

ZONING ORDINANCE OF THE CITY OF FRONTIER, NORTH DAKOTA

SECTION I

INTRODUCTION

A. AUTHORITY

This ordinance is adopted under the authority granted by Chapter 40-47 of the North Dakota Century Code.

B. TITLE

This ordinance shall be known as the "Zoning Ordinance of the City of Frontier".

C. PURPOSE AND INTENT

The purpose of this ordinance is to promote the public health, safety, and general welfare; to secure the orderly development of the city; and to protect the resources of the city.

D. SEVERABILITY

If any part of this ordinance is adjudged to be invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

E. EFFECTIVE DATE

This ordinance shall be effective after a public hearing and adoption by the City Council of the City of Frontier.

F. DEFINITIONS

For the purposes of this ordinance, certain words or phrases used herein are defined as follows:

1. Accessory Building - a subordinate building the use of which is customarily incidental to the main building or the main use of the premises such as garages, sheds, etc. The maximum square footage of an accessory building is 800 square feet. The maximum height of an accessory building is twenty-one (21') feet.
2. Board of Adjustment - the body authorized to hear appeals on the enforcement of this ordinance and its provisions and to grant variances. For the purposes of this ordinance, the Board of Adjustment shall be the City Council.

3. Building - any structure intended for shelter and use of persons, animals or property.
4. Certificate of Compliance - a certificate stating compliance has been made with the regulations of the zoning district which is issued after completion of construction.
5. Conditional Use - an exception from permitted uses within certain zoning districts provided such exceptions are stated in the zoning ordinance and will not be detrimental to the district and will substantially serve the public welfare.
6. Dwelling, Single Family - a detached residential unit designed for and occupied by one family.
7. Dwelling, Multiple Family - a residential unit designed for occupancy by two or more families.
- * 8. Home Occupation - a gainful occupation conducted by members of the family [and possible assistance of no more than one unrelated individual working up to forty (40) hours per week] within the residence or accessory buildings provided that no goods or services are sold other than those produced on the premises.
9. Lot - a tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such open space and yards as required by this ordinance.
10. Non-Conforming Use - any building or tract of land lawfully occupied by a use at the time of the passage of this ordinance or amendments thereto, which does not conform to the provisions of this ordinance or its amendments.
11. Principal Building - the main structure on a lot or parcel of land which houses the principal use of the premises.
12. Setback - the distance within a property which is required between any structure or use and the adjacent right-of-way or property line of an adjoining lot.
13. Structure - anything built, constructed or erected which requires permanent location on the ground.
14. Variance - a relaxation of the terms of the zoning ordinance to provide relief for a property owner when an undue hardship or some peculiar difficulty is imposed by this zoning ordinance. Variance is limited to height, bulk, density and yard requirements which are peculiar to a property and are not the result of the action of the property owner, where a literal enforcement of the ordinance would result in unnecessary and undue hardship.

15. Yard - a space on the same lot with the principal building or structure, open, unoccupied and unobstructed by building or structures from the ground upward.

*Amendment Source: Ordinance #2003-1 amends Section I(F)(1) to include the following language:
"The maximum height of an accessory building is twenty-one (21') feet."*

*Amendment Source: Ordinance #2008-1 amends Section I(F)(8) to include the following language:
"[and possible assistance of no more than one unrelated individual working up to forty (40) hours per week]"*.

SECTION II

GENERAL PROVISIONS

A. JURISDICTION

The jurisdiction of this ordinance shall include all lands within the boundaries of the City of Frontier.

B. AMENDMENTS

The City Council may from time to time on their own motion, or on petition or on recommendation of the Zoning Commission, amend, supplement or repeal provisions of this ordinance after a public hearing.

C. NON-CONFORMING USES

The lawful use of a building, structure or premises existing at the time of the adoption of this ordinance may be continued although such use does not conform with the provisions of this ordinance. The total structural repairs or alterations to such a non-conforming use or structure shall not, during its life, exceed fifty (50) percent of the assessed value of the building or structure unless permanently changed to a conforming use. If a non-conforming use is discontinued for a period of twelve (12) months, any future use of the building, structure or premises shall conform to this ordinance.

D. LAND SUITABILITY

1. No land shall be used for seasonal or permanent uses if it has inadequate drainage, soil limitations, or other conditions likely to be harmful to the health and safety of the users of the area or harmful to the City of Frontier.
2. Where uncertainty exists as to the suitability of the land for on-site sewage disposal, the City Council may request a study of the soil conditions or other pertinent conditions.

E. CONDITIONALLY PERMITTED USES

1. No application for a conditional use shall be granted by the City Council unless all the following conditions are present:
 - a. that the uses, values and enjoyment of the other property in the area shall in no foreseeable manner, be impaired or diminished by the conditional use;
 - b. that the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
 - c. that the conditional use will not impede the normal and orderly development

- d. and improvement of surrounding property for uses permitted in the district; that adequate utilities, access roads, drainage and other necessary site improvements have been made or are being provided;
- e. that the conditional use shall conform to all applicable regulations of the district in which it is located.

F. VARIANCE PROCEDURES

1. The City Council shall hear and decide on variance from the terms of this ordinance as will not be contrary to the public interest and where the literal enforcement of this ordinance would result in practical difficulty or unnecessary hardship to a property owner. The City Council shall base its decision for variance from this ordinance upon the evidence presented to it and shall determine that all the following conditions are present:
 - a. that the purpose of the variance is not based on a desire for economic or material gain;
 - b. that the alleged difficulty or hardship is caused by this ordinance and not created by any person presently having an interest in the property;
 - c. that the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity;
 - d. that the variance shall not be contrary to the intent and purpose of this ordinance.

SECTION III

ZONING DISTRICTS

For the purposes of this ordinance, all lands under the jurisdiction of the City of Frontier is divided into the following zoning districts:

- O Open Space and Conservation
- R Residential District
- C Commercial District
- I Industrial District

A. ZONING MAP

The location and boundaries of the zoning districts are hereby established as shown on the map entitled "Zoning District Map", on file in the office of the Zoning Administrator. The Zoning Administrator shall regularly update the Zoning District Map to show any changes in the zoning district boundary lines resulting from amendments to the ordinance.

1. LOCATION OF DISTRICT BOUNDARIES

The following rules shall apply with respect to the boundaries of the zoning districts as shown on the Zoning District Map:

- a. where the zoning district boundary lines are indicated as following highway, road, or railroad right-of-way, such boundary lines shall be construed to be the center line of said right-of-way unless clearly shown to be contrary.
- b. where uncertainty exists as to the exact location of the zoning district boundary line, the City Council shall determine the location of such boundary lines.

B. OPEN SPACE AND CONSERVATION DISTRICT

The predominant use of land within this district is agriculture and undeveloped land. It is the purpose of this zoning district to maintain these uses, to limit development upon flood prone land, and to provide for future expansion of the city.

1. Permitted Uses:

- a. Grain and crop farming, nurseries, greenhouses and roadside stands for the sale of products which are grown on the premises.
- b. Golf courses, but not including miniature golf courses.
- c. Public parks, facilities and playgrounds.

2. Conditional Uses:

- a. Dairying, livestock and poultry raising.
- b. Single family dwellings.
- c. Airports.
- d. Churches and related facilities.
- e. Cemeteries and crematoriums.
- f. Home occupations.
- g. Radio and television towers and accessory buildings.
- h. Temporary structures incidental to construction work but not extending beyond the period of such work.
- i. Public schools.
- j. Utility lines and public service facilities.

3. Area and Density Requirements:

- a. Where public sewer is available, the minimum lot buildable area shall be 7,000 square feet with a minimum width of 50 feet.
- b. Where public sewer is not available, the minimum buildable lot area shall be 40,000 square feet with a minimum width of 150 feet.

4. Building Height/Size Limits:

- a. For residential uses, the maximum height of structures shall be two and one-half (2½) stories or 35 feet.
- b. The total square footage of all buildings may not exceed 800 square feet.

5. Setback Requirements:

- a. The minimum setback from road and highway rights-of-way shall be 75 feet.
- b. There shall be a minimum side and rear yard of 10 feet with no building line closer than 20 feet to another structure on an adjacent lot.

C. R RESIDENTIAL DISTRICT

The predominant use of land within this district is housing. It is the purpose of this district to maintain this use and to provide for further utilization of land within this district for additional housing expansion. The minimum area for designation as a Residential District shall be 1 acre.

1. Permitted Uses:

- a. Single family dwellings and accessory structures.
- b. Churches, schools and related facilities.
- c. Public parks and playgrounds.

2. Conditional Uses:
 - a. Public buildings and facilities but not including storage or repair shops.
 - b. Home occupations.
3. Area and Density Requirements:
 - a. The minimum buildable lot area shall be 40,000 square feet with a minimum lot width of 100 feet.
4. Building Height/Size Limits:
 - a. Structures hereafter erected or altered shall not exceed two and one-half (2½) stories or 35 feet in height.
 - b. The maximum square footage of all buildings may not exceed 4,200 square feet or 10% of the lot area, whichever is less.
5. Setback Requirements:
 - a. The minimum setback from road or street right-of-way shall be 75 feet or in line with existing structures on that block.
 - b. The minimum side and rear yard shall be 10 feet with no building line closer than 20 feet to another structure on an adjacent lot.
6. Parking of trucks, trailers, and semi-trailers regulated. No truck, trailer, semi-trailer, or commercial vehicle shall be parked on any street, avenue, boulevard, or alley in any residential district of the City of Frontier for a period longer than one (1) hour; provided, however, that such vehicles loading or unloading cargo may be parked on the streets, avenues, boulevards or alleys long enough to complete their loading or unloading; and provided further, that such restrictions shall not apply to any truck in use on any repair, maintenance, or construction project in progress on any such street, avenue, boulevard or alley.

No truck, trailer, semi-trailer, or commercial vehicle shall be parked on any residential lot in the City of Frontier for a period longer than one (1) hour in any twenty-four (24) hour period, and never on two (2) consecutive days.

Except as otherwise allowed by permit issued by the Building Inspection/Zoning Administrator's office upon payment of a fee in the amount of \$25 per calendar day/night [or any portion thereof], nor shall any semi-truck trailer be disconnected from the tractor; nor shall any truck, trailer, semi-trailer, or other commercial vehicle be parked on any street, avenue, boulevard or alley in any other district of the City of Frontier between the hours of 10:00 p.m and 6:00 a.m. except upon issuance of the permit and payment of said identified fee.

“Commercial vehicle” as designated herein shall not include vehicles rated as medium duty/Class 6 and below.

Amendment Source: Ordinance #2011-2 creates subsection 6 to regulate parking in residential zones.

D. C COMMERCIAL DISTRICT

It is the purpose of the Commercial District to provide for adequate space for the grouping of retail merchandising, light industry and service activities. The minimum area for designation as a Commercial District shall be 1 acre.

1. Permitted Uses:

- a. Commercial eating and drinking establishments.
- b. Hotels and motels.
- c. Retail services including grocery stores, drug stores, radio and television repair shops, automobile service stations, bakeries, cabinet shops, professional offices and clinics.
- d. Miniature golf courses and amusement places.
- e. Lumber yards.
- f. Sales and service of automobile and farm implements.

2. Conditional Uses:

- a. Warehouses.
- b. Outdoor theaters.
- c. Single family dwellings and accessory structures.
- d. Multi-family dwellings and accessory structures.
- e. Boarding and rooming houses.

3. Area and Density Requirements:

- a. For residential uses the minimum buildable lot area shall be 40,000 square feet with a minimum width of 100 feet.

4. Building Height/Size Limits:

- a. For residential uses, the maximum building height shall be two and one-half (2½) stories or 35 feet.
- b. The maximum square footage of all buildings may not exceed 12,000 square feet or 30% of the lot area, whichever is less.

5. Setback Requirements:

- a. The minimum setback for residential uses shall be 75 feet from road or street right-of-way or in line with existing structures on that block.
- b. For residential uses there shall be a minimum side and rear yard of 10 feet with no building line closer than 20 feet to another structure on an adjacent lot.
- c. All commercial establishments shall provide for adequate off street parking facilities.

E. I INDUSTRIAL DISTRICT

It is the purpose of the Industrial District to provide for adequate space for the grouping of industrial uses which will minimize the potential for adverse effects upon the environment and the public health, safety and welfare. At the time of the adoption of these ordinances, no Industrial District exists in the City of Frontier, nor is an Industrial District contemplated due to the existing boundaries of the City of Frontier.

1. Permitted Uses:

- a. Manufacturing establishments.
- b. Mineral extraction including sand and gravel.
- c. Grain elevators and feed mills.
- d. Concrete and block plants.
- e. Commercial activities.
- f. Transportation lines and facilities.
- g. Electrical transmission facilities and substations.

2. Conditionally Permitted Uses:

- a. All permitted uses in other districts.
- b. The City Council shall review all permits for future industrial development to insure adequate measures are provided for the welfare and safety of the public.

F. SUPPLEMENTARY STANDARDS APPLICABLE TO DESIGNATED DISTRICTS

The following Supplementary Standards apply to each identified District when appropriately referenced:

1. Signs in Open Space and Conservation Districts or Residential Districts [O and R]:

The following signs shall be permitted in Open Space and Conservation Districts [O]

or Residential Districts [R]:

- a. Signs traditionally associated with the permitted uses.
- b. Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, and names of occupants of premises.
- c. Signs as permitted for home occupations will consist of an additional wall sign not exceeding one (1) square foot in area.
- d. Flags and insignias of any government or governmental agency except when displayed in connection with a commercial promotion.
- e. An advertising sign in connection with a lawfully maintained non-conforming use or conditional use.
- f. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
- g. A sign with a display surface of less than thirty-two (32 s.f.) square feet advertising only the sale, rental or lease of the building or premises is acceptable. After the sale or lease, the sign must be removed within thirty (30) days.
- h. Temporary signs connected with political elections.

2. Signs in Commercial Districts or Industrial Districts [C and I]:

- a. A building permit must be obtained prior to installation of any commercial signs.
- b. All commercial signs erected or placed in Frontier, Cass County, North Dakota, located adjacent to the State of North Dakota's highway or interstate right-of-ways shall be located on property zoned C or I, and shall obtain approval from the North Dakota State Highway Department prior to permit consideration from Frontier, Cass County, North Dakota.
- c. The foundation base and posts of all signs must be on private property. All signs, other than wall signs, must be single or double metal pole construction that are appropriately anchored to properly constructed concrete footings [at least four and one-half feet {4.5'} deep and below the frost line] capable of withstanding significant horizontal winds. The sign faces may consist of metal, tempered glass, or approved plastic as designed by qualified professional sign company or professional contractor licensed to do business

in North Dakota.

- d. No part of any sign or projection may protrude over the public right-of-way or from the roof of any structure.
- e. No sign may exceed thirty-two (32) feet in height, and the maximum sign width is sixty (60%) percent of the constructed height [example: 32' sign has a maximum width of 19.2' {32' X .60 = 19.2'}].
- f. Front setback requirement: All signs must be located at least twenty (20) feet from the road or street right-of-way.
- g. Side setback requirement: All signs must be located at least ten (10) feet from any property line for an adjacent lot owned by another property owner.
- h. All wall signs installed on the outside of any commercial or industrial building shall be securely fastened, and may not protrude above the height of the building. The sign faces may consist of wood, metal, tempered glass, or approved plastic as designed by qualified professional sign company or professional contractor licensed to do business in North Dakota. If constructed of wood, it must be constructed of wood comparable in quality, or better, to that of the wall surface, and be thereafter maintained.
- I. All sources of artificial light other than street lights shall be fixed, directed or designed so as not to measurably increase the amount of light to any abutting residential lot. All lighted signs must be constructed of non-combustible materials. The enclosed shell of electric signs shall be watertight, except that service holes shall be fitted with covers so as to provide access to any compartment. Electrical equipment used in connection with display signs shall be installed in accordance with all local ordinances regulating electrical installations.
- j. ✖ One (1) portable temporary sign promoting commercial activities will be only be permitted on the property owner's commercial or industrial property for a maximum period of one hundred eighty (180) days in any calendar year without the need for any permit. No portable temporary signs are allowed on residential properties, nor on the commercial or industrial property of another. The maximum display surface of any portable temporary sign is sixty (60 s.f.) square feet, and it cannot be in excess of eight (8') feet in height.
- k. A sign with a display surface of less than thirty-two (32 s.f.) square feet advertising only the construction, development, sale, rental or lease of the building or premises is acceptable. After the construction, development, sale

or lease of the premises, the sign must be removed within thirty (30) days.

Amendment Source: Ordinance #2011-1 creates subsection F to regulate signage.

SECTION IV

ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this ordinance is hereby vested in the City Council of Frontier, North Dakota, the Zoning Commission, and the Zoning Administrator.

A. CITY COUNCIL

All amendments to the text of the Zoning Ordinance and the Zoning District Map, all conditional use permits, and variances shall be approved or disapproved by the City Council following a public hearing and with consideration given to the recommendations of the Zoning Commission.

B. ZONING COMMISSION

The Zoning Commission shall consist of at least three members to be appointed by the City Council. One additional member may be appointed by the County Commission of Cass County should the City of Frontier ever elect to assert extraterritorial zoning under § 40-47-01.1 of the North Dakota Century Code. Members appointed by the City Council shall be residents of the city. Members appointed by the County must reside in the extraterritorial jurisdictional area of the city. The Zoning Commission shall hold public hearings on all applications for amending the Zoning District Map, the text of the zoning ordinance, or the granting of conditional use permits or variances and shall make recommendations to the City Council upon said matters. The Zoning Commission may recommend approval, denial, or modification of the application. Notice of all public hearings shall be published in accordance with the North Dakota Century Code.

C. APPEALS

1. Any person, firm, or corporation aggrieved by the actions or recommendations of the Zoning Commission or the Zoning Administrator, may appeal to the City Council. The Zoning Administrator shall transmit to the City Council all records on which the action or recommendation was based.

D. ZONING ADMINISTRATOR

1. The Zoning Administrator receives and files all permit applications, petitions for amendment to the zoning ordinance and the Zoning District Map, issues building permits, certificates of compliance, makes inspections, and maintains records.
2. The Zoning Administrator shall report all complaints to the Zoning Commission and/or the City Council.

3. The Zoning Administrator shall report all zoning violations to the City Council for appropriate action.

E. BUILDING PERMIT

1. It shall be unlawful for any person to commence excavation for or construction of any building or structure, or structural changes in any existing building or structure without first obtaining a building permit. No building permit shall be issued for any building or structure which includes a mobile home as defined by N.D.C.C. § 57-55-01 potentially taxable under N.D.C.C. Chap. 57-55.
2. The fee for a building permit shall be set by the City Council.
3. Any permit issued pursuant to these provisions shall expire 12 months from the date of issuance.
4. All applications for building permits shall be accompanied by a statement of the proposed location of construction or alteration, its purpose, and it shall be accompanied by a plat, in duplicate, drawn to approximate scale, showing the actual dimensions of the recorded lot to be built upon, all existing buildings upon said lot, the size of the building to be erected, its dimensions, type of construction, and such information as may be necessary to provide for the enforcement of this ordinance. The Zoning Administrator shall consider the building permit application with the information attached thereto and may request more information relative thereto. If minimum requirements of this ordinance are met, a building permit will be issued. If requirements are not met, the Zoning Administrator may counsel the applicant on how to meet the minimum requirements or the applicant may request a hearing to petition for a variance, a conditional use, or amendment to the zoning ordinance or Zoning District Map.

F. CERTIFICATE OF COMPLIANCE

- * 1. Following all new construction, alterations, or structural modifications to existing buildings, no building or structure shall be occupied until a "certificate of compliance" shall have been issued for determining the conformity of said building, alterations or structural modifications with the requirements of this ordinance and for the specifications upon which the building permit was issued.

G. VIOLATIONS AND PENALTIES

- * 1. Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All such complaints shall be filed with the Zoning Administrator who shall investigate such violation and report to the City Council for appropriate action.

2. 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 this ordinance, the City Council, in addition to other remedies provided by law, 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 violation;
 - c. To prevent the occupancy of the building, structure, or land; or
 - d. To prevent any illegal act, conduct, business, or use in or about such premises.

*Amendment Source: Ordinance #2003-2 amends Section IV(E)(1) to include the following language:
"No building permit shall be issued for any building or structure which includes a mobile home as defined by N.D.C.C. § 57-55-01 potentially taxable under N.D.C.C. Chap. 57-55."*

First Reading: September 11, 2000

Second Reading and Final Passage: October 9, 2000

The above and foregoing Ordinance was approved the City Council of Frontier, Cass County, North Dakota, on the 9th day of October, 2000, by the affirmative vote of a majority of the City Council.

Paul Boese, Mayor of Frontier, North Dakota

Attest:

Joanne Brandenburg, City Auditor