

Land Development Code, City of Halliday, North Dakota

ARTICLE 1 GENERAL PROVISIONS

1.1 Title

This Code shall be entitled “The Land Development Code, City of Halliday, North Dakota.”

1.2 Purpose and Intent

The purpose of this Code is to promote the health, safety, and welfare of the people of the City of Halliday; to promote the sound and desirable use of land; and to guide the development with efficient provision of public improvements.

1.3 Authority

This Code is adopted under the authority granted by Chapters 40-47, 40-48, and 40-50 of the North Dakota Century Code (NDCC).

1.4 Severability

If any section, provision or part of this Code is adjudged invalid by a court of competent jurisdiction, the remainder of this Code shall not be affected.

1.5 Repeal

All other regulations or parts of regulations of the City of Halliday inconsistent or in conflict with this Code to the extent of inconsistency or conflict are hereby repealed.

1.6 Effective Date

This Code shall be effective from and after the date of its final passage and publication.

1.7 Interpretation

These regulations shall be held to be the minimum requirements. Whenever these requirements are at variance with other requirements, rules, regulations, deed restrictions, or covenants, the most restrictive shall govern, unless otherwise specifically stated.

1.8 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits and the extraterritorial zoning jurisdiction of the City of Halliday, North Dakota, as now and hereafter fixed and established on the map entitled, “The Official Zoning Map of the City of Halliday, North Dakota,” as the same may be amended from time to time hereafter.

1.9 Compliance with Ordinances, Statutes, Regulations and Plans

Any person, firm, or corporation developing land shall comply with the requirements of these regulations and:

1. The provisions of the North Dakota Century Code (NDCC)
2. The rules of the North Dakota State Health Department, North Dakota Department of Transportation and other North Dakota state agencies.
3. City of Halliday Comprehensive Plan

1.10 Non-Conforming Uses

Whenever a lot or structure, or the use of a lot or structure, shall become unlawful due to the adoption of this Ordinance or an amendment to this Ordinance, such lot or structure, or use of a

lot or structure shall be considered nonconforming, and may be allowed to continue. However, whenever such a nonconformity has ceased to exist for a period of at least 365 consecutive days, regardless of the owner's intent, no such nonconformity shall be allowed. No nonconformity may be allowed to enlarge, expand or intensify. Whenever a nonconforming structure is destroyed or damaged beyond 50% of its appraised pre-loss value, it may not be reconstructed or repaired except in compliance with this Ordinance.

ARTICLE 2 RULES AND DEFINITIONS

2.1 Compliance

No structure, land and building shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a development permit, and the same shall be in compliance with this Code.

2.2 Word Use

In the construction of this Code, the following words, rules, and definitions shall be observed and applied except when the context clearly indicates otherwise:

- (1) Words used in the present tense shall include the future.
- (2) Words used in the singular number shall include the plural number and the plural number shall include the singular.
- (3) Shall is a mandatory word and not discretionary.
- (4) May is a permissive word.

2.3 Definitions

- (1) Animated Sign - A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:
 - i. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
 - ii. Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
 - iii. Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 1. Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of

illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

2. Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.
- (2) Billboard - See Off-Premise Sign and Outdoor Advertising Sign.
 - (3) Building Sign – A sign that is applied or affixed to a building, excluding window signs.
 - (4) Changeable Sign - A sign with the capability of content change by means of manual or remote input, includes the following types:
 1. Manually Activated - Changeable sign whose message copy or content can be changed manually on a display surface.
 2. Electrically Activated - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: Electronic Message Center.
 - (5) Electronic Message Center or Sign (EMC) - An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source.
 - (6) Freestanding Sign - A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. May also be referenced as a Ground or Monument Sign.
 - (7) Off-Premise Sign – A sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
 - (8) On-Premise Sign - A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
 - (9) Outdoor Advertising Sign - A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on

which it is displayed. May also be referenced as an Off-Premise Sign, Billboard, or Commercial Outdoor Advertising Sign.

- (10) Real Estate Sign - A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.
- (11) Sign - Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs.
- (12) Sign Structure - Any structure designed for the support of a sign.
- (13) Sign Copy - The letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.
- (14) Sign Face - The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.
1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
 2. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
 3. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.
- (15) Sign Area - The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multi-sided signs shall be computed as fifty (50) percent of the sum of the area of all faces of the sign.
- (16) Temporary Sign - A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

- (17) Wayfinding Sign – A sign, frequently off-premise, specifically designed to provide exclusively directional or destination information. See also, Off-Premise Sign.
- (18) Window Sign - A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.
- (19) Collocation – establishment of telecommunication services by two or more telecommunication providers at a single site and on a single telecommunication support structure
- (20) Telecommunication Support Structure – the tower or other structure upon which the telecommunication antenna is mounted
- (21) Telecommunication Facility – the support structure, antenna, and base station together with all the other structural components at a given site (such as the security fence)
- (22) Telecommunication Antenna – the apparatus which is mounted on the support structure which is used to send and receive telecommunication signals
- (23) Telecommunication Base Station – the apparatus which is not mounted on the support structure but is necessary to be located at the telecommunication facility in order for the facility to function
- (24) Telecommunications Facility Perimeter – the outermost extent of all structures at the site of a telecommunications facility including anchor points in the case of a guyed support structure (not the leased or owned area for the facility which may be a larger area)
- (25) Bank – a commercial bank, a mortgage bank, a savings bank, a savings and loan association, or a credit union (as they are defined under North Dakota law) any of which are licensed, insured or chartered by the United States of America or the State of North Dakota.
- (26) Principal Use – the main or primary use for which a lot or a structure on a lot may be allowed to be used, occupied, or maintained under this Ordinance. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplemental to the principal use and permitted under this Ordinance shall be considered an Accessory Use.
- (27) Accessory Use – a use which is (1) related to the principal use on the lot where it occurs, (2) subordinate to and clearly incidental to the principal use of the lot, and (3) does not alter, and is not detrimental to, the character of the area in which it is located
- (28) Grocery Store – a retail establishment that primarily sells (1) food items intended for home preparation and consumption including meat, poultry, fish, bread and breadstuffs, cereals and grains, fresh and preserved produce, and dairy products; (2) accessory food items such as coffee, tea, cocoa, non-alcoholic beverages, spices, and condiments; and (3) household goods such as cleaning supplies, cooking and dining utensils, and other common household consumables. The store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area.
- (29) Sit-Down Restaurant – A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on-premises consumption.

- (30) Drive-Through Restaurant – A public eating place with facilities and services to pay for and pick up custom-prepared foods while remaining in a vehicle in addition to providing sit-down counter or table service of custom-prepared foods for on-premises consumption
- (31) Hotel/Motel – A building or portion thereof or a group of buildings designed and used to provide sleeping accommodations for compensation to the general public on a daily, weekly, or similar short-term basis, and which may provide additional, but subordinate services or uses such as restaurants, meeting rooms, and recreation facilities provided that these services or uses are situated within the principal building. For the purposes of this ordinance boarding houses and bed and breakfast inns are not considered hotels or motels.
- (32) Boarding House – a single household dwelling in which individual rooms are rented out on a monthly or similar long term basis as sleeping rooms without private bathroom facilities, and where meals may or may not be provided as part of the services included for the rental fee
- (33) Bed and Breakfast Inn – A private home that is used to provide accommodations for a charge to the public, with not more than seven lodging units, in which no more than two family-style meals per day are provided which has been licensed by the State of North Dakota
- (34) Butcher Shop – A retail establishment supplying meat and poultry products, and the processing of carcasses into meat and poultry products.
- (35) Gas Station – Buildings and premises for the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories, and where in addition, the repair and maintenance services for motor vehicles may be rendered and sales made, and where incidental sale of non-alcoholic beverages and pre-packaged foods, or other convenience items for the traveling public may occur, but not including body shops where painting, welding, or related activities are performed.
- (36) Convenience Store – A retail establishment of 5000 square feet or less which carries a range of merchandise oriented to daily convenience and traveler’s shopping needs which may be part of a gas station or an independent establishment, and may sell prepared food with a seating and food counter space of less than 200 square feet.
- (37) Farm Implement Dealer – a retail sales and service establishment that sells and provides mechanical repair services for machinery used on farms and ranches
- (38) Bar – An establishment in possession of a valid city liquor license where alcoholic beverages are sold or dispensed by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.
- (39) Commercial Truck Parking – any facility that is used, even incidentally or infrequently and for any period of time, for attended or unattended parking of any number of commercial trucks other than in direct support of an approved or permitted use of the land on which it is located
- (40) Commercial Truck – any motorized vehicle with a gross vehicle weight rating exceeding 16,000 lbs. or any towed vehicle with a gross vehicle weight rating exceeding 10,000 lbs., or any combination thereof
- (41) Manufacturing Plant – an establishment primarily engaged in the assembly of component parts, or the mechanical, biological, or chemical transformation of parts or materials or

substances into unfinished or finished products that adds value to the original materials or parts

- (42) Building Mechanical Services – a contractor who provides HVAC services
- (43) Church – A place of worship or religious assembly with related facilities such as the following in any combination: rectory, or convent, meeting hall, offices for administration of the institution, childcare, playground, cemetery, parsonage, and accessory buildings. This use includes church, synagogue, temple, mosque or other place of worship
- (44) Pharmacy – an establishment where drugs, medicines, or chemicals are dispensed, displayed for sale, or sold, at retail for medicinal purposes, or where prescriptions are compounded, and which is duly registered by the North Dakota State Board of Pharmacy.
- (45) Hardware Store – an establishment engaged in the retail sale of various supplies for farm, ranch, and home related activities, such as electrical and plumbing goods, tools, paint, glass, wallpaper, housewares, and lawn and garden supplies, and where related services such as small engine repair or window repair may be provided
- (46) Health Club – an indoor facility designed and equipped for exercise and recreation such as running, lifting weights, swimming, racquetball, martial arts, and various other physical fitness activities, and which may have an outdoor area for similar activities as an accessory use
- (47) Personal Service Salon – an establishment primarily engaged in providing services of a personal nature associated with appearance, grooming, or physical well-being, including nail salons, barber and beauty shops, tanning salons, and businesses that provide facials, unwanted hair removal, and body treatments, but excluding tattooing.
- (48) Laundromat – an establishment providing washing and drying machines, but not dry-cleaning machines, on the premises for rental use to the general public for personal laundering purposes, and which may provide a collection service for off-site dry-cleaning
- (49) Dry Cleaners – an establishment engaged in providing laundry, dyeing, and chemical dry-cleaning services to the general public
- (50) Indoor Family Entertainment Facilities – establishment such as bowling alleys, pool halls, and movie theaters which primarily provide indoor recreational facilities for all ages, but specifically excluding adult entertainment facilities (NOTE: This is creating a situation similar to the existing ordinance use of the term personal service uses.)
- (51) Junk Yard – land or buildings where waste, discarded or salvaged materials are bought, sold, stored, exchanged, cleaned, packed, disassembled or handled including but not limited to scrap metal, rags, paper, hides, rubber products, glass products, lumber products and products resulting from the [dismantling] of automobiles or other vehicles
- (52) Kennel – any premises where dogs, cats, and other household pets are boarded, bred, and maintained for compensation.
- (53) Veterinary Facilities – a building or premises set up for medical treatment and accessory boarding of domestic animals including animal hospitals.
- (54) Solid Waste Collection Sites and Transfer Stations – sites and facilities where solid wastes are collected or aggregated for transportation to other locations for reclamation or disposal
- (55) Solid Waste – any garbage, refuse, sludge from a waste treatment plant, water treatment plant, or air pollution control facility and other discarded waste material, including solid,

liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. The term does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to Permit Section 402 of the Federal Water Pollution Control Act, as amended, or source, special nuclear or the by-product material as defined by the Atomic Energy Act of 1954, as amended

- (56) Inert Waste – non-putrescent solid waste which will not generally contaminate water or form a contaminated leachate. Inert waste does not serve as food for vectors. Inert waste includes, but is not limited to construction and demolition material, such as metal, wood, brick, masonry, and concrete, asphalt concrete, tires and tree branches
- (57) Industrial Waste – all waste resulting from an industrial, manufacturing, or commercial activity that is managed as a separate waste stream and as defined by NDCC 23-29-03.
- (58) Wind Energy Conversion System – any device that is designed to convert wind power to another form of energy such as electricity, mechanical or heat (also referred to by such common names as wind charger, wind turbine, and wind mill).
- (59) Adult Entertainment Center – an adult bookstore, adult cinema, adult entertainment facility, or any combination thereof
- (60) Adult Bookstore – an enclosed building having as a substantial or significant distinguished or characterized by their emphasis on matter depicting or describing sexual activities or anatomic areas, such as genitals, breasts or buttocks.
- (61) Adult Cinema – an enclosed building used on a regular basis for presenting pictorial materials or other visual images by way of direct or indirect projection, which materials are distinguished or characterized by an emphasis on the depiction of sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks for observation by patrons in return for the payment of consideration, irrespective of the number of persons who may be able to view the presentation at one time.
- (62) Adult Entertainment Facility – an enclosed building wherein an admission is charged for entrance, or food or non-alcoholic beverages are sold or intended for consumption, and wherein may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks.
- (63) Structure: Anything constructed or erected having location on or under the ground or attached to something having location on or under the ground
- (64) Building: A structure which is constructed on or attached to a permanent foundation, and has a roof supported by columns or walls
- (65) Permanent Foundation: load bearing walls set on footings, or pier and beam load bearing systems, which are constructed with reinforced concrete and are installed on undisturbed soil below the frost line
- (66) Household: two or more related people and not more than 4 unrelated people living together as a separate housekeeping unit in one dwelling unit
- (67) Dwelling Unit: A room or group of rooms in a building or a portion of a building designed to be used by a single household that includes complete living facilities, including exclusive kitchen facilities, and a room or rooms for living, sleeping, and bathroom facilities

- (68) Single Dwelling Building: a building, including a modular home, that is designed as a single dwelling unit which is located on a single lot
- (69) Townhouse: a building that has two or more single family dwelling units which are each located on their own lot and share fire walls along the dividing lot line
- (70) Duplex: a building that is designed as two dwelling units with a common wall but located on a single lot
- (71) Multi-Dwelling Building: a building located on a single lot that is designed to contain more than two dwelling units sharing common walls or floor/ceilings
- (72) Apartment: a dwelling unit which is located in a multi-dwelling building
- (73) Accessory Dwelling Unit: also known as an ancillary dwelling -- a dwelling unit that is secondary to the primary residence on a lot in the residential zoning district or that is secondary to the primary use of a building in the commercial zoning district. In the residential zoning district would be a second dwelling unit within the primary residential building or in a freestanding building on the same lot as the primary residence. In the commercial district it would be a dwelling unit in the primary building of a lot, but would not be on the ground floor of the primary building.
- (74) Reserved for future definition residential design manufactured home or similar.
- (75) NDCC 41-09-02 - "Manufactured home" means a structure, transportable in one or more sections, that, in the traveling mode, is eight body feet [2.44 meters] or more in width or forty body feet [12.19 meters] or more in length, or, when erected on site, is three hundred twenty square feet [29.73 square meters] or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this subdivision except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under title 42 of the United States Code.
- (76) Mobile Home – NDCC 57-55-01 - a single or multi-sectional structure which is built on a permanent chassis, ordinarily designed for human living quarters, and which is either attached to utility services or is 27 feet or more in length. transportable, factory built structure that was manufactured in accordance with HUD standards, which is less than 16 feet wide but more than 32 feet long and is installed in accordance with North Dakota installation standards for such structures
- (77) Modular Home – a single dwelling building which is built off-site in a factory, transportable in one or more sections, designed to be mounted on a permanent foundation, and meets the North Dakota State Building Code, the North Dakota Electrical Wiring Standards, and the North Dakota Plumbing Code
- (78) Park Model Trailer – a recreational vehicle not to exceeding forty feet in length, built on a single chassis with a gross trailer area not exceeding four hundred square feet of enclosed living space in the setup mode, and certified by the manufacturer as complying with A119.5 Recreational Park Trailer Standard of the American National Standards Institute
- (79) Group Living Quarters – buildings including nursing homes and elderly housing facilities, but not including bed and breakfasts or temporary living units, which are constructed for

- human habitation where there are private or semi-private sleeping rooms and shared living and eating spaces
- (80) Hotel – a building or buildings where lodging accommodations to the general public are offered for rental periods normally not exceeding 1 week
 - (81) Long Term Stay Hotel – a building or buildings where lodging accommodations to the general public are offered for rental periods normally not exceeding 1 month
 - (82) Recreational Vehicle – (Reserved for future use)
 - (83) Temporary Living Unit: any structure designed and constructed to provide sleeping, cooking, and sanitary facilities for up to four people, which is not a single dwelling unit, duplex, apartment, mobile home, hotel, group living quarters, or recreational vehicle. This includes park model homes, skid shacks, and similar units which meet local, state, and federal standards.
 - (84) Accessory Buildings – buildings which are secondary to the principal building on a lot and provide space for functions or uses which are incidental to the principal use. Examples include detached garages or accessory dwellings.
 - (85) Accessory Uses – activities which are customary and incidental to the principal use occurring on the same lot as the principal use, which do not create nuisances to surrounding properties
 - (86) Bakery, Retail – an establishment primarily engaged in the preparation of baked food products for on premise retail sale or consumption
 - (87) Repair Shop – an establishment primarily engaged in the maintenance and repair of vehicles and mechanical equipment
 - (88) Commercial Offices – establishments in which business, clerical, and professional services are primarily conducted in a room or set of rooms and which typically involve the creation, analysis, and/or organization of data
 - (89) Contractors yard and shop – An area and/or building used to store and maintain equipment, vehicles, construction supplies, building equipment and raw materials for an individual or for a contractor engaged in building or other construction businesses, including but not limited to plumbing, electrical, structural, finish, demolition, transportation, masonry, excavating or other construction work. It may include the contractor’s business office.
 - (90) Grain and Feed Elevator or Mill – a facility engaged primarily in the buying, storing, and selling of grains, and the processing of raw materials into animal feed, and the storage thereof
 - (91) Lumber Yard – an establishment where timber and sometimes other building materials are stored or sold
 - (92) Sewage Treatment Facilities – facilities for the treatment of domestic sewage in accordance with the rules of the North Dakota Department of Health
 - (93) Water Treatment Facilities – facilities used to store and/or treat water in order to provide finished water for a community water system
 - (94) Trucking or Freight Terminal – a facility engaged primarily in the temporary storage, distribution, and transshipment of goods
 - (95) Processing and Warehousing – The storage of materials in a warehouse or terminal, specifically excluding hazardous materials storage and handling and bulk materials storage

and handling, where such materials may be combined, broken down, or aggregated for transshipment or storage purposes and where the original materials are not chemically or physically changed

- (96) Hazardous Materials Storage and Handling – the storage and handling of anything which is considered a hazardous substance or material under the guidelines of the State of North Dakota Department of Health
- (97) Bulk Materials Storage and Handling – the storage and handling of materials or substances such as liquids, aggregates, or lumber which are normally ordered, stored, and sold by weight, volume, or footage
- (98) Farming and Ranching – cultivating land for the production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit, but it does not include the production of timber or forest productions, or the provision of grain harvesting or other farm services by a processor or distributor of farm products or supplies in accordance with the terms of a contract
- (99) Nonconformity – a situation where a lot or structure, the use of a lot or structure, which was in compliance was caused to be out of compliance due to a change in this Ordinance
- (100) Medical Clinic – a facility where health care professionals including dentists, optometrists, and physicians provide services, but this does not include veterinary facilities
- (101) Kennels – Any place, including an animal rescue operation, where dogs, cats, or other small animals which are over six months in age are owned or kept for private enjoyment, or are owned, kept, boarded, bred, and/or offered for sale

ARTICLE 3 ZONING DISTRICTS**3.1 Zoning Districts Established**

The following zoning districts are hereby established for the City of Halliday:

- (1) Residential District
- (2) Commercial District
- (3) Industrial District
- (4) Agricultural District
- (5) Floodplain Overlay District

3.2 Official Zoning Map

The "City of Halliday Official Zoning Map" and all notations, references and other information shown on the map are hereby incorporated by reference and made a part of this Ordinance. The City of Halliday and its surrounding area are hereby divided into districts as shown on the Official Zoning Map. The Official Zoning Map shall be on file at the Halliday City Offices and shall be the final authority as to the current status of zoning districts in the Halliday zoning jurisdiction. The Official Zoning Map shall bear the signature of the Mayor, attested by the City Auditor, and include the date of adoption along with the dates of all subsequent amendments to it. No change shall be made to the Official Zoning Map except in accordance with the procedures identified in this Ordinance for Zoning Ordinance amendments. A permanent record of all amendments and the date of such amendments shall be on file at the Halliday City Offices.

3.3 Extraterritorial Authority

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

3.4 R-Residential District

- (1) Purpose – this district is designed to accommodate residential single family and low density multi-family uses, and related accessory uses which have little to no impact on surrounding properties
- (2) Permitted Uses:
 - (a) Single dwelling buildings
 - (b) Public parks, playgrounds
 - (c) Accessory buildings or uses
 - (d) Duplex
 - (e) Home occupation
 - (f) Daycare facilities

(3) Conditionally Permitted Uses:

- (a) Multi-dwelling buildings
- (b) Townhouses
- (c) Public and parochial schools
- (d) Churches
- (e) Mobile Home (Manufactured Home) parks
- (f) Manufactured homes on permanent foundations on platted lots
- (g) Group Living Quarters

3.5 C-Commercial District

- (1) Purpose – this district is designed to provide for a wide variety of commercial uses when compatible with adjoining residential uses and compatible with the underlying future land use plan
- (2) Permitted uses
 - (a) Accessory dwelling units
 - (b) Retail sales and service uses including grocery stores, pharmacies, hardware stores, clothing stores, bakeries, bars, restaurants, gas stations, print shops, and repair shops
 - (c) Personal service uses including commercial offices, ~~and~~ medical clinics, barber and beauty shops, hotels and motels, financial institutions, indoor family entertainment facilities, laundromats and tailor shops
- (3) Conditionally Permitted Uses
 - (a) Contractor's yard and shop
 - (b) Processing and Warehouses
 - (c) Grain and Feed Elevator or Mill
 - (d) Dry cleaners
 - (f) Motor vehicle and farm implement sales and servicing
 - (g) Water treatment facilities
 - (h) Drive-through restaurant

3.6 I-Industrial District

- (1) Purpose – this district is designed to accommodate a wide variety of industrial activities including truck parking, industrial equipment maintenance, industrial materials storage and handling, and uses related to oil and gas development activities, but not any

permanent housing or any commercial activities which are allowed in other commercial districts of the city

- (2) Permitted uses
 - (a) Commercial district uses except accessory dwellings
 - (b) Grain and feed elevator or mill
 - (c) Heavy equipment sales, service, or repair
 - (d) Lumber yard
 - (f) Commercial Truck Parking
 - (j) Any industrial or manufacturing operation providing that: (a) dust, fumes, odors, smoke, vapor, noise, lights, and vibrations shall be confined within the industrial district, and (b) outdoor storage, equipment and refuse areas shall be concealed from view of abutting rights-of way.
- (3) Conditionally permitted uses
 - (a) Junk yards
 - (b) Fuel and explosive material storage tanks and terminals
 - (c) Sewage treatment facilities
 - (d) Solid waste collection sites and transfer stations
 - (e) Trucking or freight terminal
 - (f) Processing and Warehouses
 - (g) Adult entertainment centers
 - (h) Veterinary Facilities and Kennels
 - (i) Water treatment facilities

3.7 A-Agricultural District

- (1) Purpose – this district is designed to accommodate traditional farming and ranching uses such as small crop production and domestic animal production, but not ag industrial, commercial feedlots, or other high intensity agriculture related activities
- (2) Permitted uses
 - a. Farming and Ranching
 - b. Single Dwelling Buildings
 - c. Accessory Buildings and Uses
- (3) Conditional Uses
 - a. Temporary Housing Park
 - b. Sewage Treatment Facilities
 - c. Solid waste collection sites and transfer stations
 - d. Inert waste landfill

- e. Veterinary Facilities and Kennels
- f. Water treatment facilities
- g. Commercial Truck Parking as an Accessory Use to Temporary Housing Parks

3.8 F-Floodplain Overlay District

- (1) THIS SPACE RESERVED FOR FUTURE USE – Current floodplain regulations are still in effect.

ARTICLE 5 SUBDIVISION REGULATIONS

5.1 Land Suitability

No land shall be divided for a use which is held unsuitable by the city and the Planning and Zoning Commission for the reason of flooding, or potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use or any other condition likely to be harmful to the health, safety or welfare of the city.

5.2 Procedure for Subdivision Approval

- (1) Preliminary Plat

a) The subdivider shall prepare a preliminary plat and file an application for approval with the Planning and Zoning Commission. The application shall include all data required by these regulations accompanied by three copies of the plat.

(1) The preliminary plat shall cover all contiguous lands owned or controlled by the subdivider even if only a part of it is proposed for development at that time.

(2) The Planning and Zoning Commission shall within thirty (30) days from the date submitted, approve, approve conditionally or reject the preliminary plat based on its determination of conformance with these regulations.

b) The preliminary plat shall be based upon a survey and shall be submitted in three copies on a scale of not more than one hundred (100) feet to one (1) inch and shall show correctly:

(1) Name, address and telephone number of the person to be contacted regarding the plat.

(2) Date, graphic scale and north point.

(3) Name of the proposed subdivision.

(4) Location of the proposed subdivision by government lot, quarter section, section, township, range and county.

(5) A scaled drawing of the exterior boundaries of the proposed subdivision referenced to the corner established in the U.S. Public Land Survey and the total acreages encompassed thereby.

- (6) Names and locations of adjacent subdivisions, parks, cemeteries and other development.
- (7) Location of existing property lines, buildings, streams or water courses, marshes and wetlands, wooded areas, and other similar significant features within the parcel being subdivided.
- (8) Location, right-of-way width and names of any existing or proposed streets, alleys or other public ways; easements, and railroad and utility rights-of-way.
- (9) Contours at vertical intervals of not more than five (5) feet.
- (10) Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public uses and open spaces not requiring subdividing of land.
- (11) Dimensions of all lots and proposed lot and block numbers.

c) Commercial Subdivision Submittal Requirements. In applications for a development permit for commercial subdivisions, the requirements listed in 5.1.1 (a) and (b) above must be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Exception: The Code Administrator or the building official is authorized to waive the requirement that such documentation be prepared by a registered design professional if it is determined that the nature of the work applied for is such that a review of the construction documents is not necessary to obtain compliance with this Code.

(2) Preliminary Plat Submission Requirements

- a) The subdivider shall apply on appropriate forms provided by the Code Administrator to the Planning and Zoning Commission at least ten (10) days prior to its regularly scheduled meeting.
- b) The subdivider shall submit two (2) prints of the preliminary plat to the Code Administrator at the time the application is made. The plat shall comply with the provisions of this Code.
- c) The subdivider may submit any instrument whereby he/she proposes to regulate land use in the subdivision for protecting the proposed development.
- d) The subdivider shall provide other data related to drainage, soil suitability, financing of improvement and other related information which the Planning and Zoning Commission requests.

(3) Review Process

- a) The Planning and Zoning Commission shall review the preliminary plat and may require additional information before it takes action.

b) The conditional approval of a preliminary plat shall clearly state the nature and extent of the conditions which shall be met before a final plat is submitted for review and approval. Tentative approval of a preliminary plat by the Planning and Zoning Commission is not an acceptance of a subdivision plat, but is an expression of approval of a general plat as a guide to preparation of a subdivision for final plat review and approval.

c) The Planning and Zoning Commission may require the subdivider to submit a revised preliminary plat before the subdivider proceeds with the preparation of the final plat.

d) Approval of the preliminary plat shall be effective for a period of two (2) years within which a final plat shall be prepared. If the final plat is not submitted within this time period, the Planning and Zoning Commission may require the subdivider to resubmit the preliminary plat for review and approval, unless the developer had provided a detailed timetable for the preparation of the final plat(s).

(4) Final Plat

a) If the preliminary plat has been approved or approved conditionally the subdivider shall submit three (3) copies of the final plat to the Planning and Zoning Commission.

b) 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 and any conditions attached thereto by the Planning and Zoning Commission.

c) The Planning and Zoning Commission shall hold a public hearing as required by the North Dakota Century Code before action on the final plat is taken. Notice of the time and place of such hearing shall be published once in the official newspaper for the City one week prior to the date of the hearing. If the final plat meets the requirements of these regulations and in the case where a preliminary plat was given conditional approval and those conditions have been met, Planning and Zoning Commission shall recommend approval of the plat to the City Commission.

(5) Final Plat Content - The final plat shall conform to all provisions of this Code and conditions set forth by the City Commission.

a) Name of subdivision and date of tentative approval by the City Commission.

b) Location by section, quarter section, township and range, or other legal description.

c) Names of owners and surveyor or other professional person preparing the plat.

d) Plat map with scale of one inch representing one hundred (100) feet or less.

e) Date, graphic scale and North point.

- f) Boundary line of subdivision based on an accurate traverse, showing distances and bearings.
 - g) Exact location, width and name of all streets within and adjoining the subdivision, and the exact location of all alleys and crosswalks.
 - h) True bearing and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat.
 - i) City, township, county or section lines accurately tied to the boundary lines of the subdivision by bearing and distance.
 - j) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.
 - k) All easements for rights-of-way provided for public services and public utilities.
 - l) All lot numbers and lot lines with accurate dimensions.
 - m) Accurate location of all monuments, which shall be of material and size in accordance with the standards of the city, the county, and the state.
 - n) Accurate outlines and legal descriptions of any areas (not including streets, alleys or public utility easements) to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for common use of all property owners.
 - o) Building setback lines, accurately shown with dimensions.
 - p) Where required, detailed engineering drawings, cross-sections or profiles of streets, utility lines, catch basins or other installations of improvements as installed.
 - q) Building covenants.
 - r) Certification by registered surveyor to the effect that the plat represents a survey made by him, and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.
 - s) Notarized certification by the owners of the land of the adoption of the plat and the dedication of sewers, water distribution lines and other improvements and of streets and other public areas.
- (6) Final Plat Submission Requirements - The subdivider shall apply on appropriate forms to the Planning and Zoning Commission for approval of the final plat, if he/she holds a valid approval of the preliminary plat.
- a) The subdivider shall submit the final plat to the Planning and Zoning Commission at least ten days before the regularly scheduled meeting of the Planning and Zoning Commission.

b) The final plat shall comply with all provisions of this Code and conditions and requirements set forth as a part of review and approval of the preliminary plat. All filing fees shall be paid to the city at the time of filing the final plat for approval.

c) The Planning and Zoning Commission may require the subdivider to submit detailed drawings for grading of the lots, blocks, streets, detailed drawings for pavement, curb, gutter and sidewalk, drawings for installation of water, sanitary and storm sewer facilities.

(7) Review Process

a) If the Planning and Zoning Commission finds the final plat in conformance with the requirements stipulated for approval of the preliminary plat, it shall recommend to the City Commission for approval after a public hearing.

b) The subdivider shall prepare an estimate of the cost of providing the required improvements based on the county design standards for street, curb, gutter, sidewalk, sanitary sewer, storm sewer and water lines.

c) If all conditions and requirements have been met, the Planning and Zoning Commission shall make a recommendation on the plat to the City Commission.

d) Within a reasonable time after receiving recommendations from the Planning and Zoning Commission, the City Commission shall review the recommendations and the final plat and approve or disapprove the proposed subdivision.

e) Within thirty (30) days after the final plat approval is granted, the final plat of record shall be filed with the County Recorder for Dunn County.

(8) Amendment of Comprehensive Plan - Upon final approval of a subdivision involving the creation of new streets, the widening, decreasing or vacation of existing streets or alleys, or the creation, enlargement or decrease of other lands devoted to public use, the City Commission and/or Planning and Zoning Commission shall, at the same time, and with a public hearing, approve such change in streets, alleys or public lands as an amendment to the Comprehensive Plan, if deemed appropriate.

(9) Filing of Subdivision Plat - The subdivider, upon approval of the final plat, shall file the plat with the County Recorder of Dunn County. Sale of any lot prior to filing of the final plat is in violation of this Code.

5.3 Design Standards

(1) Streets

a) 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 land served by the streets; and to the most advantageous development of adjoining uses.

- b) 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.
- c) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way; the City of Halliday may require a street approximately parallel to and on side of such right-of-way, at a distance suitable for the appropriate use of the intervening land.
- d) 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 seventy-five (75) degrees, and no more than two streets shall intersect at one point.
- e) Dead-end streets shall not be permitted without a suitable turn-around with a diameter of not 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 times as streets shall be extended.
- f) No street names shall be used which will duplicate or be confused with the names of existing streets in the city.
- g) The width of streets shall not be less than one hundred (100) feet for major commercial streets, sixty-six (66) feet for major residential streets and forty (40) feet for minor residential streets.

(2) Street Rights-of-Way shall not be less than the following table:

- a) Cul-de-sac, one hundred twenty (120) feet in diameter for a turnaround.
- b) Alleys, residential district, twenty (20) feet.
- c) Sidewalks, four (4) feet.
- d) Bike paths (per DOT standards).

General Considerations for intersection design are that:

- a) Intersections of more than two streets at a point shall not be permitted
- b) Alleys shall be discouraged in residential districts but may be provided in commercial and industrial districts.

(3) Utility Easements

- a) Easements of at least ten (10) feet shall be provided along the rear and exterior side of corner lots and shall be designated as "Utility Easement" on the plat.
- b) All utility lines for electric power and telephone service shall be placed in the utility easements and shall be underground unless overhead utility lines are approved by the City Planning and Zoning Commission.

(4) Grading and Drainage

- a) When required, the subdivider shall provide a detailed grading and drainage plan showing the grades of streets and drainage improvements.
- b) The drainage shall not discharge into any sanitary sewer facility.
- c) The drainage facilities shall be located in street right-of-way or in drainage easements.
- d) All developers should submit a management plan for storm water.
- e) The grading and drainage system shall be approved by the Planning and Zoning Commission.
- f) Grading established in any subdivision shall not be changed without approval of the Planning and Zoning Commission.

(5) Drainage Way Easements

- a) Where a subdivision is traversed by a water course, drainage-way or wetland, there shall be provided an adequate drainage-way easement as required by the Planning and Zoning Commission.
- b) The location, width, alignment and grading of such easements shall be of such a width and design to accommodate the anticipated discharge from the property being subdivided and also the anticipated run-off that may occur when property at a higher elevation in the drainage basin is developed.

(6) Blocks - The length, width and shape of blocks shall be suited to the planned use of land, zoning requirements, convenient access, control and safety of street traffic and the limitations and opportunities of topography.

- a) Residential block length shall not exceed nine hundred (900) feet. The length of blocks is considered to be the distance from one street centerline to opposite street centerline and is measured through adjacent back lot lines or through the center of the block.
- b) Pedestrian crosswalks not less than ten (10) feet wide may be required in blocks longer than six hundred (600) feet where the crosswalks are deemed by the Planning and Zoning Commission to be essential to provide circulation, or access to schools, playgrounds or other community facilities, and handicap access (curb cuts) required.
- c) The width of blocks shall generally be sufficient to allow two (2) tiers of lots and shall be at least two hundred and fifty (250) feet wide.
- d) Block intended for commercial and industrial use shall be specifically designated for such purposes with adequate space set aside for off-street parking and delivery facilities. The Planning and Zoning Commission may require service drives or frontage roads along major streets for commerce and industry.

- (7) Lots
- a) The size, shape and orientation of the 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 site for the building contemplated.
 - b) Every lot shall front or abut a public street.
 - c) Lot width as measured from the building setback line and lot area for residential development shall conform to the requirements of these regulations.
 - d) Side lot lines shall be substantially at right angles or radial to street lines.
 - e) Lot lines shall not cross the municipal boundary lines.
 - f) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for off-street parking.
 - g) The lot area for residential development shall be not less than 9,000 square feet and the lot width shall be not less than sixty-five (65) feet.
- (8) Required Improvements
- a) Survey Monuments - Monuments shall be placed at all block corners, single points, points of curves in streets and at intermediate points as required by the Planning and Zoning Commission.
 - b) Municipal Water Supply - Water mains shall be installed so as to provide service to each lot within the subdivision.
 - c) Sewage Disposal System - Municipal sanitary sewers shall be installed so as to provide service to each lot within the subdivision.
 - d) Grading and Surfacing - The full width of all rights-of-way shall be graded and all streets shall be surfaced in accordance with plans and specification of the City.
 - e) Storm Water Drainage Facilities - The storm water drainage facilities of a size and design that will adequately accommodate design volumes of flow and that will present no hazard to life or property shall be installed in accordance with plans and specifications approved by the City.
 - f) Curbs and Gutters - Concrete curbs and gutters shall be installed in all subdivisions in accordance with plans and specifications approved by the City.
 - g) Sidewalks - Where the City requires construction of a sidewalk, it shall be in accordance with the design standards established by the Planning and Zoning Commission.
- (9) Installation of Improvements - Before installation of improvements in any subdivision, the Planning and Zoning Commission shall make a determination for improvements required, based on a schedule of improvements including the standards, and class of construction.

The improvements specified herein shall be installed and approval of the final plat shall be given only after work has been completed or there shall have been filed with the City one of the following:

- a) Duly completed and executed surety bond in an amount sufficient to complete the work with surety satisfaction to the City.
 - b) Other arrangements satisfactory to the city to complete the work.
- (10) Dedication of and for Streets - Whenever a parcel of land is to be divided as a subdivision or as a land division, all streets and public ways shall be dedicated to the public upon approval of the plat of subdivision.
- (11) Reservation of Lands for Parks, Playgrounds, School Sites or Public Facilities - Whenever a parcel of land to be divided contains all or in part a site for a park or playground which has been designated on the city plans shall be reserved for a period of two years from the date of approval unless waived or extended by mutual agreement of the City and the developer.

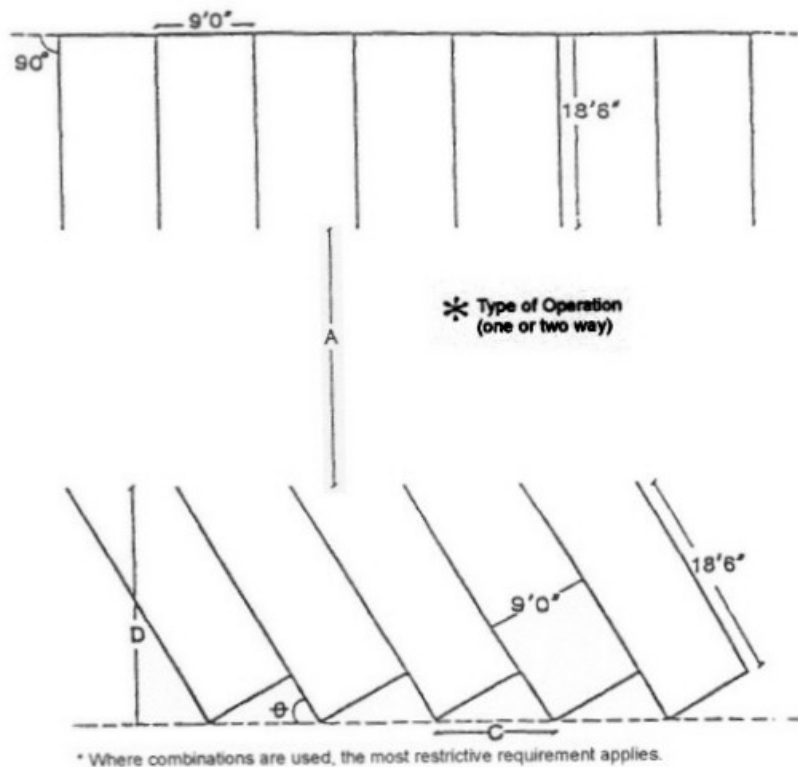
ARTICLE 6 SPECIAL PROVISIONS

6.1 Off-Street Parking Requirements

In an effort to alleviate undue congestion on city streets, to protect the public's interest and investment, and to ensure the traffic-carrying capacities of Halliday streets, off-street parking and loading spaces shall be required for all land uses. If ambiguity arises concerning the number of spaces required, the classification shall be the same as for a comparable use as determined by the Code Administrator. The following requirements shall apply when determining parking unless modified by the approving authority and other provisions of this Code:

- (1) A plan for off-street parking shall be included with all development applications and may be incorporated into site plans or building permits or other required development application submittal material. Parking plans must show the following:
 - a) Purpose, size, location, and use of the structures for which the parking spaces are required.
 - b) Layout of driveways, parking, and loading spaces.
 - c) Screening from adjacent residential districts, for professional office, commercial, and industrial uses.
- (2) Size and Location.
 - a) Size. Standard off-street parking spaces shall be a minimum of nine (9) feet in width and not less than eighteen and one-half (18½) feet in length.
 - b) Clearance. If parking stalls are covered, a minimum of seven (7) feet of clearance shall be provided.
 - c) Front Setback Area. Parking will not be permitted within the required front setback of any zoning districts, except for a limited time not to exceed two (2) consecutive days, to accommodate City- required snow removal from streets.
 - d) Passenger Loading Areas. Day care centers, schools, and places for public assembly located on arterial streets shall provide at least one (1) safe, properly signed, off-street passenger loading area.

- e) Freight Loading Areas. Commercial and industrial buildings and uses shall provide one (1) safe, properly signed, off-street freight loading area for each 10,000 square feet of gross floor and/or outdoor storage area. Off-street freight loading areas shall be on the same lot or parcel and under the same ownership as the building or use that they serve, be designed to accommodate the largest vehicle that may reasonably be anticipated, and have the following minimum dimensions: (a) vertical clearance: fourteen (14) feet; (b) width: twelve (12) feet; and, (c) depth or length: thirty-five (35) feet. No vehicle parked in an off-street freight loading area shall extend into a public right-of-way.
- f) Design. The illustrations in Illustration X are intended to serve as a guide in designing parking areas; and, unless modified by the approving authority, shall be considered to be the minimum acceptable standard. All one-way drive lanes shall be a minimum of twelve (12) feet in width, and all two-way drive lanes shall be a minimum of twenty (20) feet in width.



- g) Surfacing. Paved parking surfaces are not required, but surfaces must be of materials like gravel or crushed concrete or similar granular material which compacts well and does not result in ruts or significant displacement when wet. Alternative surfacing like porous pavers or synthetic materials are allowed when design and installation is overseen and approved by a registered engineer.
- h) Required Parking by Land Use

<u>LAND USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
A. Residential	
1. One family and two family	2 per dwelling unit
2. Ancillary dwelling	1 per dwelling unit
3. Apartments	2 per dwelling unit
4. Condominiums/Townhouses generally	2.2 per dwelling unit
a. Efficiency units (up to 35% of total number of dwelling units in the project)	1 per efficiency unit
b. Efficiency units (in excess of 35% of total number of dwelling units in the project)	1.5 per efficiency unit
5. Multi-Unit Senior Citizen housing (in excess of 35% of total number of dwelling units in the project)	1.0 per 2 units
B. Commercial	
1. General Retail	5.0 per 1,000 sq. ft. Gross floor area (GFA)
2. Shopping Center - 10,000 to 50,000 sq. ft.	4.0 per 1,000 sq. ft. GFA
3. Restaurant	1.0 per 3 seats
4. Fast Food Restaurant	1.0 per 4 seats
5. Bowling Alley	5.0 per alley
6. Hotel and Motel	1.0 per room
a. Restaurant with hotel or motel	10 per 1,000 sq. ft.
b. Conference room	.5 per seat
c. Convention area	30 per 1,000 sq. ft.
7. Funeral Home	1.0 per 4 seats
8. Theater	1.0 per 3 seats
9. Bar/Lounge	1.0 per 3 seats
10. Bank/Savings & Loan	4.0 per 1,000 sq. ft. GFA
11. Day Care Center	1.0 per staff member plus 5 guest stalls
12. Miniature Golf Course	2.0 per hole
13. Amusement Enterprises	5.5 per 1,000 sq. ft. GFA
14. Private Club & Health Club	4 per court plus 1 per 200 sq. ft. of remaining floor area
15. Greenhouse in excess of 200 sq. ft.	5.0 per 1,000 sq. ft. GFA

<u>LAND USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
C. Professional Office	
1. General Office or Office in Industrial area	3.3 per 1,000 sq. ft. GFA
2. Unified Office Park	3.3 per 1,000 sq. ft. GFA
3. Medical or Dental Office	5.0 per 1,000 sq. ft. GFA
4. Laboratory	1.0 per employee
5. Radio or T.V. Studio	5.5 per 1,000 sq. ft. GFA
D. Public and Quasi-Public Land Uses	
1. Church	1.0 each 5 seats
2. Public library	1.0 each 300 sq. ft. GFA
3. Studio for fine arts, art gallery, exhibit hall, museum, reading room community center	1.0 each 300 sq. ft. GFA
4. Charitable institution	2.0 each full time employee
5. Hospital, sanatorium, nursing home, rest home, convalescent home	1.0 each full time employee plus 1.0 each 3 beds
E. Recreational	
1. Golf Course or Country Club	6 per hole
F. Educational	
1. Elementary	1.0 each faculty and staff
2. Junior High School	1.0 each faculty and staff
3. Senior High School	1.0 each faculty and staff plus 1 for each 5 class seats
4. Business college/trade school	1.0 each student and/or instructor
5. Preschool or nursery school	1.0 each faculty and staff
G. Industrial	
1. Manufacturing	2.0 per 3 employees per shift
2. Warehousing	2.0 per 3 employees per shift but in no event less than 2 spaces per 1,000 sq. ft. GFA
3. Office portion of warehousing	3.3 per 1,000 sq. ft. GFA

6.2 Standards for Solid Waste Facilities and Collection

(1) Solid Waste Collection and Transfer Stations

- a) all municipal waste collection containers for multiple dwelling, commercial, and industrial development shall be enclosed in a fenced area on the site which is screened from the front yard of the site and that keeps garbage from being blown around or off the site.

- b) all sites where yard waste and municipal waste (including materials intended to be recycled) are collected for transportation outside the city's jurisdiction shall be designed and constructed to meet the following requirements:
 - 1) facility does not abut residential and public assembly uses
 - 2) the facility will be screened from the public right-of-way
 - 3) the facility will not be placed in the floodplain
 - 4) the site shall be free of litter and other undesirable materials and containers shall be clearly marked to identify the type of material that may be deposited
 - 5) prior to construction the facility must have a pest control plan approved by the City Commission
 - 6) storage of solid waste shall be confined to buildings and structures designed specifically for such purpose and shall be secured by appropriate fences and gates
 - c) any building used to store vehicles used for transporting solid waste shall have all openings closed in an airtight manner to minimize the impact of odors and to prevent the concentration of insects and rodents
- (2) No person may collect or transport solid waste materials for a fee without obtaining a permit from the City of Halliday.
 - (3) All sites where yard waste, municipal waste, inert waste, or any other solid waste is intended to be collected, stored, or processed shall meet all state requirements and any additional requirements established by the City of Halliday to mitigate impacts from waste collection, transportation, disposal, or other purposes

6.3 Home Occupations, Standards for Approval

Home occupations must meet the following standards and requirements:

- (1) The area used for the occupation shall be limited to the dwelling or a detached garage.
- (2) The area of the occupation shall not exceed 25% of the main floor area, but not including basement or garage floor space.
- (3) Employees are limited to two full-time or four part-time besides residents of the dwelling
- (4) Despite any other sign regulations in this Ordinance which may have a different requirement, one and only one sign may be permitted and it may not be larger than 4 square feet.
- (5) Except for the one sign allowed (6.3(4)), evidence of the occupation shall not be visible from the road.
- (6) The occupation shall not adversely affect the character of the Residential zoning district
- (7) The occupation must clearly be incidental and secondary to the residential use of the dwelling in which it is conducted.
- (8) Provide adequate parking as required in Section 6.1.

6.4 Adult Entertainment Centers

- (1) An adult entertainment center shall not be located within 1250 feet of church, cemetery, school, park, or recreation area. They shall only be located in an Industrial Zoning District.

- (2) An adult entertainment center shall not be located within 1250 feet of any establishment that dispenses alcohol on-premises.
- (3) An adult entertainment center shall not be located within 1250 feet of any other adult entertainment center.
- (4) An adult entertainment center must prohibit entrance to any person less than 18 years of age.
- (5) An adult entertainment center may not display any signs visible from the exterior of the adult entertainment center, except for signs identifying it as an adult entertainment center, as an adult book store, adult entertainment facility, adult cinema, or combination thereof.
- (6) No materials depicting specified sexual activities or specified anatomical areas shall be visible from the exterior of the adult entertainment center.
- (7) The business premises of an adult entertainment center that is generally open to its patrons is open equally at the same time to members of any law enforcement agency who may wish to enter thereon provided the entry is in the course of the discharge of the law enforcement officer's duties.

6.5 Standards for Manufactured Homes on Permanent Foundations on Platted Lots

- (1) All hitches, wheels or other parts used to transport the manufactured home to its site which are not a part of the structure of the home must be permanently removed.
- (2) The roof of the manufactured home must have a slope of 3:12 or greater.

6.6 Mobile Home Park Standards and Regulations

- (1) All mobile homes must be mounted on stable foundations and anchored according to regional construction practice standards.
- (2) Skirting must be placed around the perimeter of the mobile home.
- (3) All mobile homes in Temporary Residential Districts must be tied down but permanent foundations are not necessary.
- (4) Three all-weather parking spaces must be provided for each home.
- (5) Utility fixtures must be constructed in a way that allows independent shutoff, or, at the discretion of the City Council, the owner and operator of the mobile home park may be required to utility costs for the entire park. In either case, deposits for meters and such other purposes as may be reasonable to protect the City's investment, may be required. If the owner and operator are paying the utility costs for the entire park, they shall be responsible for all individual utility connections and disconnections.
- (6) All-weather streets of at least 16 feet width must be provided. If on street parking is allowed an additional 8 feet width must be constructed for on-street parking. Landscaping and permeable ground cover must be provided for all parts of the mobile home park not part of the home pad, parking spaces, and streets.
- (7) Sidewalks are not required.
- (8) No accessory buildings with a footprint larger than 8X10 ft are allowed and only one accessory building is allowed per home.
- (9) A standard fire hydrant shall be located within 300-450 feet of each mobile home site or service building, or per current fire department requirements.

- (10) At least 10% of the overall area of the park shall be devoted to open space.
- (11) All mobile homes must have been constructed after 1984.
- (12) All mobile homes must be at least 14' wide.
- (13) To operate a mobile home park the property owner and operator must have a valid and current certificate of approval from the ND Department of Health. A copy of the current certificate of approval must be filed as documentation at the City Auditor's office.
- (14) No person shall operate any mobile home park within the City of Halliday unless he holds a valid license issued annually by the City.
- (15) The minimum lot area in mobile home parks shall be 5,000 square feet per dwelling unit.
- (16) Each mobile home within a mobile home park shall have at least 50 feet of frontage on a public or private drive and each mobile home shall have a front yard setback of 25 ft from any public street right-of-way or private drive.
- (17) Each mobile home shall be at least 15 feet from other mobile homes at the closest point.
- (18) Site drainage shall be approved by the City Engineer.
- (19) If site is located in an area identified as within a 100 year floodplain on a Flood Insurance Rate Map or has been identified as an area prone to flooding, it must meet national flood insurance requirements and utilities must be designed and installed in a manner that resists inundation.
- (20) All mobile home parks must have a city engineer and city planner approved site plan which details snow storage and/or removal, and other details for the proposed mobile home park as needed.
- (21) Dumpsters must be provided by mobile home park owner/operator.
- (22) Uncovered, outdoor storage is not allowed. This includes unlicensed vehicles.
- (23) Mailboxes must be grouped together and located at the entrance to the mobile home park.

6.7 Temporary Housing Park Standards and Regulations

- (1) Individually platted lots are not allowed, but a site plan showing the location of each camping or housing unit and the utilities and all other amenities and facilities of the TEMPORARY HOUSING park must be approved by the City Engineer and City Planner prior to construction and installation of said facilities. Once said site plan is approved, location and utilization of the TEMPORARY HOUSING park facilities, utilities, amenities and housing units shall not vary from the approved site plan.
- (2) Municipal water and sewer services shall be in accordance with State of North Dakota standards and must be approved by the City Engineer
- (3) Adequate water storage and pressure for firefighting purposes must be provided onsite unless the site is served by municipal water supply and has sufficient pressure and volume to fight fires on the site. This will be determined by the fire department and the city engineer.
- (4) Drainage plan and construction of onsite drainage facilities must conform to requirements of the City Engineer
- (5) If the site is partially or completely within the FEMA defined 100 year floodplain, all habitable structures and critical facilities must be elevated above the 100 year floodplain and be determined by the City Engineer to be reasonably safe from flooding

- (6) Interior traffic and pedestrian circulation plan must be established and constructed to conform with standards established by the City Engineer and must be consistent with the site plan approved by the City
- (7) At least two accesses into the site must be provided in order to provide alternative emergency response access
- (8) Intersection and access sight distances must be appropriate for anticipated travel speeds, and access locations must be adequately spaced to prevent turning movement conflicts, and safety or traffic flow problems
- (9) Road design of all roads proposed to serve the site (whether in urban or rural sections) must be submitted to and approved by the City Engineer prior to start of construction
- (10) At least 10 feet minimum spacing must be provided between each housing unit.
- (11) Landscaping and permeable ground cover must be provided for all parts of the RV park not covered by buildings, utilities, parking spaces, and streets.
- (12) Landscaping and buffering must be designed and constructed as part of the site plan to minimize visual impacts to surrounding properties and to ensure an aesthetically pleasing development
- (13) Onsite lighting must be directed inward and downward to the site so as to minimize light pollution to surrounding areas
- (14) No signs besides facility and wayfinding signs are allowed on the site. The signs used on the site must be the minimum size necessary to provide reasonably visible information for site uses.
- (15) Individual housing units must be assigned individual E911 numbers.
- (16) Sidewalks are not required.
- (17) There must be a full time on-site facility manager
- (18) There must be medical staff on-site at all times, as per fire department requirements.
- (19) Garbage collection and disposal plan must be in place and must include a signed contract with the waste hauler, and all special wastes and solid wastes must be addressed in the manner required by the State of North Dakota
- (20) The owner/operator must provide bonding and an exit plan to ensure appropriate closure of the facility and to allow appropriate re-use of the site
- (21) City established annual impact fee must be paid prior to commencement of construction.
- (22) No uses not explicitly requested via a conditional use permit and approved by the city are allowed

6.8 Sign Standards

- (1) Purpose. Courts in the United States have generally found that regulating signs is an appropriate function of zoning, when properly written. In order to minimize potential for conflicts with constitutional protection of free speech, it is critical that local jurisdictions regulate the medium, and not the message. This means that the regulations should address the physical aspects of signs and not information being conveyed by the signs. This is not to say that different messages need all be treated equally because some signs may serve a public safety or information purpose which warrants them to be treated with separate standards. However, signs may at times be inconsistent with aesthetic values of a community and harmful to public health and safety. Therefore signs need to strike a

balance between allowing communication and protecting the values and health and safety of the community. The Halliday Comprehensive Plan has established

(2) Sign Types, Locations, and Duration

- a) Signs, as regulated by this ordinance, are classified in the following ways:
 - 1) Temporary or Permanent Signs. Any sign not a temporary sign as defined by this ordinance is a permanent sign.
 - 2) On-premise or Off-premise Signs. Any sign not an on-premise sign as defined by this ordinance is an off-premise sign.
 - 3) Free-standing or Building Signs. Any sign not a building sign as defined by this ordinance is a free-standing sign.
- b) Off-premise signs, except wayfinding signs and temporary signs, are prohibited in all zoning districts.
- c) Except for the gas price signs at gas stations, animated signs and changeable signs (including electronic messaging signs) are prohibited in all zoning districts.
- d) Temporary signs, except real estate signs, A-frame well-site location signs, and construction announcement signs, may not be displayed for more than 60 days in any 12 month period.
- e) Signs containing noncommercial speech are permitted anywhere that commercial (advertising or business) signs are permitted, subject to the same regulations applicable to such signs.
- f) Permanent signs as permitted by Halliday are allowed as permanent uses so long as they are in conformance with Halliday standards and requirements. When signs are no longer legible or pose a hazard to public health or safety they must be removed by sign owner.
- g) Any sign determined by the Codes Administrator to pose a public safety risk must be modified or removed so that the risk is eliminated.
- h) Traffic signs and other signs required by local or state governments do not require permits and may be located in road right-of-way at the discretion of the responsible government agency.
- i) All signs except traffic signs and other signs required by local or state governments are permitted uses when conforming to the requirements of this ordinance, and must receive a zoning certificate prior to installation. Zoning certificates for signs may be issued by the Codes Administrator. If the Codes Administrator determines that a zoning certificate does not meet the requirements of this ordinance, the applicant shall be notified and given the opportunity to submit an application for a conditional use instead.
- j) Signs which do not conform to the sign standards of this ordinance may be approved by the conditional use process at the discretion of the City Commission when proposed standards are demonstrated to be consistent with the rationale and research base used in these regulations, the purpose of this ordinance, and the Halliday Comprehensive Plan.

(2) Sign Standards

- a) Free-standing signs must comply with the following size and illumination requirements:

- 1) Design and construction of signs over 10 feet above the ground must be approved by a structural engineer in order to obtain a permit.
- 2) The bottom of sign face must be no less than 7 feet above grade
- 3) Signs must be positioned so that when viewed from the primary road that passes by the site frontage there is an unobstructed view of the sign within 1000 feet.
- 4) Except in the case of industrial parks or commercial centers which are characterized by common access points, freestanding signs must be located on the lot in which the business or use to which it pertains is located.
- 5) Except in the case of industrial parks or commercial centers, only one freestanding sign is allowed on a lot (or contiguous lots of a business site). In the case of industrial parks or commercial centers, except for a sign less than 10 feet in height to mark each entrance to the park or center, no more than two freestanding signs are allowed for the entire industrial park or commercial center.
- 6) Unless otherwise regulated by specific reference herein, the sign area, letter height, and height above the predominant grade from which the sign will be viewed of any freestanding sign shall not exceed the amounts specified in Table 1 below.

TABLE 1. FREESTANDING SIGN STANDARDS

Speed Limit	Village Areas			All Other Areas		
	Area (s.f.)	Letter (in.)	Height (ft.)	Area (s.f.)	Letter (in.)	Height (ft.)
25	24	t.b.d.	14	50	10	22
30	28	t.b.d.	16	72	10	26
35	32	t.b.d.	18	98	13	30
40	36	t.b.d.	22	128	15	34
45	40	t.b.d.	26	162	15	38
50				200	19	40
55				242	21	40
60				288	23	40
65				338	25	40

- 7) In the case of industrial parks and commercial centers, the 2 freestanding signs may have sign area of no more than 450 square feet.
- 8) Freestanding signs located in residential subdivisions may not be larger than 8 square feet.
- 9) Wayfinding signs which are within the area along roads regulated by the NDDOT must meet the requirements of this ordinance and the NDDOT.
- 10) Wayfinding signs that are illuminated may not exceed a maximum luminance level of 250 cd/m² or Nits, regardless of the method of illumination.
- 11) Signs that are illuminated may not exceed a maximum luminance level of 750 cd/m² or Nits, regardless of the method of illumination.
- 12) Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded.

- 13) Signs that have external illumination shall be designed and constructed so that the lighting does not spill beyond the lesser of (a) the property line on which the sign is located or (b) 500 feet from the sign.
 - 14) No additional lights (such as strobe lights) may be affixed to or directed at the sign.
- b) Building signs must comply with the following size and illumination requirements:
- 1) Signs that are illuminated may not exceed a maximum luminance level of 750 cd/m² or Nits, regardless of the method of illumination.
 - 2) When there is no free-standing on-premise sign for a lot (or contiguous lots of a business site) sign size on sides of a building may not be larger than allowed by Table 1
 - 3) Signs affixed to buildings other than residences and other buildings in residential subdivisions may not be larger than the lesser of the size allowed by Table 1 and the size allowed by Table 2
 - 4) Unless otherwise regulated by specific reference herein, the area of a building sign shall not exceed the amounts specified in Table 2 below.

TABLE 2. BUILDING SIGN STANDARDS

Distance of sign from road or adjacent development	Percentage of building elevation façade permitted for sign area
0-100 feet	15%
101-300 feet	20%
Over 300 feet	35%

- 5) Signs may not be affixed to the roof of residential buildings or buildings in residential subdivisions.
 - 6) Signs affixed to residences or to buildings in residential subdivisions may not be larger than 8 square feet.
- c) Temporary signs must comply with the following size, illumination, and other requirements:
- 1) Maximum size of a temporary sign is 40 square feet per face with a maximum of two faces.
 - 2) A temporary sign may not be illuminated
 - 3) A temporary sign may not be located in a road right-of-way
 - 4) Spacing between temporary signs must be at least 500 feet

6.9 Wireless Telecommunication Facilities

- a) Purpose and Intent - The purpose of these regulations is to protect the public health, safety, and welfare by:
- 1) Encouraging the most efficient location of sites (least number of sites for wide coverage) for wireless communication facilities
 - 2) Encouraging minimum obstruction or impairment of the natural landscape to preserve the visual character quality of the area – this includes the visual character of commercial and residential areas, but not industrial areas

- 3) Prevent construction of such facilities in ways or places that result in unnecessary risk to public safety
- b) Governmental Interest and Means of Regulation –
 - 1) Number of towers shall be minimized through the use of shared towers, use of existing structures, and analysis of coverage areas to ensure that tower placement will result in most efficient location
 - 2) Setbacks of structures from property lines, access easements, adjoining habitable structures, and other situations where failure of the structure could cause property damage or personal injury shall be established at tower sites
 - 3) Potential facility features shall be designed to blend in in order to minimize disruption to the landscape
 - 4) Fencing shall be required to limit the potential for trespass and subsequent injury from falls or other activities by unauthorized people at tower sites.

ARTICLE 7 ADMINISTRATION AND ENFORCEMENT

7.1 City Commission

Duties

- a) The City Commission shall review and commence action on all proposed amendments to these regulations after a public hearing held by the Planning Commission
- b) The City Commission shall identify and establish a process for investigating all violations of the provisions of this Ordinance and the enforcement of the same
- c) The City Commission shall review and take action on applications for conditional use permits after receiving a recommendation from the Planning and Zoning Commission.
- d) The City Commission shall hold all hearings as required herein and as required by statute.

7.2 Planning and Zoning Commission

Pursuant to the North Dakota Century Code a body known as the Halliday Planning and Zoning Commission is hereby established. The Halliday Planning and Zoning Planning Commission is hereby charged with the duties identified in this ordinance and such other duties as may be allowed by the North Dakota Century Code for Planning and Zoning Commissions. The Planning and Zoning Commission shall hold public hearings and provide recommendations to the City Commission on applications for conditional use permits, land development code text amendments, zoning map amendments, and subdivision plats. The Planning and Zoning Commission shall also recommend changes to the Halliday Comprehensive Plan from time to time as it considers necessary. The Planning and Zoning Commission shall be appointed by the City Commission of Halliday and shall establish bylaws governing its terms of office, membership, and procedures which are consistent with the North Dakota Century Code.

7.3 Board of Adjustment

1. Establishment. A Board of Adjustment is hereby established to provide relief in situations of hardship or to hear appeals as provided in this section. The Board shall consist of the five members of the City Commission.
2. Duties
 - a) Hear appeals of any person, firm, or organization aggrieved by the decision of or ruling of the Code Administrator
 - b) hear requests for variances from the strict application of this Code
3. Conditions for granting a variance – No variance may be granted unless the Board of Adjustment finds the following:
 - a) Strict application of the code will produce an undue hardship
 - b) The hardship is unique to the property affected and not generally shared by other properties within the same zoning district
 - c) The purpose of the variance is based upon a demonstrable and exceptional hardship and not for convenience or economic gain
 - d) The granting of the variance will not cause substantial detriment to the public welfare nor substantially impair the intent and purpose of this Code
 - e) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permitted under the terms of this Code
4. Appeal from Board of Adjustment Determination

A decision of the City Commission, acting as the Board of Adjustment may be appealed to the District Court in the manner provided in Section 28-34-01, NDCC.

7.4 Code Administrator

1. Appointment – the Code Administrator shall be appointed by the City Commission
2. Duties
 - a) Receive and file all applications for plats of subdivisions, amendments to this Code, maintaining the Zoning District Map, and development permits.
 - b) Make inspections and maintain records.
 - c) Issues Certificates of Compliance and Development Permits.
 - d) Report all complaints to the Planning and Zoning Commission.
 - e) Report all zoning violations to the Planning and Zoning Commission and the City Commission for appropriate action.
 - f) In the area of special flood hazard:
 - (1) Permit Review - Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required, and

Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For purposes of this ordinance, "adversely affect" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

(2) Use of Other Base Flood Data - When base flood elevation data has not been provided, the Code Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source.

- g) Prepare and publish notices and notify adjoining property owners.
- h) Notify, in writing, the property owner or uses upon finding a violation of this Code and cite the nature of the violation clearly, require compliance and provide a report of the findings to the City Commission.
- i) Receive, file, and forward to the Planning and Zoning Commission all applications for preliminary and final plats and the supporting documents.

3. Information to be obtained and maintained:
 - a) Obtain and record the actual elevation (in relation to the mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 - b) For all new or substantially improved floodproofed structures:
 - verify and record the actual elevation (in relation to mean sea level), and
 - maintain the floodproofing certifications.
 - c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

7.5 **Procedures and Requirements for Conditional Use Permits**

1. Applications on forms provided by the City must be completed to initiate a conditional use permit
2. A public hearing must be held prior to any recommendation or decision being made by the planning and zoning commission. Notice of the public hearing must be in accordance with North Dakota Century Code requirements.
3. Applications may be submitted only by the city commission, the planning and zoning commission or a representative of a person or organization having a real interest in property affected by the requirement to be changed.
4. Any proposed action must be consistent with the Halliday Comprehensive Plan

7.6 **Development Permit**

1. It shall be unlawful for any person to commence any development without obtaining a development permit, except buildings and activities directly used in connection with farming operations.
2. Any permit issued pursuant to these provisions shall expire one year from the date of issuance.
3. Fees: The City Auditor shall charge and collect a fee as follows:
The City Auditor shall charge and collect a fee according to the resolution of fees and schedules established by the City. The applicant for a conditional use permit and amendment to the zoning ordinance, or building permit, shall be liable for and pay to the City Auditor sufficient sums of

money to pay for and cover costs incurred by the City for the processing of such application, including, but not limited to: publication costs, attorney's fees, mileage, copy expense, etc. No permit shall be issued until such costs have been paid by the applicant, unless the City Commission has otherwise provided by resolution for a particular case.

7.7 Certificate of Occupancy

No building or structure shall be occupied until a Certificate of Occupancy shall have been issued by the Code Administrator for determining the conformity with the specifications for which the development permit has been issued.

7.8 Violations and Penalties

1. Violation of this Code is an offense punishable by law as provided by Chapters 40-47 and 40-48 of the NDCC. All complaints for violation shall be filed with the Code Administrator who shall investigate such violation and report to the Planning and Zoning Commission and the City Commission.

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure, or land is used in violation of these Ordinances, the proper county authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceeding:

- a) To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
- b) To restrain, correct, or abate such violations;
- c) To prevent the occupancy of the building, structure, or land; or
- d) To prevent any illegal act to conduct business or use in or about such premises.

2. A violation of any provision of this ordinance or the regulations and restrictions made herein shall constitute the maintenance of a public nuisance and shall be an offense punishable by a fine not exceeding \$1,000.00.

7.9 Building Code

The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, uses, height, area and maintenance of buildings or structures in the City of Halliday shall conform to the provisions of the rules and regulations of the State adopted building code(s) and any future updates and amendments to that code, copies of which are on file with the City Auditor and are hereby made part of this chapter by reference with the exception of any sections hereinafter set forth affecting local conditions in the City of Halliday, which are amended, for use and application in the City of Halliday, North Dakota.

7.10 Fees Established by City Commission. The City Commission shall establish a schedule of fees, charges and expenses and a collection procedure of the same for any actions and applications which may occur in the course of the administration and enforcement of this Ordinance. The

schedule of fees, charges, and expenses shall be on file in the office of the City Auditor, and may be altered and amended by the City Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

7.11 Amendments

The City Commission may from time to time on its own motion or on petition or recommendations of the Planning and Zoning Commission amend, supplement or repeal provisions of this Code after a public hearing.

1. Any person, firm or corporation which owns land within the zoning jurisdiction of the City of Halliday is entitled to submit an application for amendment to the Official Zoning Map.
2. Procedure for Amendments:
 - a) Applications for amendments shall be files with the City Auditor
 - b) The City Auditor shall present the application to the City Planning and Zoning Commission at its next regularly scheduled meeting
3. Notice of Amendment Hearings:
 - a) Notice of the time and place of the hearing shall be published in the newspaper of general circulation once a week for two successive weeks prior to the hearing.
4. Public Hearing:
 - a) Following a public hearing conducted by the Planning and Zoning Commission, said Commission shall submit its recommendations concerning the proposed amendment or development to the City Commission.
 - b) Upon receipt of the Planning and Zoning Commission's recommendations, the City Commission shall hold a hearing for the proposed amendment or development.
 - c) Following the hearing, the City Commission shall approve or disapprove the proposed amendment or development.
5. Protests to Amendments - If a protest against the amendment is signed by the owners of twenty percent or more:
 - (1) of the area of the lots included in such proposed change; or
 - (2) of the area adjacent, extending one hundred fifty feet from the area to be changed, excluding the width of streets, the amendments shall not become effective except by the favorable vote of three-fourths of all the members of the City Commission of Halliday.

Adopted this 5th day of October, 2015.

City of Halliday

By: _____
President, City Commission

By: _____
City Auditor