zoned property shall comply with the stricter stipulation.
- (4) Height Requirements: No structure shall exceed 35 feet in height when within 150 feet of a property zoned R except for water towers. Buildings outside the 150-foot buffer shall not exceed 60 feet in height.

15.0313 SD- Special District

- (1) Intent: To provide for types of developments that serve a public need but do not naturally fit within the existing urban form in the City of Crosby.
- (2) Uses and Forms Allowed:
 - (a) All uses require a conditional use permit.
- (3) Dimensional Standards:
 - (a) Minimum Land Parcel for uses except for mobile home parks is two (2) acres.
 - (b) Minimum Land Parcel for mobile home parks is three (3) acres
- (4) Binding Agreement
 - (a) SD district approvals shall be enforced through agreements, by-laws, provisions and covenants which insure the timely and satisfactory completion of the project without posing a burden on the city or adjoining properties
- (5) Additional Requirements- General
 - (a) Rezoning property to SU requires additional application material. The additional materials shall be:
 - (i) A statement describing the general character of the intended development and why a SD District is proposed.
 - (ii) Binding site plan as described in 15.0604.
 - (iii) Proof of financial capability of the owner(s)/developer(s) to carry out the project.
 - (iv) Analysis of economic impacts for a 10-year period.
 - (v) An outline of the anticipated schedule and sequence of development if to be carried out in phases for the total SD District.

- (vi) A description of all anticipated municipal services and utilities together with a description of easement or access rights necessary to provide municipal services and utilities
- (6) Additional Requirements- Mobile Home Parks and Temporary Housing/Crew Camps
- (a) Mobile home parks shall not be subject to the additional requirements above but instead subject to the following:
 - (i) Only built on land previously zoned A and rezoned to SU
 - (ii) Detailed development plan
 - (iii) Proof of financial capability of the owner(s)/developer(s) to carry out the project.
 - (iv) A description of all anticipated municipal services and utilities together with a description of easement or access rights necessary to provide municipal services and utilities.
 - (v) A preliminary subdivision plat meeting the requirements of this ordinance for traditional platted subdivisions.
 - (vi) An outline of the anticipated schedule and sequence of development if to be carried out in phases for the total SD District.
 - (b) Temporary Housing/Crew Camps shall not subject to the additional requirements above but instead subject to the following:
 - (i) Only built on land previously zoned A and rezoned to SU
 - (ii) A rezone to SU for the purpose of temporary workforce housing facility is valid for one year. At least 60 days prior to the expiration date the developer may apply for renewal of the permit, subject to review of all of the requirements of this article or dismantle the facility and reclaim the site.
 - (iii) Subject to all standards outlined in Article 5 and shall be treated as a CC3 property for all landscaping and signage requirements
 - (iv) The applicant must additionally furnish a plan for site maintenance and management that shall be submitted, reviewed and approved. Such a plan shall include management of on-site portions of the water supply and sewage disposal systems, solid waste disposal, emergency medical, fire protection, security and law enforcement, street naming and unit numbering, laundry and recreational facilities, road maintenance, parking, operational rules of the facility, an evacuation plan, owner and on-site manager contact information, and require that an updated occupancy and contact list be maintained and be available for city inspection at all times.
 - (v) A site closure and restoration plan setting forth how the temporary housing facility will be dismantled and restored to pre-construction condition shall be reviewed and approved. A developer's agreement and restoration bond is required.
 - (vi) The following development standards shall apply:
 - a. The minimum distance between any housing units is 15 feet;
 - b. The minimum distance between any building and an internal street right-of-way or easement is 25 feet;
 - c. The minimum distance from any building to an external property/site boundary is 50 feet;
 - d. Each dwelling unit shall have one parking space per bed for residents. This requirement may be lessened if bussing is provided. No on-street parking shall be permitted. One visitor parking space shall be provided for every ten resident parking spaces;
 - e. Internal roadways and walkways shall be lit using low-intensity lighting directed away from adjacent uses.

- f. Permanently attached porches, carports, awnings, room additions and similar additions are prohibited.
 - g. Dwellings shall be anchored to the ground in accordance with applicable city and state building codes.
 - h. All dwelling units installed shall not be older than ten years on the day of installation.
- (vii) All temporary workforce housing facilities shall be limited for use solely as temporary housing facilities and shall not be converted to any other use without full compliance with all city and state requirements for the new use.
- (viii) Storage buildings for individual dwelling units are limited to a maximum of 200 square feet of floor area and ten feet in height. Only one storage building is permitted per residence, which may be located within 15 feet of the residence it serves. Common storage facilities may be provided.
- (ix) Prior to occupancy, all units shall be numbered for easy visual identification and all street signs erected.
- (x) Prior to occupancy, the developer shall provide evidence of having received all applicable state permits that may include adherence to the International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Fire Code, International Fuel Gas Code, International Property Maintenance Code and others adopted by the state or the City Council.
- (xi) No space may be occupied or used until it has been issued a certificate of occupancy by the building inspector.
- (xii) Site restoration and bonding.
- a. Prior to obtaining the conditional use permit, the developer shall submit to the City Council a restoration bond intended to cover the cost of restoring the site to pre-development or more pristine condition. The type of bond (e.g., certificate of deposit, irrevocable letter of credit) shall be one that is acceptable to the City Council.
 - b. The amount of the bond shall be determined at the developer's expense by an engineer licensed in the state who calculates the costs of removal of all infrastructure and facilities including sewer, water, electrical, telephone, roads, and all site improvements. The cost shall also include re-grading (as applicable), noxious weed control, planting and fertilization. The engineer shall submit for City Council review all calculations and pricing based on current figures. The bond amount shall be 150 percent of the engineer's total estimate. The City Council reserves the right to reject the engineer's calculations if it determines the figures do not represent an accurate accounting of the required work and costs.
 - c. The amount of the bond shall be reviewed and updated every year along with the conditional use permit.
 - d. Prior to termination of use of the temporary workforce housing facility, the developer shall restore the site to pre-development condition or a more pristine state. However, if the developer determines a higher and better use exists for the site, the developer may seek permission to prepare the site for an alternate use. Upon approval of the City Council and in compliance with all rules and regulations and this article, the developer shall make all preparations for alternate use prior to the City Council releasing the bond.

15.0315 Table of Permitted Use

Table 15.0315.1: Table of Permitted Uses (P= Permitted, C= Conditional)								
	O	R	CC1	CC2	CC3	I	PF	SD
Agriculture Uses	P	-	-	-	-	-	-	C
Religious Uses	P	P	P	P	P	-	-	C
Parks	P	-	-	-	-	-	P	C
Schools, Daycares, and Assisted Living	P	-	P	-	-	-	P	C
Detached House	-	P	-	-	-	-	-	C
Attached House	-	P	-	-	-	-	-	C
Apartment Building	-	C	P	P	P	-	-	C
Home Business	P	P	P	-	P	-	-	C
Mixed-Use	-	-	P	C	P	-	-	C
RSO-1	-	-	P	P	P	-	-	C
RSO-2	-	-	-	C	P	-	-	C
RSO-R	C	-	-	-	C	C	-	C
Small Manufacturing	-	-	P	P	P	P	-	C
Light Industrial	-	-	-	-	C	P	-	C
Heavy Industrial	-	-	-	-	C	C	-	C
Public Facilities	-	-	-	-	P	C	P	C
Mobile Home Park	-	-	-	-	-	-	-	C
Temporary/Crew Housing	-	-	-	-	-	-	-	C

Article 4: Special Provisions

15.0401 Signage

(1) General signage provisions

- a. All signage, excepting for temporary signs as allowed in this ordinance, require a permit.
- b. Signage in zoning districts CC1, CC2, or CC3, I, or SD (excluding Mobile Home and Temporary Crew Housing) shall be allowed to be electric and illuminated provided that
 - i. Must illuminate a lower power between the hours of 11pm to 5pm.
 - ii. When allowed, electric message signs shall have a static display of at least five seconds “hold time” as to not create an unduly distracting or hazardous condition.
 - iii. White lights or a white background shall be prohibited.
- c. Signage located in zoning districts A, R, and SD (Mobile Home and Temporary Crew Housing only) shall not be electronic or self-illuminating.

(2) Signage in R zones shall be allowed, provided that:

- a. Only free-standing signs are permitted
- b. Maximum height for free standing sign shall be no taller than 42 inches from ground to top with a maximum surface area per side shall be five (5) square feet
- c. There shall not more than one permanent sign on any such residential site
- d. Temporary signs shall be subject to the provisions of 15.0401(2)(b), limited display time of 90 days in duration, and limited to 3 per property.

(3) Signage in CC1 zones shall be allowed, provided the signage follows the following classifications and design standards

- a. Signage Affixed to Building:
 - i. Limited to one (1) sign per wall
 - ii. Maximum Area: Not more than 10% of the area of the wall.
 - iii. For multi-occupancy buildings, more than two (2) signs may be permitted provided that the allowed sign area for each unit/tenant space does not exceed more than 10% of the area of a wall.
- b. Signage suspended Under a Canopy/Projected into the Right-of-Way
 - i. Such signs shall not exceed one (1) per tenant in multi-tenant building
 - ii. May not exceed eight (8) square feet in area.
 - iii. Such signs do not block pedestrian or automobile traffic
- c. Window Signs shall be permitted on the inside or outside of class provided that they cover no more than 25% of the gross glass area of any one side of building.
- d. Temporary sandwich boards are permitted during business hours on sidewalks right-of-way provided they do not block pedestrian traffic.
- e. Other temporary signs shall be subject to the provisions of 15.0401(4)(b), with limited display time of 90 days in duration, and limited to 3 per property.

(4) Signage in CC2, CC3, and I Zones shall be allowed, provided that the signage follows the following classifications and design standards:

- a. Principal Ground Sign (sign affixed to earth on pedestal):
 - i. Maximum Height as measured from earth to highest point: 5 feet
 - ii. Maximum Area: 32 square feet per side
- b. Free-Standing Sign (sign affixed to earth via pole(s))
 - i. Maximum Height: 14 feet, measured from earth to highest point of the sign

- ii. Maximum Area: 36 square feet per side
- c. Signage Affixed to Building:
 - i. Limited to one (1) sign per wall
 - ii. Maximum Area: Not more than 10% of the area of the wall.
 - iii. For multi-occupancy buildings, more than two (2) signs may be permitted provided that the allowed sign area for each unit/tenant space does not exceed more than 10% of the area of a wall.
- d. Temporary signs shall be subject to the provisions of 15.0401(4)(b), with limited display time of 90 days in duration, and limited to 3 per property.

15.0402 Fences

- (1) All fences except for hedges and barriers made of organic material require a permit.
- (2) Fences, walls, and hedges located within and along the sides of a required front yard shall not exceed 48 inches in height.
- (3) Fences, walls, and hedges located within a required side or rear yard shall not exceed six feet in height; fences located behind the required front, side, or rear yard shall not be more than 10 feet high.
- (4) All outdoor storage of materials, waste, and equipment by a commercial use which is located in or adjacent to any R district shall be screened from sight of the properties in any R district by a sight-obscuring fence a minimum of six feet and a maximum of 10 feet high.
- (5) All fencing material must be attractive, durable, and complement or blend with the natural colors of the surrounding environment.

15.0403 Parking and Parking Lots

- (1) All parking lots except for those on properties zoned A shall be hard surfaced.
- (2) Off-Street Parking Minimums apply to select zones:
 - (a) Properties Zoned R: Each residential unit must accommodate on-site parking for two (2) vehicles 22 feet long or shorter except for apartment buildings, in which each residential unit must accommodate 1 vehicle per residential unit
 - (b) Properties Zoned CC-3: 3 spaces for every 1000 square feet of commercial space and/or 1 space per residential unit
 - (c) Properties Zoned I: 1 space for each employee on largest shift plus 1 space for every 333.33 square feet of gross sales floor
 - (d) Religious Uses, Schools, Daycares and Assisted Living, similar places of assembly: .33 spaces per each seat
- (3) All sites in which the activity requires the queuing of trucks or large equipment must prove adequate space for this activity on the property.
- (4) Parking lots must include pedestrian lanes from the right-of-way to structure entrance(s) when abutting an existing or planned sidewalk, which at minimum must be clearly marked with retroreflective paint in white and at least one other color.

15.0404 Landscaping

- (1) All ground areas, excluding areas required for off-street parking, access, public improvements, or any area within any public right-of-way, shall be landscaped with grass, vegetative ground cover, shrubs, trees or other landscape materials in conjunction with site development. Other landscape materials,

including steppingstones and ponds, may also be allowed in areas for employee or customer enjoyment or near the building's main entrance, as an enhancement to property appearance and as a visually interesting open space.

- (2) The following provisions additionally apply to CC2 and CC3 zones regarding landscaping
 - (a) If a parking lot is adjacent to a street, a minimum of five-foot-wide perimeter landscape area shall be provided between the street and the parking lot. All trees and columnar shrubs used in screening parking lots shall be at minimum four feet in height at time of planting and shall grow to a minimum of eight feet within five years
 - (b) A landscape plan and maintenance schedule may be required as part of the development review process, except in the case of detached houses. Landscape plans shall be submitted as part of the application for a planning approval. If a separate planning approval is not required, a landscape plan shall be submitted with the application for a building permit.
 - (c) Landscape plan contents:
 - i. The use of plant materials that will achieve a variety of heights, shapes and/or textures upon maturity.
 - ii. A combination of evergreen and deciduous trees, shrubs and groundcover.
 - iii. The selection and planting of landscaping in close proximity to utility lines that will not adversely impact utility lines.
 - iv. The use of drought-tolerant plant materials
 - v. The retention of existing trees.
- (3) The following provisions apply to I zoned properties regarding landscaping
 - (a) All provisions in 15.0415(1-2), and
 - (b) All outdoor activity associated with the industrial nature of the site including construction yards and the storage of material must be screened from the general public as to prevent public view of activity. The screening must be aesthetically pleasing and can including decorative fencing and landscaping.

15.0405 Travel trailers/recreational vehicles.

- (1) Travel trailers shall not be used as residences except as may be permitted in approved temporary workforce housing facilities
- (2) Travel trailers may be occupied and parked on a residential lot as an accessory use for not more than 14 consecutive days.
- (3) Unoccupied travel trailers may be stored on a residential lot or within a commercial or industrial storage area.
- (4) Unoccupied travel trailers stored on a residential lot shall comply with all setback and screening requirements of the district.

Article 5: Design Standards

15.0501 Adequate Public Facilities

- (1) Unless expressly authorized elsewhere in this Ordinance, all development, and all lots or parcels within a development, shall be provided with water, sewer, power, telephone, paved streets, curbs, gutters, stormwater facilities, streetlights and adequate pedestrian facilities as described by this Article.
- (2) All public facilities necessary to serve the development, including any necessary easements, extension of mains, lift stations, streets, sidewalks, and other improvements, shall be provided by the developer as set forth herein.
- (3) No improvements shall be made until all necessary plans, profiles and specifications have been submitted to and approved by the City Engineer.

15.0502 Street Sizing

- (1) The arrangement, character, extent, width, grade and location of all streets shall be related to: existing and planned streets; topographic conditions; existing natural features including wetlands, marshes and tree growths; public convenience and safety; existing and proposed uses of the land served by the streets, and to the most advantageous development of adjoining uses.
- (2) The arrangement of streets in a subdivision shall provide, where possible, for the continuation or appropriate extension of existing and proposed streets in the city.
- (3) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the City of Crosby may require a street approximately parallel to and on the side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distance shall also be determined with regard for the requirements of approach grades and future grade separation. In such instances, non-access restrictions may be required to limit access only to specific points along the right-of-way. Landscape buffering may also be required along the right-of-way to separate incompatible uses.
- (4) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 75 degrees, and not more than two streets shall intersect at one point.
- (5) The use of cul-de-sac streets shall be limited in order to promote a well-connected street network that provides for safe, direct and convenient access by vehicles, bicycles and pedestrians. Such streets are permitted in instances where is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as water features or man-made barriers such as railroad tracks.
- (6) The maximum length of a cul-de-sac street shall be 750 feet measured from the centerline of the intersection of the through street to the center of the cul-de-sac.
- (7) Islands or medians within a cul-de-sac may be permitted so long as a neighborhood association or similar group assumes responsibility for curb and vegetation maintenance.
- (8) Dead-end streets shall not be permitted without a suitable cul-de-sac or other approved turnaround with a diameter of no less than 120 feet. Appropriate arrangements shall be made for those parts of temporary turnarounds outside of street rights-of-way to revert to the abutting property owners at such time as streets shall be extended.

- (9) Half streets are prohibited.
- (10) No street names shall be used which will duplicate or be confused with the names of existing streets in the city. Names of streets aligned with existing streets shall be the same as those of the existing streets. Street names shall be subject to the approval of the City Council.
- (11) The width of all alleys shall be at least 20 feet.
- (12) All streets shall have a grade of not less than 0.3 percent and not more than 10 percent.
- (13) All streets shall be designed by a licensed engineer in the state of North Dakota with plans and final construction approved by the City Engineer.
- (14) All streets shall be paved.
- (15) Streets shall be built to the standards in Table 1:

Table 15.0402.1: Right-of-Way and Roadway Width		
Functional Classification	Maximum Right-of Way (feet)	Typical Roadway Width (feet), Includes parallel parking on both sides
Principal Arterial	150	63
Minor Arterial	120	51
Collector	80	44
Local	66	40
Local (mountable curb only)	60	37

15.0503 Complete Streets Network

- (1) The City of Crosby shall establish their street network under the framework of *Complete Streets*, in which to ensure maximum pedestrian safety and quality-of-life.
- (2) All development in Crosby must contribute to the City’s complete streets network, prioritizing the safe and efficient movement of pedestrian and bicycle transportation while accommodating local automobile use.
- (3) Yield Streets
 - a. All streets in the City of Crosby without sidewalks, except for ND-5, shall be deemed a yield street.
- (4) Sidewalks:
 - a. All new development shall include sidewalks and sidewalk easements along all street frontages unless determined unnecessary by the permit authority (Administrator or City Council, as applicable).
 - b. The minimum width for concrete sidewalks is 5 feet.
- (5) Combined Pedestrian and Bicycle routes:
 - a. Combined pedestrian and bicycle routes are required where determined necessary by the City Council to provide circulation or safe access to schools, playgrounds, shopping, adjoining neighborhoods, transportation and other community facilities or for the continuation of existing, planned or reasonably anticipated routes.
 - b. Bicycle facilities may be located along streets. Such facilities shall be a minimum of 8 feet wide and striped to separate the path from traffic. This may necessitate additional easement or right-of-way over and above the standard width.

- c. Pedestrian and bicycle easements or rights-of-way shall be a minimum of 14 feet wide when separate from roads and on gentle terrain and shall be wider when necessitated by terrain or other features.

Paved trails shall be a minimum of 10 feet wide with 8 feet, 6 inches of vertical clearance.

15.0504 Blocks

The length, width and shape of blocks shall be suited to the planned use of land, zoning requirements, convenient access, need for multi-modal connectivity, control and safety of street traffic and the limitations and opportunities of topography.

- (1) Block length may not exceed (700) feet, except in cases where controlled automobile access standards apply, such as near roundabouts or on arterial streets. Block length is measured from the front setback line from one (1) end of the block to the other end of the block;
- (2) Blocks are recognized as closed polygons, bordered by street right-of-way lines, addition lines, or a combination of the two (2), unless an alley is desired, in which case a block may be comprised of (2) closed polygons separated by the adjoining alley. An exception to this rule applies only to commercial, industrial, and special district developments in which the build-out on a parcel(s) is longer than 700 feet, in which case one (1) pedestrian access directly linked to the pedestrian lanes in the parking lot when applicable shall be required every 700 feet
- (3) The width of blocks shall generally be sufficient to allow two (2) tiers of lots. Double frontage lots are not allowed.

15.0505 Lots

- (1) The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated.
- (2) Every lot shall front or abut a public street.
- (3) All lots created after the adoption of this ordinance shall comply with the requirements of the zoning district in which they are located unless a variance or other waiver is properly granted.
- (4) Corner lots shall be designed to have sufficient width to permit appropriate building setbacks from both roads and to provide acceptable visibility for traffic safety.
- (5) Side lot lines shall be substantially at right angles or radials to street lines.
- (6) Corner lots shall have an extra 10 feet over the minimum requirements to permit adequate building setbacks from side streets.
- (7) Lot lines shall follow municipal and zoning district boundary lines rather than cross them.
- (8) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street parking and service facilities at a minimum required by this ordinance and by the type of use and development contemplated.

15.0506 Parks and Open Space

Parks and open space provide a valuable asset to the City of Crosby, its historical development and the health and general welfare of its residents. These standards are intended to ensure that parks and open space provide focal points for new residential development. A central square or green, for example, may comprise a majority of the area required for dedication.

- (1) Applicability. The parks/open space dedication requirement applies to all new subdivision except in the CC-1, CC-2 and O zoning districts.
- (2) The location and extent of parks/open space or a proposal for a fee in lieu of park development shall be indicated on all preliminary plats and site plans.
- (3) Dedication. Parks/open space shall be dedicated to the City of Crosby Park District unless expressly authorized by the City Council. In such cases the park/open space area shall be maintained by a property owners association.
- (4) Required parks/open space. The amount of required parkland or open space shall be 10% of the gross site area.
- (5) Cash-in-lieu. At the discretion of the Planning and Zoning Commission and City Council, a cash payment may be required in combination with or instead of parkland. The monetary amount shall be the pre-development fair market value of the required parks/open space determined by a licensed appraiser. The appraisal shall not be more than 30 days old when submitted for final determination. The money shall be paid to the City of Crosby Park District prior to final platting for subdivisions or certificate of compliance issuance for other development and shall only be used for park acquisition, development, maintenance and recreational programs.
- (6) Criteria. For the City of Crosby to accept a park or open space area, the area must be:
 - (a) Large enough to be useful and aesthetically pleasing.
 - (b) Suitable for active or passive recreation, but may include areas of slope, drainages, wetlands, or other areas that will not be developed in an amount not to exceed 25% of the total acreage.
 - (c) Within ¼ mile of the periphery of the development to be served and safely accessible by pedestrians coming from the residences served.
 - (d) Cost effective to develop and maintain.
 - (e) Help to provide for the recreational needs of the future residents as a part of Crosby's overall parks and recreation program.

15.0507 Utility Easements

- (1) Easements across lots or along rear or side lot lines shall be provided for utilities and shall be 10 feet wide for gas, communications and electrical, and 20 feet minimum each for water and sewer.
- (2) Easements shall be centered on lot lines where possible. Total easement width shall be subject to City Engineer discretion. Such easements shall be designated as "Utility Easement" on the plat or site plan.
- (3) Subject to utility company approval, utility lines for electric power and telephone service shall be placed underground (unless otherwise specified in this ordinance) in the utility easements.
- (4) Utility easements shall connect with easements established in adjoining properties.

15.0508 Grading and Drainage

- (1) Whenever 1 acre (43,560 square feet) or more of land is to be disturbed by development, the developer shall submit a grading and drainage plan to the City Engineer prior to soil disturbance. All improvements required by the City Engineer shall be installed by the developer prior to final subdivision plat approval (unless a developer's agreement is in effect) or prior to certificate of compliance issuance, as appropriate.
- (2) The grading and drainage plan shall include the following:
 - (a) Existing features, including a drainage area map showing the topography of the drainage basin contributing to the site, and a site plan showing the site's topography and natural and man-

- made features including wetlands, drainages, vegetation, soil types, streets, utilities, structures, etc.;
- (b) Proposed alterations to the site, including clearing and grading, cuts, fills, planned contours, phased site work description and timetable (when applicable) and vegetation that is planned to be preserved;
 - (c) Temporary erosion and sediment control measures (best management practices) during construction; and
 - (d) Long term facilities for site drainage and stormwater management including drainage easements of adequate location and width to accommodate drainage from the site and upstream areas and also to accommodate access for maintenance purposes.
- (3) Culverts of adequate size must be provided and installed by the developer where drainage channels intersect any street right-of-way or easement. The length of the culvert, amount of backfill to be placed over it, and the culvert's capacity shall be approved by the City Engineer.
 - (4) Concrete curbs and gutters shall be installed in all subdivisions not zoned O o, and where deemed necessary by the City Council in accordance with the plans and specifications approved by the City of Crosby.
 - (5) The full width of all rights-of-way shall be graded and all streets shall be surfaced in accordance with plans and specifications of the City of Crosby
 - (6) Stormwater leaving the development property shall not exceed pre-development levels unless otherwise approved by the City Engineer and the City of Crosby.
 - (7) Drainage easements, where necessary, shall be shown on the subdivision plat or site plan.

15.0509 Sewage Disposal System

Municipal sanitary sewers shall be installed so as to provide service to each lot within the subdivision or development unless in the O zoning district as permitted in this ordinance. All sewer plans shall be reviewed and approved by the City Engineer prior to installation.

15.0510 Municipal Water Supply

Water mains shall be installed so as to provide service to each lot within the subdivision or other development that meets or exceeds minimum fire flow requirements. All water plans shall be reviewed and approved by the City Engineer prior to installation.

14.0511 Solid Waste

Solid waste disposal facilities shall be provided by the developer where deemed appropriate by the City Council. Visual screening of solid waste facilities may be required.

15.0512 Mail Delivery

A means of mail delivery such as cluster mailbox units may be required.

15.0513 Survey Monuments

Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediated points as shall be required by the Planning and Zoning Commission and City Council.

Article 6: Subdivision and Administration

15.0601 Purpose

For the purposes of this ordinance as described in this Article, the City of Crosby has set forth the following procedures, requirements and standards for the division of land and subdivision approval. These regulations are intended to provide for the proper arrangement of streets in relation to other existing and planned streets and to the master 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 or for public utility lines.

15.0602 Compliance Required

No plat of a subdivision or re-subdivision of land within the City of Crosby or within the city's extraterritorial jurisdiction shall be filed or recorded until it has been approved by the Planning and Zoning Commission and the Crosby City Council.

15.0603 Penalty, Injunction, Civil Action

Any owner, or the agent of any owner, of land located within the territory of a subdivision that is subject to the approval by the Planning and Zoning Commission and the Crosby City Council who transfers, sells, agrees to sell, or negotiates to sell any land by reference to or exhibition of a plat of a subdivision, or by any other use thereof, before such plat has been approved by the Planning and Zoning Commission and the Crosby City Council and recorded in the Divide County Recorder's Office shall forfeit and pay the maximum penalty allowed by law for each lot transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section. The City of Crosby may enjoin such transfer, sale, or agreement by an action for injunction, or it may recover the penalty by a civil action..

15.0604 Binding Site Plan Required

A binding site plan is required when a portion of contiguous land under single ownership is proposed for subdivision. A binding site plan shall also be used for phased development. Binding site plans shall be considered binding for 10 years. A binding site plan shall consist of a document with the following details:

- (1) A drawing to a scale specified by local ordinance which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations within the entire portion of contiguous land under single ownership
- (2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan
- (3) Contains provisions making any development be in conformity with the site plan

15.0605 Exemptions

Lot line adjustments, aggregations of lots, court ordered division of land and any other land division exempted from subdivision review requirements under North Dakota law shall be exempt from the subdivision review requirements of this chapter, except as follows:

- (1) All plats and surveys exempt from subdivision review shall be reviewed and approved by the Planning and Zoning Commission and City Council prior to transfer of title and the resulting lots shall comply with the zoning requirements of this ordinance unless expressly authorized.
- (2) All development on lots exempt from subdivision review shall comply with the zoning and development standards of this ordinance.
- (3) Lands transferred to governmental entities such as the City of Crosby and Divide County, utility companies such as rural water supply companies, and power and telephone companies are also exempt from the pre-application and preliminary plat application requirements of this chapter provided the transfers are for the purpose of public roadway and utility expansion, and provided the parcels are of a strip-like nature not to exceed 200 feet in width.

15.0606 Procedures for Subdivision Approval

- (a) Pre-application procedure. The developer shall file an application, site plan, supplementary information and review fee with the Administrator. Within 30 days of receiving the application and supporting documents, the Administrator and developer shall hold a pre-development meet in person or by telephone or video conference to discuss the proposed subdivision.
- (b) At the pre-development meeting, the Administrator and developer shall discuss the subdivision, zoning, comprehensive plan, annexation, development standards and construction requirements that apply to the subdivision.
- (c) Within 30 days of the pre-application meeting, the Administrator shall provide the developer with:
 - (i) a letter summarizing the information discussed at the meeting;
 - (ii) a list of information that will be required to be submitted for the preliminary plat application to be considered for approval (see #2 and #3, below); and
 - (iii) a list of agencies and service providers that the developer will be required to contact prior to submittal of the preliminary plat application and that the Administrator may also contact during the review period. Information to be sent to the agencies and service providers includes a preliminary plat, a written description of the type(s) of development, timing of the project, and additional information the agency will need to determine whether it can provide adequate service to the subdivision.
- (d) Unless the developer submits a preliminary plat application within one year of the date of the pre-application meeting, a new pre-application is required.
- (2) The Administrator may require the following information to be included in a preliminary plat application:
 - (a) Application form signed by the developer and all property owners (if different from the developer)
 - (b) Review fee
 - (c) Vicinity map
 - (d) Phasing plan
 - (e) Copies of all correspondence with public agencies and service providers identified in the pre-application letter
 - (f) Title abstract (or title report)
 - (g) Consent to platting from all lien holders and mortgagees
 - (h) Documentation of legal and physical access to the subdivision
 - (i) Copies of existing easements

- (j) Description of proposed easements
 - (k) A map that includes current names and addresses of all adjacent property owners
 - (l) Typical proposed street cross section and preliminary street plans
 - (m) Existing and proposed road approach locations
 - (n) Existing water rights
 - (o) Existing mineral rights
 - (p) Traffic impact assessment
 - (q) Grading and drainage plan
 - (r) Re-vegetation and noxious weed control plan
 - (s) Landscaping and maintenance plan
 - (t) Building elevations
 - (u) Signage plan
 - (v) Dust control plan
 - (w) Draft developer's agreement
 - (x) List of improvements proposed to be dedicated to the City of Crosby and improvements that are proposed to be managed privately
 - (y) Plans for ownership, use, management and development guidelines for open space and common facilities (parking areas, garbage collection areas, etc.)
 - (z) Existing and proposed covenants, conditions & restrictions and deed restrictions
 - (aa) Draft engineering plans for all public improvements
 - (bb) FEMA floodplain map and/or analysis
 - (cc) Geotechnical soils analysis and development suitability study
 - (dd) Any additional relevant information as identified by the Administrator during the preapplication meeting that is pertinent to the review of the subdivision proposal
- (3) The preliminary plat shall be based upon a survey, may consist of one or more sheets, shall be submitted in five (5) copies plus one (1) digital at a scale of not more than 200 feet to one inch, and shall show correctly on its face:
- (a) The name, address and telephone number of the person to be contacted regarding the plat and also the names of all landowners and the name of the developer (if different)
 - (b) Date, graphic scale and north point
 - (c) Name of the proposed subdivision (names cannot be duplicated)
 - (d) Location of the proposed subdivision by government lot, quarter section, section, township, range, city and county
 - (e) A scaled drawing of the exterior boundaries of the proposed subdivision referenced to the corner established in the US Public Land Survey and the total acreages encompassed thereby
 - (f) Names and locations of adjacent subdivisions, parks, cemeteries and other developments
 - (g) Location, right-of-way widths and names of any existing or proposed streets, alleys or other public ways, easements and railroad and utility rights-of-ways, included within or adjacent to the proposed subdivision
 - (h) Location of existing property lines, buildings, streams or water courses, marshes or wetlands, wooded areas, and other similar significant features within the parcel being sub-divided
 - (i) Contours at vertical intervals suitable for evaluating the grades of municipal improvements
 - (j) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, open space, drainage ways or other public uses

- (k) Existing and proposed land use and zoning included within or adjacent to the proposed subdivision
- (l) Approximate dimensions of all lots and proposed lot and block numbers
- (m) Sidewalks, paths, curbs, gutters, culverts and other improvements on and adjacent to the parcel.
- (n) Utilities on and adjacent to the parcel – locations, sizes, invert elevations of sanitary and storm sewers; locations and sizes of water mains; locations of gas lines; fire hydrants, electric and telephone lines, poles and streetlights, and railroad lines. If water mains and sewers are not on or adjacent to the tract, indicate the directions and distances to, and sizes of the nearest ones, and invert elevations of sewers.
- (o) Subsurface conditions on the parcel. If required by the Administrator and City Engineer, location and results of tests made to ascertain subsurface soil, rock, and groundwater conditions including depth to groundwater if less than 6 feet during high groundwater season.

(4) Preliminary Plat Procedure

- (a) The developer shall file with the Administrator a written application form, 5 paper copies and 1 digital copy of the preliminary plat (24 x 36" or 11 x 17"), review fee adopted by the City Council and all information required to be submitted in the pre-application letter. If any items required in the pre-application letter are not submitted, the developer shall provide a written explanation.
- (b) After receiving the application, plat, fee and supplementary materials, the Administrator shall determine whether the submittal is complete and sufficient for review.
 - (i) When a plat and application are determined incomplete or insufficient, the Administrator shall provide written notice to the developer indicating what information must be submitted for the review to proceed.
 - (ii) The day the Administrator determines the plat and application are complete and sufficient the application shall be officially considered submitted for the purposes of review.
 - (iii) Following a public hearing on the preliminary plat application, the Planning and Zoning Commission shall, within 30 days from the date the application is deemed to be submitted, approve, conditionally approve or disapprove the preliminary plat by making a recommendation to the Crosby City Council. The Planning and Zoning Commission may attach conditions to a recommendation for preliminary approval intended to ensure compliance with this ordinance and to mitigate anticipated impacts of the subdivision. The Commission shall state the grounds upon which any plat is approved or disapproved, and written findings upon which the decision is based must be included in the Commission's record.
 - (iv) If the Planning and Zoning Commission does not recommend that the City Council approve or disapprove the plat within 30 days of the application being deemed to be submitted, the plat shall be deemed to have been approved by the Planning and Zoning Commission, and a certificate to that effect shall be issued upon demand. The developer, however, may waive the requirement that the Planning and Zoning Commission act within 30 days and may consent to an extension of the period.
 - (v) Two times before the date of the public hearing, notice of the hearing shall be published in a newspaper of general circulation in Divide County giving the time and place of the hearing and the character of the subdivision.

- (vi) At least 5 days before the date of the public hearing, a notice of the time and place of the hearing shall be sent by registered mail to the developer at the address shown on the plat and also to all adjacent landowners.
 - (vii) At least 5 days before the date of the public hearing, the Administrator shall transmit a staff report, findings and recommendations to the Planning and Zoning Commission and the developer, and also make these documents available to other interested parties.
 - (viii) Within 14 days following the public hearing, the Administrator shall transmit a report, findings and the Planning and Zoning Commission's recommendation to the Crosby City Council.
- (c) Crosby City Council Preliminary Plat Review
- (i) Following a public hearing and at the next meeting of the Crosby City Council for which notice may be posted and during which time is available for consideration, the City Council shall approve, conditionally approve or deny the preliminary plat application.
 - (ii) The Commission may attach conditions to a preliminary approval intended to ensure compliance with this ordinance and city policies, and to mitigate anticipated impacts caused by the subdivision.
 - (iii) The Commission shall state the grounds upon which any plat is approved or disapproved, and written findings upon which the decision is based must be included in the Commission's record.
- (d) Preliminary Plat Decision
- (i) Prior to a decision on a preliminary plat application, the Administrator, Planning and Zoning Commission and the Governing Body shall take into consideration the prospective character of the development of the area included in the plat and of the surrounding territory.
 - (ii) The decision to approve, conditionally approve or deny the preliminary plat application shall be based compliance of the plat and application materials with the comprehensive plan, this ordinance and any other applicable ordinances and policies of the City of Crosby that were in effect when the application was deemed to be submitted for review.
 - (iii) During the preliminary approval period the developer shall meet and demonstrate compliance with any conditions of approval and apply for final plat approval.
 - (iv) The preliminary approval for all subdivisions is valid for one (1) year unless part of a phased development, or the developer submits an extension request that is approved prior to expiration.
 - (v) If the developer fails to obtain an extension or demonstrate compliance with all conditions, the developer will be required to re-apply for preliminary plat approval subject to the regulations then in effect.
- (e) Effect of Preliminary Plat Approval
- (i) Approval of the preliminary plat is not an acceptance of the subdivision plat for record but is rather an expression of approval of the general plat as a guide to preparation of the subdivision for final approval and recording upon fulfillment of the requirements of this ordinance and any conditions of approval.
 - (ii) No building permit shall be issued until a final plat is filed and all public improvements plans are approved.

5. Final Plat Procedure

- (a) After preliminary approval but prior to expiration, the subdivider shall submit a final plat application and review fee, five copies of the final plat prepared by a registered land surveyor or engineer, a developer's agreement (if applicable), a current abstract of title with title opinion, consent to platting from all lien holders and mortgagees, and information demonstrating compliance with all conditions of approval.
- (b) The Planning and Zoning Commission shall hold a public hearing in accordance with the North Dakota Century Code before action on the final plat is taken by the Crosby City Council. At least 5 days before the date of the public hearing, notice of the time and place of the hearing shall be sent by registered mail to the developer at the address shown on the plat, and notice of the hearing shall be published in a newspaper of general circulation in Divide County indicating the time and place of the hearing and the character of the subdivision.
- (c) The final plat of the proposed subdivision shall be prepared by a registered land surveyor or engineer and shall conform to the requirements of the preliminary plat approval and any conditions attached thereto by the Planning and Zoning Commission and Crosby City Council.
- (d) If the final plat meets the requirements of this ordinance and has been submitted within the preliminary plat approval period and all conditions have been met, the City Council of Crosby shall approve the final plat of the subdivision.
- (e) The City Council must expressly accept any and all streets, sidewalks, utilities and other improvements, as well as any land, easements or rights-of-way and any other dedications.

15.0607 Required Improvements, Developer's Agreements

- (1) Prior to approval of the final plat, the developer shall have installed all improvements required by the Crosby City Council or have entered into a developer's agreement guaranteeing the construction, installation and maintenance of all required improvements.
 - (a) The Crosby City Council requires at a minimum the following improvements to be installed, inspected and approved before entering into a developer's agreement:
 - (i) Street and alley grading and compaction.
 - (ii) Rough drainage.
 - (iii) Water mains.
 - (iv) Sewer facilities.
- (2) A developer's agreement for the remaining improvements shall be guaranteed through performance bond, joint certificate of deposit or other security that has been approved by the City Council.
- (3) The developer's agreement shall include a licensed engineer's itemized estimate, including supporting documentation, of the costs of installing the remaining improvements, as well as a schedule for the developer to install the improvements. The City Council reserves the right to reject the engineer's estimate. The amount of the guarantee shall be 125% of the engineer's estimate.
- (4) As the public improvements are installed, certified by the developer's engineer and approved by the City Engineer, the developer may request and the City Council may grant a reduction in the financial security that is commensurate with the costs of the improvements that have been installed. The financial security release of funds is not intended to be a construction cash account. The release of funds shall only occur after major construction milestones have been reached.
- (5) Upon final installation of all improvements, the developer shall submit to the City Engineer as built plans stamped by a licensed engineer.

15.0608 Subdivision Variances

- (1) A variance from the development standards of this ordinance (Article 5) may be granted by the Crosby City Council after public hearing and recommendation by the Planning and Zoning Commission when the following criteria are met:
 - (a) Strict compliance with the design standards will result in unnecessary hardship to the developer based on conditions that are unique to the property (e.g., lot configuration, physical conditions, etc.). Unnecessary hardship shall not be strictly financial in nature.
 - (b) Granting of the variance will not be detrimental to the public health, safety or general welfare or injurious to other adjoining properties.
 - (c) The variance will not cause a substantial increase in public costs.
 - (d) The variance will not place the subdivision in nonconformance with any adopted zoning standards.
- (2) In granting variances, the City Council may impose reasonable conditions to secure the purpose and objectives of this ordinance.

15.0609 Phased Development

The developer may propose to file final plats or develop in phases over time according to the following standards:

- (1) Each phase must be fully capable of functioning with all the required improvements in place in the event future phases are not completed or are completed at a much later time.
- (2) A phasing plan must be submitted for review and approval that includes:
 - (a) A plat or site plan delineating each phase that includes the general timeframe for platting and development of each phase and,
 - (b) A public facilities improvement plan showing which improvements will be completed with each phase.
- (3) The governing body may require that the parkland dedication for the entire development be met prior to final approval of the first phase.
- (4) The first phase shall be final platted or developed within 3 years of permit approval (preliminary approval for subdivisions). Each successive phase shall be final platted or developed within 3 years of the previous phase.
- (5) Modifications to an approved phasing plan which do not materially change the impacts on adjoining property may be approved or denied by the Administrator in consultation with the City Engineer. Modifications which materially increase impacts to adjoining property owners shall be approved or denied by the City Council.

15.0610 Modifications of Plats and Binding Site Plans and Vacations of Plats

- (1) Minor modifications of a binding site plan may be approved by the Administrator. A modification is considered minor when all the following criteria is met:
 - (a) The modification is exempt from the National Environmental Policy Act and all other local, state, and federal environmental review.
 - (b) The modification is within the general scope of the purpose and intent of the original approval
 - (c) The modification does not result in a change of use
- (2) Major Modifications of binding site plans, which shall be classified as any change in site plan not meeting any of the criteria outlined in 15.0610(1), as well as modifications and vacations of recorded

plats shall be reviewed and approved by the Crosby City Council after consultation with the Planning and Zoning Commission upon recommendations from the Administrator.

Article 7: Definitions of Terms

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) Access: The way which pedestrians and vehicles shall have safe and adequate ingress and egress to property.
- (2) Accessory Building and Uses: A subordinate building or portion of the main building, the use of which is incidental to that of the main building or to the main use of the property. An accessory use is on which is incidental to the main use of the premises.
- (3) Administrator: The administrative office, designated by the Crosby City Council to administer and enforce the provisions of this Ordinance.
- (4) Adult Entertainment: the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.
- (5) Alley: A strip of land, dedicated to public use, primarily to provide vehicular service access to the side or rear of properties otherwise abutting a street.
- (6) Alteration: Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered as an alteration.
- (7) Amendment: Any change, revision, or modification of the text of the Ordinance or to the Zoning District Map.
- (8) Assembly, Place of: A building use in which holds regular, scheduled gatherings by the building owner/leaser for discrete and particular purposes. Restaurants, Bars/Taverns/Public Houses are not places of assembly.
- (9) Attic: a space or room just below the roof of a building
- (10) Bar/Tavern/Public House: A general retail use where more than 25% of sales come from alcohol.
- (11) Basement: A story having part, but not more than one-half (1/2), of its height below grade.
- (12) Block: The property abutting one side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, undivided acreage, or between any of the foregoing and any other barrier to the continuity of development.
- (13) Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.
- (14) Building Area: That portion of the lot that can be occupied by the principal use, excluding the front, rear and side yards.
- (15) Building Height: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between the eaves and ridge of gable, hip or gambrel roofs.
- (16) City: City of Crosby, North Dakota.
- (17) Conditional Permitted Use: Any use to which the City of Crosby City Council shall set specific conditions, all of which must be met prior to the approval of said use in the district allowed by a permit.

- (18) District: A section or sections of the City and the extra-territorial area for which the regulations governing the use of building and premises, the height of buildings, the size of yards and the intensity of use are uniform.
- (19) Division: The division of a lot, 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 rights-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, plaza or open spaces. "Subdivision" includes the re-subdivision of one or more lots as parcels of land into subdivision made and recorded prior to or after the date these regulations are adopted.
- (20) Driveway: Any roadway, lane, path, or other vehicular access intended or used for the movement of automobiles, or other vehicles for a public street to or onto private property across the berm, sidewalk or other part of the public right-of-way laying between the paved or unpaved public roadway and the private property. Any driveway permitted shall lead to an area on the private property of sufficient size to accommodate the vehicles using such driveway.
- (21) Dwelling: Any building or portion thereof which is arranged or designed to provide living facilities for one or more families. The term "dwelling" shall not be deemed to include a motel, hotel, or tourist home.
- (22) 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.
- (23) Family: One or more persons occupying a dwelling unit as members of a single housekeeping organization.
- (24) Final Plat: A plat or map prepared in accordance with the provisions of the subdivision regulations portion of this Ordinance which is prepared to be recorded in the County Register of Deeds Office.
- (25) Frontage: All the property on one side of the street or highway between two (2) intersecting streets or highways (crossing or terminating) measured along the line of the street or highway, or if the street or highway is dead-ended, then all of the property abutting on one side between an intersecting street or highway and the dead-end of the street or highway.
- (26) Garage: An accessory building, or portion of main building, housing motor-driven vehicles, owned and used by the occupants of the lot on which the garage is located.
- (27) Improvements: Street grading and surfacing with or without curbs and gutters, sidewalks, crosswalks, culverts, bridges, street, water mains, sanitary sewer or storm sewers, trees or other improvements as required by this Ordinance.
- (28) Junk Yard: The use of any area of more than two hundred (200) square feet or any area not more than fifty (50) feet from any street, for the storage, keeping or abandonment of junk, including 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 parts thereof.
- (29) Loading Space: An off-street space on the same lot as the use for temporary parking of a commercial vehicle, while loading or unloading merchandise or material, which has appropriate means of access.
- (30) Lot or Parcel: 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 and having its principal frontage upon a street or upon an officially approved place.

- (31) Lot Area: The total area within the boundary lines of the lot or parcel of land not including the public right-of-way.
- (32) Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.
- (33) Lot, Double-Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
- (34) 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.
- (35) 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 dwelling constructed to be towed on its own chassis, connected to utilities and not placed on a permanent foundation and used for year round living. It can consist of one or more units that can be telescoped when towed, or two (2) or more units separately towable but designed to be joined into one integral unit.
- (36) Mobile Home Park: A plat of ground under single ownership or management which has been planned and improved for the placement of at least fifteen (15) mobile homes which are used for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodations.
- (37) Non-Conforming Use: Any building or parcel of land lawfully occupied which does not conform to the use regulations of the district in which it is situated.
- (38) Non-Conforming Use, Legally: Any item regulated by this ordinance which was made non-conforming upon the adoption of this ordinance.
- (39) Off-Street Parking Space: An off-street area for the parking of one (1) or more motor vehicle having all-weather surface, a width of not less than ten (10) feet and a length of not less than twenty (20) feet, and shall have an easy access to the street or alley by a driveway having all-weather surface.
- (40) Owner: Any person who alone, jointly or severally with others:
- (a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or;
 - (b) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent as an executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance, and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- (41) Permit: Any permit issued under this Ordinance including a permit customarily called a zoning permit, plat approval, rezoning, certification of occupancy, variance or other action having the effect of permitting development.
- (42) Permitted Use: Any use which complies with the requirements of a zoning district and is unconditionally allowed.

- (43) Planning Commission: The duly appointed planning and zoning commission for the City of Crosby
- (44) pursuant to chapters 40-47 and 40-48 of the North Dakota Century Code.
- (45) Plat: A map of a subdivision recorded in the office of the Register of Deeds of Divide County.
- (46) Restaurant: A public eating establishment at which the primary function is the preparation and serving of food in which not more than 25% of sales are that of alcohol.
- (47) Set Back: The distance between the lot line and the building line.
- (48) Sign: Any device for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public.
- (49) Sign, Free-Standing: A sign held by pillars or posts anchored into the ground
- (50) Sign, Principal Ground: A sign anchored directly into the ground, usually larger than a free-standing sign
- (51) Street: A public thoroughfare which affords principal means of access to abutting property.
- (52) Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.
- (53) Street, Yield, A street in which non-motorized traffic shares lanes with motorized traffic
- (54) Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.
- (55) Subdivision: The division of a lot, tract or parcel of land into lots for the purpose, whether immediate or future, of sales or building development, including the creation of any part or one or more streets, public easements, or other rights-of-way, whether public or private, for access to or from such lots, and/or including the creation of new or enlarged parks, playgrounds, plazas or open spaces. "Subdivision" shall include the re-subdivision of one or more lots into a subdivision made and recorded prior to or after the date these regulations are adopted.
- (56) Substandard: This term for the purpose of this Ordinance shall mean any dwelling, dwelling unit, or premises violating any provisions of this Ordinance.
- (57) 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.
- (58) Trailer, Travel: Any vehicle or structure, including but not limited to an automobile trailer or 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 (1) or more persons or for the conduct of a business, profession, trade or occupation, or use as a selling or advertising device. If wheels of a trailer are removed except for repair, it is deemed to be a building subject to all the regulations of this Ordinance.
- (59) Uses and Form: The term referring to
- a. The 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.
 - c. A name of a building, or structure or tract of land which indicated the purpose for which it is arranged, designed, intended, maintained or occupied.
- (60) Uses and Forms Permitted: Any use and form permitted by the regulations of this Ordinance. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

- (61)Variance: The relaxation of the terms of the Zoning Regulations in relation to height, area, size or open spaces where specific physical conditions, unique to the site, would create an unreasonable hardship in the development of the site for permitted uses.
- (62)Yard: An open space on the same lot as the building or structures, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance. In measuring a yard for the purpose of determining the width of side yard, the depth of front yard or the depth of rear yard, the minimum horizontal distance between the lot line and the main building or structure shall be used.
- (63)Yard - Front: The yard extending across the front of the lot between the side yard lines and being the minimum horizontal distance between the street line and any building or any projection thereof, other than the projection of the usual steps or entrance-way.
- (64)Yard - Side: A yard extending from the front lot line to the rear lot line, and being the minimum horizontal distance between the side lot and the side of any building or any projections thereof, including overhangs from roofs.
- (65)Zero Lot Line: A building that is placed directly on the side yard lot line, for the purposes of this ordinance as to facilitate complete streets network and allow for larger parking lots.
- (66)Zone or District: A portion, area, or section of the City for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land, and open spaces surrounding buildings as herein established.
- (67)Zoning District Map: the map showing the zoning districts of the City of Crosby and the extra-territorial area included in the zoning jurisdiction of the city as established and approved by the City Council of Crosby.