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CHAPTER SIX

ZONING - LAND USE PLANNING

ARTICLE 1 - Introduction

6.0101 Authority

The authority for this code is granted by Chapters 40-47 and 40-48 of the North Dakota Century Code.

6.0102 Title

These regulations shall be known as the Land Development Code “Zoning and Subdivision Regulations, City of Pembina, North Dakota”

6.0103 Purpose and Intent

The purpose of these regulations is to:

1. Lessen congestion in the streets;
2. Secure safety from fire, panic, and other dangers;
3. Promote health and the general welfare;
4. Provide adequate light and air;
5. Prevent overcrowding of land;
6. Avoid undue concentration of population; and
7. Facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements.

6.0104 Severability

If any section, provision or portion of these regulations are adjudged invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.

6.0105 Repeal

All other ordinances or parts of ordinances of the City of Pembina inconsistent or in conflict with these regulations, to the extent of inconsistency or conflict only, are hereby repealed.

6.0106 Effective Date

These regulations shall be effective after public hearing and adoption by the City Council of the City of Pembina.

6.0107 Definitions

For the purpose of these regulations certain words and terms used herein are defined as follows:

1. “Accessory Building” – A subordinate building or portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises such as garages and tool sheds.
2. “Alley” – A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
3. “Amendment” – Any change, revision or modification of the text of the ordinances or the zoning district map.
4. “Basement” – A story having part, but not more than one half (½) of its height above grade. A basement is not counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes.
5. “Building” – Any structure designated or intended for support, enclosure, shelter or protection of persons, animals, chattels or property.
6. “Building area” – That portion of the lot that can be occupied by the principal use, thus excluding the front, rear, and side yards.
7. “Building, Height of” – The vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
8. “Conditional Use” – Any use which the City Council of Pembina shall set specific conditions, all of which must be met prior to the approval of said use in the district.
9. “Council” – The Pembina City Council.
10. “Dwelling” – Any building or portion thereof which is designed and used exclusively for residential purposes.

11. “Dwelling, Multi-Family” – A building having accommodations for and occupied exclusively by two or more families.
12. “Dwelling, Single Family” – A building having accommodations for and used exclusively by one family.
13. “Family” – Shall mean one individual or group of two or more persons related by blood or marriage, living together as members of a single housekeeping unit and doing their cooking in a single kitchen on the premises, as distinguished from a group occupying a boarding and rooming house, lodging house, hotel, club, fraternity or sorority house.
14. “Full Foundation” – A solid block or poured base around the perimeter of a structure on which the structure rests.
15. “Home Occupation” – Any occupation or activity carried on in a dwelling by a member or members of the immediate family residing therein. Home occupation shall include the use of a dwelling as an office by a doctor, dentist, lawyer, clergyman or other person residing therein and not employing more than one person outside the immediate family residing therein. The home occupation cannot create excessive vehicle traffic and or parking, or interference with normal maintenance of the public streets.
16. “Lot of Record” – A lot, the description of which is recorded in the County Register of Deeds' Office.
17. “Mobile Home” – A structure, able to be transported in one or more sections, to be used as a dwelling with or without a permanent foundation.
18. “Mobile Home Park” – A tract of land designed and developed to accommodate mobile homes on lots on a purchase, lease or rental basis.
19. “Non-Conforming Use” – A use, building or structure existing at the time of enactment of this Code which does not conform to the provisions of this Code.
20. “Parking Space” – An area enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the space with a street or alley and permitting ingress or egress of an automobile.
21. “Plat” – A map of a subdivision recorded in the office of the County Register of Deeds.
22. “Setback” – The distance between the lot line and the building line, and/or any projection of the building thereof.
23. “Sign” – Any outdoor advertising having a permanent location on the ground or attached to or painted on a building, including bulletin boards, billboards and name plates.
24. “Story” – That portion of a building, other than a cellar, including between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and ceiling next above it.
25. “Street” – All property dedicated or intended for public or private street, highway, freeway or roadway purpose or subject to public or private easement thereof.
26. “Structure” – Anything built, constructed, or erected which requires permanent location on the ground, but not including fences.
27. “Subdivision” – The division of land into two or more lots for the purpose of sale or lease for building development.
28. “Variance” – A relaxation of the provisions of the regulations so that it will not be contrary to the public interest and the purpose and intent of these regulations.
29. “Yard” – An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of the side yard, the depth of the front yard, or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
30. “Yard, Front” – A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the front of the main building or any projection of the usual steps, unenclosed balconies, or open porch.
31. “Yard, Rear” – A yard extending across the rear of a lot measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building including any projection other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its lease dimension. On both corner lots and interior lots the rear yards shall in all cases be at the opposite end of the lot from the front yard.
32. “Light Industrial” – A use involving manufacturing or the storage and sale of items which conform to the following requirements:
 - a. There is no unusual fire, explosion or safety hazard.
 - b. There is no production of excess noise in excess of the average intensity of street, traffic, or commercial noise.
 - c. There is no emission of smoke in excess of any density described as No. 1 as measured by a standard ringelmann chart as prepared by the United States Bureau of Mines, provided, however, that some of the density not in excess of No. 2 on a ringelmann chart will be permitted for a period not in excess of four minutes in any 30 minute period.
 - d. There will be no emission of dust, dirt, or toxic or offensive odors or gas.
 - e. There is no production of heat or perceptible from any line of the premises on which the use is located.

6.0201 Jurisdiction

The jurisdiction of these regulations shall include all lands within the corporate limits of the City of Pembina and an area extending one-half (½) mile in all directions from the corporate boundaries of the City of Pembina.

6.0202 Amendments

The Pembina City Council may, from time to time on its own motion or on petition or by recommendation of the Pembina Planning and Zoning Commission, amend, supplement or repeal provisions of these regulations after public hearing.

6.0203 Non-Conforming Uses

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

6.0204 Continuing Existing Use

Any building, structure, or use lawfully existing at the time of enactment of the regulations may be continued except certain nonconforming use as provided in Section C. Nothing in the regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Code Administrator, the North Dakota State Fire Marshall, or City Health Board.

6.0205 Zoning Effects Every Structure and Use

No building, structure or land shall hereafter be used and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired except in conformity with the regulations herein specified for the class of district in which it is located.

6.0206 Development

The following activities or uses shall constitute development:

1. A change in the type of use of a building, structure or land.
2. A reconstruction or alteration of the size of a building, structure or land.
3. A material increase in the intensity of use of land, such as an increase in the number of businesses, offices, or dwelling units in a structure or parcel of land.
4. Commencement of extraction or excavation on a parcel of land.
5. Demolition of a structure.
6. Deposit of refuse, solid or liquid waste or fill on a parcel of land.
7. Alteration of a use which has been abandoned for a period of one year.
8. Alteration or cuts in existing street curbs.

The following activities or uses do not constitute development:

1. The maintenance or improvement of a public road not involving substantial engineering redesign if the work is carried out on land within the boundaries of the right-of-way.
2. Work by any utility not involving substantial engineering redesign for the purpose of inspection repair, renewal or construction on established rights-of-way, any streets, mains, pipes, cables, power lines, towers, poles, tracts or the like.
3. Work for the maintenance, renewal improvement of any building or structure, if the work affects only the interior or the decoration of the exterior of the building or structure.

6.0207 Water and Sewage Facilities

To protect the subsurface water from pollution and to protect the public health and abate nuisance and odor, construction of privies and cesspools shall be prohibited, in the corporate limits of the City of Pembina, unless otherwise permitted by the Pembina City Council.

6.0208 Conditionally Permitted Uses

Applications for approval of a conditional use shall be submitted to the Pembina Planning and Zoning Commission. The Planning and Zoning Commission shall hold a public hearing before action is taken on the application for approval of a conditionally permitted use. Notice of said hearing shall be published in the official newspaper of general circulation at least one week prior to the hearing. No application for a conditional use shall be granted unless the Planning and Zoning Commission of Pembina shall find all of the following conditions present:

1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare.
2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use.
3. The conditional use will not impeded the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets.
6. The conditional use shall conform to all applicable regulations of the district in which it is located.
7. Based upon the Planning and Zoning Commission's findings of the above-listed conditions, the City Council shall grant or deny a conditional use.
8. The Zoning Commission and or City Council can require certain specified conditions of the applicant for the issuance of a permit to ensure compliance with the above listed conditions.

6.0209 Land Suitability

No land shall be divided, subdivided or developed for a use which is not deemed suitable by the Pembina Planning and Zoning Commission for reasons of soil limitations, inadequate drainage or any other condition likely to be harmful to the health, safety or welfare of the future residents of the area or harmful to the overall community. The sub-divider or developer, as a part of the pre-application procedure for subdivisions, must request a determination of land suitability, providing that he shall provide all necessary maps, data and information for such a determination to be made. The City Council shall deny or approve the recommendations made by the Planning and Zoning Commission in regard to land suitability.

ARTICLE 3 – Zoning Districts

For the purpose of this Zoning Ordinance the City of Pembina is divided into the following districts:

- A – Agricultural District
- R-1** – Residential District
- R-2** – Multi-Family Residential District
- RMH** – Residential Mobile Home
- C – Commerical District
- I – Industrial District

6.0301 Zoning Map

The location and boundaries of the zoning district are hereby established as shown on the map entitled “Zoning Map” which accompanies and is hereby made a part of the regulations. A Zoning District Map is also on file in the office of the City Auditor. The Planing and Zoning Commission shall regularly update the “Zoning District Map” to show any changes in the Zoning District Boundary Line resulting from amendments to the Zoning Ordinance.

1. Location of Zoning District Boundaries

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

- a. The zoning district boundary lines of said map are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of streets or alleys projected, or the corporate limit lines, all as they existed at the time of enactment of the zoning ordinance, but where a district boundary line does not clearly coincide with the lot lines, it shall be determined by scaling.
- b. Questions concerning the exact location of district boundary lines shall be determined by the Planning and Zoning Commission according to the rules and regulations which it may adopt.

6.0302 A – Agricultural District

1. Permitted uses:
 - a. General farm operations.
 - b. Single family non-farm dwellings on a tract of land three (3) acres or larger.
 - c. Churches and similar places of worship and parish residences.
 - d. Golf course and other land recreational use.
 - e. Public and parochial schools
 - f. Temporary structures incidental to construction work, but only for the period of such work.
 - g. Utility lines and facilities necessary for public service but not including buildings for offices, exchanges or storage.
 - h. The buildings, structures and operations incidental to the operation of a farm.
 - i. Stands for sale of agricultural products or commodities raise on the premises.
2. Conditionally permitted uses:
 - a. Airport or heliport.
 - b. Cemetery or crematory.
 - c. Radio, television, navigation or military control station, transmitter or tower.
 - d. Animal hospital or kennel.
 - e. Grain elevators.
 - f. Mineral extraction, including sand or gravel.

6.0303 R-1 – Residential District

1. Permitted uses:
 - a. Single-family non-farm dwellings with or without private garages, but not including mobile home or trailer homes.
 - b. Churches, schools and related facilities.
 - c. Public parks and playgrounds.
 - d. Double-wide mobile homes over twenty (20) feet in width, with a full foundation or basement, or similar house siding to ground level, under five (5) years old, with shingled roof, and normal house siding.
 - e. Public owned and operated buildings.
2. Conditionally permitted uses:
 - a. Two-family dwellings.
 - b. Hospitals, nursing homes, sanitariums, rest rooms, homes for the aged or convalescent.
 - c. Home occupations.
3. Area requirements:
 - a. The minimum lot area for single-family units shall be 7,500 square feet and have a minimum lot width of 75 feet.
4. Height requirements:
 - a. There shall be no height limitations, except as imposed by the Planning and Zoning Commission in light of other structures and units in the area of the proposed unit or units. One of the considerations for the Zoning and Planning Commission will be water run off onto adjoining property.
5. Yard requirements:
 - a. The minimum side yard for all dwellings, garages, and other buildings shall be eight (8) feet from the outside edge of the building projections unless a greater or lesser amount is approved by the Planning and Zoning Commission upon petitions for a building permit. If a lesser amount is petitioned for, notice of hearing on the petition must be given to the adjoining property owner by certified mail.
6. Setback requirements:

- a. The minimum setback from the right-of-way roads and highways for single-family units shall be in conformance with the prevailing units on the same side of the street and in the same block as the unit under construction. In new areas of development the setback shall be a minimum of 25 feet from the street right-of-way.
7. Parking requirements:
 - a. One automobile off-street parking space for each living unit shall be provided.
8. Building code and structure requirements:
 - a. Any structure built or moved into Pembina must meet the specific regulations set by the City Building Code. Any structure moved into Pembina that is deemed unsightly or unsafe by the City Council or not meeting building code requirements must require a performance bond for the approximate amount needed to rehabilitate the structure which dollar amount is also to be determined by the City Council. The inspection of the house by a person appointed by the City Council and the acquisition of the performance bond must be done before the structure is moved in Pembina.

6.0304 R-2 – Residential District Multi-Family

1. Permitted uses:
 - a. All uses permitted as regulated in single-family residential districts.
 - b. Multi-family dwellings.
 - c. Private clubs.
 - d. Lodges or social buildings.
 - e. Hotels, motels, tourist camps.
2. Conditionally permitted uses:
 - a. All conditional uses permitted in the single-family residential district.
 - b. Municipal buildings.
 - c. Home Occupations.
3. Area requirements:
 - a. The minimum lot area shall not be less than 13,000 square feet and have a minimum lot width of 75 feet.
4. Height requirements:
 - a. The maximum height shall be four (4) stories, not to exceed fifty (50) feet.
5. Yard requirements:
 - a. A front yard of not less than 25 feet.
 - b. A side yard on each side of not less than 8 feet.
 - c. A rear yard of not less than 25 feet.
6. Parking requirements:
 - a. One and one-half (1½) automobile off-street parking spaces for each living unit shall be provided.

6.0305 RMH – Mobile Home District

1. Permitted uses:
 - a. Independent mobile homes located in well drained area.
 - b. Parks and playgrounds.
 - c. Mobile home service buildings, such as coin-operated washers and dryers, for use of residents of the mobile home park.
 - d. Office for manager of the mobile home park.
 - e. Storage building(s) used for storage of vehicles.

- f. Storage buildings for blocks, skirts, pipe and other material and equipment required to set up a mobile home.
 - g. Accessory uses and buildings including swimming pools, bath houses, patios, etc., for use of mobile home residents.
2. Conditionally permitted uses:
- a. Home occupations.
3. Mobile home park requirements:
- a. Mobile home parks shall contain a minimum of two (2) acres of land and a maximum of eight (8) mobile homes per gross acres.
 - b. A minimum of ten percent (10%) of the gross site area shall be devoted to open space and recreational facilities unless the mobile home park is in close proximity to a city park (two blocks).
 - c. Each mobile home space shall be at least 40 feet wide and an area of 5,000 square feet.
 - d. There shall be a minimum of 16 feet between structures.
 - e. No building shall exceed 35 feet in height.
 - f. Underground utility hookups shall be provided to each lot in the park. These utilities shall include water, sewer, electricity and telephone.
 - g. Off-street parking of one parking space for each mobile home unit shall be provided.
 - h. All lots in the park shall be accessible at all times to emergency vehicles.
 - i. Each mobile home shall have a setback of a minimum of 10 feet within the park and 20 feet setback from other public roads adjoining the mobile home park.
 - j. Where the park is served by private streets, those streets shall conform to the following:
 - 1. Where parking is to be allowed on both sides of the street, a driving surface of 34 feet with a 40 foot right-of-way shall be provided.
 - 2. Where parking is prohibited on both sides of the street, a driving surface of 24 feet with a 30 foot right-of-way shall be provided.
 - k. All regulations of North Dakota Regulatory Agencies and Departments relating to mobile homes shall be complied with.

6.0306 C – Commercial District

1. Permitted uses:
- a. All single and two or more dwelling units on floors other than ground floor.
 - b. Hospitals and nursing homes.
 - c. Hotels and motels.
 - d. Funeral homes.
 - e. Retail and service uses, including artist studios, appliance stores, clothing stores, theaters, automobile sales, service and repair, professional offices, bakeries, grocery stores and restaurants, auditoriums and similar places of public assembly, government buildings, florist shops, jewelry stores, newspaper offices and amusement places.
 - f. Any other businesses which in the opinion of the City Council and the Planning and Zoning Commission of Pembina are of the same nature as those enumerated _ above.
2. Conditionally permitted uses:
- a. Lumber yards.
 - b. Warehouses.
 - c. Apartments.
 - d. Those uses conforming to the definition of light industrial. Before the conditional use is granted, the city council, shall take measures to ensure that the use conforms to the intensity of use regulations provided in GI-Industrial District.
3. Height requirements:
- a. No building shall exceed 60 feet in height.

4. Yard requirements:
 - a. Front yard: No front yard is required for any building in the Commercial District.
 - b. Side yard: No side yard is required for any building in the Commercial District.
 - c. Rear yard: No rear yard is required for any building in the Commercial District.

6.0307 I – Industrial District

1. Permitted uses:
 - a. Agriculture.
 - b. Blacksmith and welding shops.
 - c. Lumber yards.
 - d. Fertilizer plants.
 - e. Warehousing.
 - f. Radiator repair shop.
 - g. Heavy equipment sales, service and repair.
 - h. Fuel storage tanks and chemical storage tanks.
 - i. Manufacturing and processing of wool, metal, concrete and blacktop mix.
 - j. Motor vehicle and farm implement sales, storage, service and repair.
 - k. Seed processing and treating plants where there is no excessive emission of dust, husks or other particulate matter in the air.
 - l. Truck and railroad terminals.
 - m. Public utility and public service uses.
 - n. Any other businesses which in the opinion of the City Council and Planning and Zoning Commission of Pembina are of the same nature as those enumerated above.

2. Intensity of use regulations:
 - a. When a building or structure is within 150 feet of residential district zone, said building and structure shall not exceed 45 feet in height.
 - b. When a building or structure is within 150 feet from a residential district zone, said building or structure shall not exceed 75 feet in height. Any person building a structure over 75 feet within 150 feet from a residential district must first meet with the Pembina Planning Commission before obtaining a building permit from the City Council. The Planning Commission can recommend restrictions to be considered by the City Council before the structure is built.
 - c. Buffer Strip: A buffer strip, which is approved by the Pembina City Council shall provide a sight and sound barrier when an industrial use is abutting an R – Residential District and RMH – Residential Mobile Home District. The buffer strip shall be adequately maintained by the property owner.

Storage: The open storage of materials other than waste materials or salvage automobiles may be permitted when located at least 100 feet from any R-Residential and RHM – Residential Mobile Home District and at least 30 feet from any street right-of-way line or other lot line. All material shall be handled with care to control dust and odor. All combustible material shall be stored in such a way as to permit free access to fire fighting equipment.

ARTICLE 4 – Subdivision Regulations

For purpose of this Land Development Code the City of Pembina has set forth the following procedures, requirements, and standards for the division of land and subdivision approval.

6.0401 Procedures for Subdivision Approval

1. Pre-application procedure:
 - a. Prior to the filing of an application for approval of a preliminary plat, the subdivider shall consult the Pembina Planning Commission for advice and assistance in reviewing the procedures and requirements of this regulation and other ordinances, and any data or plans which may affect the proposed development.
 - b. This step does not require formal application fee or filing of a plat.

2. Preliminary plat procedures:

- a. Prior to submitting a final plat for approval, the subdivider shall prepare a preliminary plat of the proposed subdivision and construction plat of the proposed subdivision and construction plans for improvements adequate to determine that sewer, water and street improvements can be installed conforming with the requirements set forth in these regulations. The subdivider shall file with the Pembina City Council an application in writing seeking the approval of said plat accompanied by three copies of the plat. Said application shall be submitted at least one (1) week prior to a regularly scheduled meeting of the Planning and Zoning Commission.
 - b. The preliminary plat shall include land surrounding the area to be developed even though a small portion thereof is proposed for development. The Pembina Planning and Zoning Commission will check the preliminary plat to insure that it conforms with the adopted comprehensive plan, ordinance and requirements set forth in these regulations.
 - c. The Pembina Planning and Zoning Commission shall approve, approve with modifications, or disapprove the preliminary plat within thirty (30) days of receipt of the plat.
3. Final plat procedure:
- a. If the preliminary plat has been approved or conditionally approved, the subdivider shall submit three copies of the final plat or a certified survey map prepared by a registered land surveyor or engineer.
 - b. The Pembina Planning and Zoning Commission shall hold a public hearing before action is taken in accordance with the North Dakota Century Code.
 - c. After the final plat meets the requirements of this Code and has been submitted within three (3) months of the approval date of the preliminary plat and the conditions have been met, the City Council of Pembina shall approve the final plat of the subdivision.
 - d. All improvements required by this regulation shall be made or guaranteed in a manner acceptable to the Pembina City Council.
 - e. The subdivider's concluding procedure shall be to file the final plat with the Pembina County Registrar of Deeds.

6.0402 Plat and Data Submission Requirements

1. Preliminary plat:
 - a. The preliminary plat shall be based on a survey and shall be submitted in three copies at a scale of two hundred feet or less to one inch and show correctly on its face the following:
 1. The proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the City of Pembina.
 2. An accurate description of the property involved according to the real estate records of the county.
 3. The names and addresses of the owners of record, the subdivider and the registered surveyor who prepared the plat.
 4. The names of adjoining subdivisions and the names of record owners of adjoining parcels of unplatted land.
 5. The boundary lines, accurate in scale, of the tract to be subdivided.
 6. Existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades indicated.
 7. The location, widths, and names of all existing or platted streets or other public ways and easements within or immediately adjacent to the tract, corporate lines, section and quarter section lines, and other important features such as existing permanent buildings, water courses, railroad lines, etc.
 8. The layout, proposed names and widths of proposed streets, alleys, and easements; the location and approximate sizes of proposed catch basins, culverts and other drainage structures, the layout, numbers and approximate dimensions of proposed lots.
 9. Proposed front yard setback and other setback lines
 10. The width and approximate dimensions of all parcels of land intended to be dedicated or reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, conditions or limitations of such dedication or reservation indicated.
 11. Copies of any proposed restrictions.
 12. A notation stating "preliminary plat – not for record."
2. Final plat:

- a. The final plat of the proposed subdivision shall be prepared by a registered surveyor or engineer and shall conform to the requirements of the preliminary plat and any additions attached thereto by the Pembina City Council.

6.0403 Design Standards

1. Streets:

- a. The arrangements, classification, extent, width, grade and location of all streets shall conform to the adopted comprehensive plan and shall be designed in relation to existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.
- b. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas.
- c. Minor streets shall be laid out in such a manner so that their use by through traffic will be discouraged.
- d. Dead-end streets shall not be permitted without a suitable turn-around with a diameter of no less than 75 feet.
- e. Where a subdivision borders on or contains a railroad right-of-way or highway right-of-way, the Pembina City Council may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.
- f. Streets shall be laid out so as to intersect any other street at right angles (90 degrees).
- g. All street names shall be subject to the approval of the Pembina City Council.

2. Utility easements:

- a. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and for such purposes shall be at least 20 feet wide.

3. Drainage way easements:

- a. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, as will be adequate for the purpose. Parallel streets or parking may be required in connection therewith.

4. Blocks:

- a. 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.

5. Lots

- a. The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development and use contemplated.
- b. The subdividing of land shall provide each lot with access to a public street.

6.0404 Required Improvements

1. Survey monuments:

- a. Monuments shall be placed at all block corners, angle points, points of curves in streets, lot corners and at the intermediate points as required by the Pembina Planning and Zoning Commission and noted on that plat plan.

2. Municipal water lines:

- a. Municipal water mains shall be provided to each lot within the subdivision.

3. Municipal sewage system:

- a. Municipal sanitary sewers shall be provided to each lot within the subdivision.

4. Installation of improvements:

- a. The improvements specified herein shall be installed and approval of the final plat shall be given only after the work has been completed or there shall have been filed with the City of Pembina one of the following:
 - 1. A duly completed and executed survey bond in an amount sufficient to complete the work with surety satisfaction to the City of Pembina.
 - 2. Other arrangements satisfactory to the City of Pembina to complete the work.
5. Improvement adjustments:
- a. Deviations from the above regulations may occur through variances and applications for conditionally permitted uses. When property owners are allowed to deviate from the required improvements (municipal water and sewer, etc.), they must sign a Certificate of Compliance stating that they will hook up to the city water and sewer, etc., if and when it passes through their property. They will relinquish their rights to object to the required improvement as the improvements help promote the health, safety and welfare of local residents.

ARTICLE 5 – Administration and Enforcement

The administration and enforcement of the Land Development Code is hereby vested in the Pembina City Council and Planning and Zoning Commission.

6.0501 Pembina City Council

- 1. Duties under this Code:
 - a. Approve or deny all final plats, variances and conditional uses.
 - b. All amendments to the text of these regulations and the “Zoning District Map” shall be approved by the Pembina City Council after a public hearing by the Planning Commission.
 - c. Investigate and note the violation of the provisions of these regulations and take action.

6.0502 Pembina Planning and Zoning Commission

- 1. Membership:
 - a. The Planning and Zoning Commission shall consist of not more than ten members. Of the ten members, one member shall be a resident living in the one-half (½) mile non-incorporated area. The executive officers, the engineer, and the attorney of the municipality shall be ex-officio members of the Commission.
- 2. Duties under this Code:
 - a. Approve or deny building permits.
 - b. Establish rules and procedures for administering the Land Development Code.
 - c. Hold public hearings on all applications for subdivision plats, amending the “Zoning District Map” and the text of these regulations, and hold public hearings on all applications for variances and or conditional use applications.
 - d. Recommend approval, denial or modifications of all applications for amendment after the public hearing to the City Council.
 - e. Make recommendations to the City Council with respect to development permits for the commencement of any development as defined in these regulations.
 - f. Publish notice of the public hearings in the official municipal newspaper of general circulation at least two (2) weeks prior to the said hearing.
 - g. Receive and file all applications for plats of subdivisions, amendments to these regulations, the “Zoning District Map” and development permits.
 - h. Inspect buildings and maintain records.
 - i. File complaints against any person, persons, firm or corporation for violation of any of the provisions of any of these regulations.
 - j. Issue certificates of compliance.
 - k. Report all zoning violations to the City Council for appropriate action.

6.0503 Building or Development Permit Fee

1. It shall be unlawful for any person to begin any development or building without obtaining a building permit.
2. There shall be a fee for building permits or review of subdivision plats as set from time to time by the Pembina City Council.
3. Any building permit issued pursuant to these provisions shall expire one (1) year from the date of issuance.

6.0504 Certificate of Compliance

1. No building or structure shall be occupied until a certificate of compliance shall have been issued by the City Council for determining the conformity with the specifications for which the development permit has been issued.

6.0505 Violations and Penalties

1. It is declared unlawful for any person to violate any of the terms and provisions of these regulations or other official control adopted by the Pembina City Council pursuant thereto. Violation thereof shall be a misdemeanor and may be punishable by a fine of not to exceed One Hundred and 00/100 (\$100.00) Dollars for each and every day that any violator fails to comply with the provisions of these regulations. Whenever a violation of these regulations occurs, any person may file a complaint in regard hereto. All fines for violation shall be paid to the Pembina City Auditor and shall be credited to the general fund of the City.