



## City of Beulah

### Application for Zoning Ordinance Text Amendment

Applicant Name and Phone #: Heidi Hamilton for Planning & Zoning Commission

Applicant Address: \_\_\_\_\_

Applicant E-Mail: heidi@cityofbeulah.com

Original Ordinance Coordinates (Title, Chapter, Section):

SEE ATTACHED

To read as follows:

Attach additional sheets if needed

SEE ATTACHED

Basis for Request: (State fully the reasons for and basis upon which the request is made)

Attach additional sheets if needed

SEE ATTACHED

I hereby state that I am the applicant listed above; and that the foregoing statements and answers herein made, and all information and evidence herewith submitted are in all respects and to the best of my knowledge and belief, true and complete. I understand that the filing fee accompanying this application does not constitute an approval for the action requested in this application, and that this fee will be refunded if the application is denied before reaching the legal review process

Heidi Hamilton  
Signature of Applicant

8/25/2022  
Date

Heidi Hamilton  
Print Name

<input checked="" type="checkbox"/> City Auditor	<input type="checkbox"/> P&Z Hearing	APPROVED _____
<input checked="" type="checkbox"/> Building Official	<input type="checkbox"/> City Council Hearing	DENIED _____
<input checked="" type="checkbox"/> City Attorney		DATE _____

#### FOR OFFICIAL USE ONLY

Fee Paid / Initials \_\_\_\_\_ Receipt # \_\_\_\_\_ Date Paid \_\_\_\_\_ Cash / Check # \_\_\_\_\_

## Application to Amend the Text of the Zoning Ordinance of the City of Beulah

Drafted by Heidi Hamelton, Assessor/Planner/Building Official, in collaboration with the Planning & Zoning Commission

The Planning and Zoning Commission hereby makes application to the Beulah City Council for the following amendments to the Beulah Zoning Ordinance Text:

Item 1:

Revision: Replace 'Section 4.7 Fences' in its entirety with Attachment A.

Background: This replacement addresses a number of issues. It clarifies the location of a fence with reference to a property line, it clarifies the height restrictions on fence locations, and it reiterates the responsibility of the permit applicant to verify property lines. It should be noted that Bismarck, Minot, West Fargo, Williston, and Dickinson have no setback requirements for fences. Fargo has a setback requirement for a rear yard fence exceeding 6.5 feet.

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Item 2:

Revision to the Use Table: Add the following residential uses to the listed zoning districts.

Group Home – Disabled C2, C4 permitted as Conditional Use  
Multi-family Residential C2, C4 permitted as Conditional Use  
Basement Apartment C2, C4 permitted as Conditional Use  
Twin Homes C2, C4 permitted as Conditional Use  
Duplex C2, C4 permitted as Conditional Use  
Townhomes C2, C4 permitted as Conditional Use  
Dwelling, Single Family Detached C2, C4 permitted as Conditional Use  
Manufactured Homes C2 permitted as Conditional Use  
Modular Homes C1, C2, C4 permitted as Conditional Use

The district zoning requirements for residential use in these zoning districts would be those defined for that use in the applicable residential district use district.

Background: There are a number of residences that have been constructed in commercial zones C1 Central Business and C2 Highway Commercial. The current ordinance does not allow any residential uses in any of the commercial zones other than a select few in C1. In effect this makes many of the current residences in C1 and C2 non-conforming structures as defined in section 6.12 of the zoning ordinance. With this, there are restrictions on enlarging, expanding, or extending any structure to occupy a greater area of land or floor area than was occupied at the date the use became a nonconformity. This revision would remove this hardship on the property owners and allow residences to be recognized as conforming structures. There is also currently no allowance for potential residential uses within C4 Neighborhood Commercial, which restricts opportunities for expansion and growth in this zoning district.

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**Application to Amend the Text of the Zoning Ordinance of the City of Beulah**  
Drafted by Heidi Hamelton, Assessor/Planner/Building Official, in collaboration with the Planning & Zoning Commission

**Item 3:**

**Revision:**

1) Revise definition 9.0052 Conditional Use to read: "Specified uses that mandate discretionary review by the P&Z Commission and Council. Additional requirements may be added by either entity to any building and/or use permit for this use class".

2) Add definition 9.00525 Conditional Use w/ Requirements to read: "Specified uses that mandate review by the P&Z Commission and discretionary review by Council. Requirements for this use are included in the zoning ordinance and additional requirements may be added by either the P&Z Commission or the Council to any building and/or use permit for this use class".

3) Revise definition 9.0162 to read: 9.0162 Permitted Use by Right "Specified uses which comply with the requirements of a zoning district. Review by the P&Z Commission is discretionary. No additional requirements can be added for this use class".

4) Add definition 9.01625 Permitted Use w/ Requirements to read: "Specified uses that mandate review by the P&Z Commission and discretionary review by Council. Requirements for this use are included in the zoning ordinance. No additional requirements can be added for this use class".

**Background:** The lack of formal definitions has led to some confusion over the four classes of uses and this revision adds clarity for the user.

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**Item 4:**

**Revision:** Insert Attachment B as Section 5.25 Americans with Disabilities Act (ADA) Compliance.

**Background:** This insert addresses the lack of an ADA Compliance Policy in the Zoning Ordinance. The section details what the Planning & Zoning Board expects as it concerns compliance with the ADA.

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**Item 5:**

**Revision:** Replace the word "principal" with the word "primary" as outlined in Attachment C.

**Background:** Throughout the Beulah Planning and Zoning ordinance the terms primary and principal are used interchangeably with no apparent criteria for either. The Planning & Zoning Board believes this can lead to confusion about what specifically is being communicated. There are seventeen replacements recommended that more adequately convey the intentions of the Zoning Ordinance.

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**Item 6:**

**Revision:** The following new chapter will be added to the Beulah Zoning Ordinance. The revisions listed under each section are for illustration only.

Chapter 10 Revisions

Section 10.1 District Zoning Map Revisions

- 1) Application number xxxx, approved by City Council on xxxx by Ordinance # xxxx
- 2) Application number xxxx, approved by City Council on xxxx by Ordinance # xxxx
- 3) Application number xxxx, approved by City Council on xxxx by Ordinance # xxxx

Section 10.2 Zoning Ordinance Text Amendments

- 1) Application number xxxx, approved by City Council on xxxx by Ordinance # xxxx
- 2) Application number xxxx, approved by City Council on xxxx by Ordinance # xxxx

Section 10.3 Comprehensive Plan Land Use Map Amendments

- 1) Application number xxxx, approved by City Council on xxxx by Ordinance # xxxx

**Background:** The only way currently to track changes to any one of the above three items in the Zoning Ordinance is by examining the enabling ordinances. The problem with using the enabling ordinance for this purpose is that it documents what was done, but not why it was done. Many times, the reasoning behind a change is as important as the change itself. By referencing the application which contains both the revision and the background, this need is addressed. The Ordinance number is referenced for research and tracking purposes.

**Item 7:**

**Revision:** Replace Section 4.81 Property Pins in its entirety with the following:

**Section 4.8 Property Pins**

**4.81 Property Pins Required**

- (A) It shall be the responsibility of the property owner to:
- a. pin property lines for new construction of primary structures.
  - b. pin property lines for new construction of accessory structures that have permanent foundations. The Building Official will determine if an accessory structure foundation is permanent.
  - c. identify the property lines for an existing structure.

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- (B) The City shall not be liable for incorrect property lines regardless of the method used to determine the property line location(s).

**4.82 Removal and Replacement**

- (A) No property pin or monument shall be removed, and if found to be removed, must be replaced by the property owner.

Background: The text in the current Zoning Ordinance only addresses responsibility for pinning property lines for **new** construction of primary structures, not accessory structures, nor existing structures. The Zoning Ordinance becomes clearer by adding this clarifying verbiage.

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Item 8:

Revision: Add a definition for Property Line to Section 9 of the Zoning Ordinance as such:

9.01725 Property Line

The division line between two adjoining units of land denoting the limits of legal ownership of the property.

Background: The term “property line” is used 21 times in the Zoning Ordinance but is never defined. This clarifies the term.

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Item 9:

Revision: Replace ‘Section 5.19 Zoning Ordinance Text Amendment’ in its entirety with Attachment D.

Background: The Zoning Ordinance currently references NDCC § 40-12, which is used for Initiatives and Referendums, not for Zoning Ordinance Text changes. This amendment would establish an appropriate process that is in full compliance with NDCC § 40-11 and NDCC § 40-47, and North Dakota Attorney General letter dated August 1, 2022. This procedure is very similar to the procedure used in the 1977 version of the City of Beulah Zoning Ordinance. It is also very similar to the procedure currently used by the North Dakota cities of Fargo, Grand Forks, Bismarck, and Minot.

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**Application to Amend the Text of the Zoning Ordinance of the City of Beulah**  
Drafted by Heidi Hamelton, Assessor/Planner/Building Official, in collaboration with the Planning & Zoning Commission

**Item 10:**

**Revision:** Replace '4.02 Sight Visibility Triangle' in its entirety with Attachment E.

**Background:** The sight visibility section has two major problems. First it prohibits anything within the sight visibility triangle. That makes virtually every fire hydrant, traffic control signs, street signs, utility poles, etc. non-conforming structures. These changes reflect what most cities do in that that restriction is between 3' and 10', or in a driver's line of view. The second problem is that the verbiage addresses the property lines as the reference while the graphic indicates the edge of street is the reference. Most cities use edge of street as this obviously makes more sense.

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**Item 11:**

**Revision:** Add the following two items to Section 5.17, (A) Variance Restrictions.

- (9) Buffer strip requirements
- (10) Flood plain requirements

**Background:** The current requirements for a buffer strip can be a hardship on an applicant depending on the particular conditions of an application. This would allow the Planning and Zoning Commission and the City Council to grant a variance with regard to a buffer strip. The current section in the Zoning Ordinance (2.41 FPO – Flood Plain Overlay) repeatedly references potential variances. Yet these options are not included in the list of acceptable variances. This corrects this conflict.

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**Item 12:**

**Revision:** Change the dates for annexation notices from 7 to 15 days per NDCC § 40-51.2-07. This language is located in Section 5.22 (C)(2)(d) and should be revised as follows:

**(C) Annexation by Resolution**

(d) The City Auditor shall publish the resolution and a notice of the time and place the Council will meet to hear and determine the sufficiency of any written protests against the proposed annexation in the official newspaper of the City once each week for two consecutive weeks. The City Auditor shall mail at least 15 days before the hearing, by certified mail, a notice to the owner of each parcel of real property within the area to be annexed at the person's last known mailing address. The notice must inform landowners of the resolution, the time and place of hearing, and the requirement that protests must be filed in writing. The owners of any real property within the territory proposed to be annexed within 30 days of the first publication of the resolution may file written protests with the City Auditor protesting against the proposed annexation. The City Auditor shall

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also mail at least 15 days before the hearing, by certified mail, the notice of the time and place of the hearing to the governing body of each city, county, or township directly affected by the land area proposed to be annexed. No state-owned property may be annexed without the written consent of the State agency or department having control of the property. The Council, at its next meeting after the expiration of the time for filing protests, shall hear and determine the sufficiency of the protests.

Background: SB 2254 was adopted by the ND Legislature in 2021 and incorporated into NDCC § 40-51.2-07. This changed the notification requirements for annexations from 7 days to 15 days. This revision brings the Zoning Ordinance up to date with the North Dakota Century Code.

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Item 13:

Revision: Add Attachment F to Section 4.53 (A)(7) of the Zoning Ordinance.

Background: Section 4.53 (A)(7), Shed setback, was modified with Ordinance #437. A graphic that was part of this revision was inadvertently omitted. Attachment F is that graphic and is being added to that section as was the original intent.

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Dated this the 12<sup>th</sup> day of September, 2022.



Heidi Hamelton, Assessor/Planner/Building Official

City of Beulah Planning & Zoning Commission  
Application for Text Amendment to the Zoning Ordinance

# Attachment A

Section 4.7 Fences

Heidi Hamelton, Assessor/Planner/Building Official  
8-25-2022

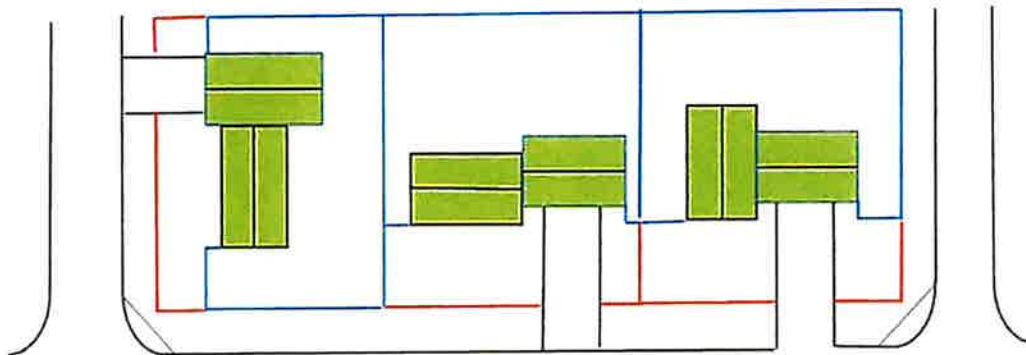


## Section 4.7 Fences

### 4.71 Fence Standards

#### (A) Height Standards

District	Front yard Height (feet)	Side Yard Height (feet)	Rear Yard Height (feet)	Height In Other Locations (feet)
All Residential Districts (R1 – R7)	0-4	0-6	0-6	0-6
Neighborhood Commercial (C-4)	0-7	0-7	0-7	0-7
Central Business District (C-1)	0-4	0-7	0-7	0-7
Highway Commercial (C-2) & General Commercial (C-3)	0-12	0-12	0-12	0-12



Residential Fence Examples

0-4' ——— 0-6' ——— Sight Visibility Triangle Boundary ———

**(B) Other Standards**

- (1) Other than alleys, fences have no required setback. Fences shall be set back from a property line adjacent to an alley a minimum of three (3) feet. In all other locations fences are allowed to be constructed up to the property line without encroaching onto the neighboring property.
- (2) If the fence is set back from the property line the area between the property line and fence must be maintained. Fences shall not be installed back-to-back. There must be a minimum of 30" between fences to adequately maintain the grass height and fence panels if required.
- (3) No fences shall be constructed of barbed wire, chicken wire, sheet metal (with the exception of architectural sheet metal), snow fence, or any other material which is deemed unsightly or hazardous by the Building Official. Electrified fences of any kind are prohibited in all zoning districts other than R-6.
- (4) Fences shall have an entrance no less than three and one-half (3.5) feet wide to allow access for emergency purposes.
- (5) These standards do not apply to temporary fences used in conjunction with construction or public events.
- (6) These standards do not apply for seasonal temporary fences used for gardening protection. These fences are still subject to the requirements of 4.71 (B) (3).
- (7) The building permit applicant is responsible for accurately identifying property lines prior to any fencing activity. The City shall not be liable for incorrectly located property lines.
- (8) The sight visibility triangle requirements must be met as described in section 4.02. The application of the sight visibility triangle may vary by property based on the adjacent boulevard and roadway.

City of Beulah Planning & Zoning Commission  
Application for Text Amendment to the Zoning Ordinance

# Attachment B

Section 5.25 Americans with Disabilities Act (ADA) Compliance

Heidi Hamelton, Assessor/Planner/Building Official  
8-25-2022

## Section 5.25 Americans with Disabilities Act (ADA) Compliance

### (A) New construction

- (1) All new commercial buildings will be required to meet all current ADA requirements as stated in the version of the IBC adopted by the City of Beulah.

### (B) Remodel/Renovations

- (1) Any building permit issued for remodeling or renovating a commercial establishment required to have public restrooms will trigger an ADA accessibility review.

(2) As each remodel/renovation has unique features, there are no firm rules. The applicant will be required to remove barriers where such removal is reasonably achievable, i.e., reasonably accomplishable and able to be carried out without excessive difficulty or expense. The City of Beulah will review the nature and cost of the action required relative to value of the property and total remodel/renovation expenses being incurred to help determine what is reasonably achievable for each business. In no case will the applicant be required to invest more than 20% of the total project cost for ADA compliance. This percentage is calculated on the project cost without the cost of ADA compliance.

### (C) Examples of steps to remove barriers include, but are not limited to, the following actions:

- ✓ Installing ramps
- ✓ Making curb cuts in sidewalks and entrances
- ✓ Repositioning shelves
- ✓ Rearranging tables, chairs, vending machines, display racks, and other furniture
- ✓ Installing flashing alarm lights
- ✓ Widening doors
- ✓ Installing offset hinges to widen doorways
- ✓ Providing alternative accessible paths when necessary
- ✓ Installing accessible door hardware
- ✓ Installing grab bars in toilet stalls
- ✓ Rearranging toilet partitions to increase maneuvering space
- ✓ Insulating lavatory pipes under sinks to prevent burns
- ✓ Installing a raised toilet seat
- ✓ Installing a full-length bathroom mirror
- ✓ Repositioning the paper towel dispenser in a bathroom
- ✓ Creating designated accessible parking spaces
- ✓ Removing high pile, low density carpeting

### (D) Priorities

- (1) Provide access to the business – install entrance ramps, widening entrances, accessible parking.
- (2) Provide access to goods/services – adjusting layout, rearranging tables, braille signage, widening doors, visual alarms, installing ramps.

- (3) Provide access to restroom facilities – remove obstructions, widening doors, install ramps, accessible signage, widening toilet stalls, and installation of grab bars.
- (4) Provide any other access necessary – i.e., water fountain, public telephones, etc.
- (5) If the alterations necessary to meet access requirements in full are not readily achievable, a business may take other reasonable measures to remove the barrier with approval of the Building Official and the Planning & Zoning Commission. A 5-year plan to address any remaining barriers will be required before a Certificate of Occupancy will be issued.

City of Beulah Planning & Zoning Commission  
Application for Text Amendment to the Zoning Ordinance

# Attachment C

Item 5: Replace "principal" with "primary"

Heidi Hamelton, Assessor/Planner/Building Official  
8-25-2022

Use #1 – one location:

#### 2.31 A – Agricultural

##### (A) Description

The A, Agricultural, district is intended to provide a location for ~~principally~~ **primarily** undeveloped or vacant land situated on the fringe of an urban area and used for agricultural purposes however, the land may be developed in the future. The types of uses allowed in this district encourage and protect agricultural uses until development is warranted.

Use #2 – two locations:

#### 4.02 Sight Visibility Triangle

There are two uses of principal in conjunction with arterial, E.G. “principal arterial”. This should not be changed as the term “principal arterial” is defined as such in the Traffic Engineering Handbook.

Use #3 – two locations:

#### Section 6.12 Nonconforming Lots, Structures, and Uses

##### (1) Accessory Uses

No use accessory to a ~~principal~~ **primary** use that is nonconforming may continue after the ~~principal~~ **primary** use ceases.

Use #4 – two locations:

#### Section 7.6 Miscellaneous Provisions.

(B) *Multiple Uses on a Single Parcel or Lot.* Wireless facilities and wireless support structures may be located on a parcel containing another ~~principal~~ **primary** use on the same site or may be the ~~principal~~ **primary** use itself.

Use #5 – four locations

#### 9.0005 Accessory Structure

Accessory structures are intended to allow for increased use and enjoyment of property to accommodate storage and other needs, depending on the purpose of the zoning district. It is a structure that:

- (a) Is clearly incidental to and customarily found in connection with a ~~principal~~ **primary** structure or use
- (b) Is subordinate in area,

- (c) extent and purpose to the ~~principal~~ primary building or use **(THIS IS AN ERROR THAT MADE IT INTO THE FINAL COPY, (b) AND (c) SHOULD BE COMBINED INTO ONE)**
- (d) Contributes to the comfort, convenience or necessity of occupants of the ~~principal~~ primary use
- (e) Is located on the same lot and in the same zoning district as the ~~principal~~ primary use

Use #6 – one location

9.0067 Dine-In Restaurants

A commercial establishment whose ~~principal~~ primary business is preparation and sale of food and/or beverages intended for immediate human consumption, within the establishment's permanent structure. Drive-thru services are not provided. Outdoor seating may be provided, but only in addition to indoor seating.

Use #7 – one location

9.0094 Group Home - Disabled

A group home for the disabled is not a clinic or hospital where treatment is the ~~principal~~ primary or essential service provided. Residency in a group home is long term relatively permanent and measured in years, not months or weeks. A group home can house people with developmental disabilities (mental retardation, autism, etc.), mental illness or physical disabilities as defined by NDCC 25-16-14(1.) It does not include hospices, emergency shelters, residences for victims of abuse, or other group living arrangements. A group home for the disabled is not a group home facility for drug and alcohol treatment, treatment of sex offenders; and alternative or post incarceration.

Use #8 – one location

9.0107 Liquor Stores

A commercial establishment ~~principally~~ primarily for the retail sale of alcoholic beverages for off-premise consumption.

Use #9 – two locations

9.0170 ~~Principal~~ Primary Structure

A structure used in conjunction with the ~~principal~~ primary use of the lot on which it is situated.

Use #10 – one location

9.0197 Side Yard

A yard extending from the rear line of the required front yard to the rear lot line, the depth of which is the least distance from the sides of the ~~principal~~ primary building and the side lot line.



Use #11 – one location  
9.0219 Theater

A commercial building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a ~~principal~~ primary use.

Use #12 – one location  
9.0232 Yard

A space on the same lot with the ~~principal~~ primary building or structure, open, unoccupied, and unobstructed by buildings or structures from the ground upward, except for accessory structures as permitted by this Zoning Ordinance.

Use #13 – one location  
9.0175 Rear Yard

A yard extending across the full width of the lot from side lot lines, the depth of which is the least distance between the rear lot line and the rear of the ~~principle~~ primary building. **Note: incorrect use of principle.**

Use#14 – one location  
9.0006 Accessory Use

A use on the same lot with, and of a nature customarily incidental and subordinate to the ~~principle~~ primary use. It is a use that:

- (a) Is operated and maintained under the same ownership and on the same lot as the permitted use.
- (b) Does not contain structures or structural features inconsistent with the permitted use.
- (c) Includes residential occupancy only as permitted in the Zoning Ordinance.
- (d) Is allowed once the permitted use is present or under construction.
- (e) Does not involve the conduct of any business, trade, or industry, except for home and professional occupations as defined herein, when accessory to residential district permitted uses.

**Note: Incorrect use of principle.**

City of Beulah Planning & Zoning Commission  
Application for Text Amendment to the Zoning Ordinance

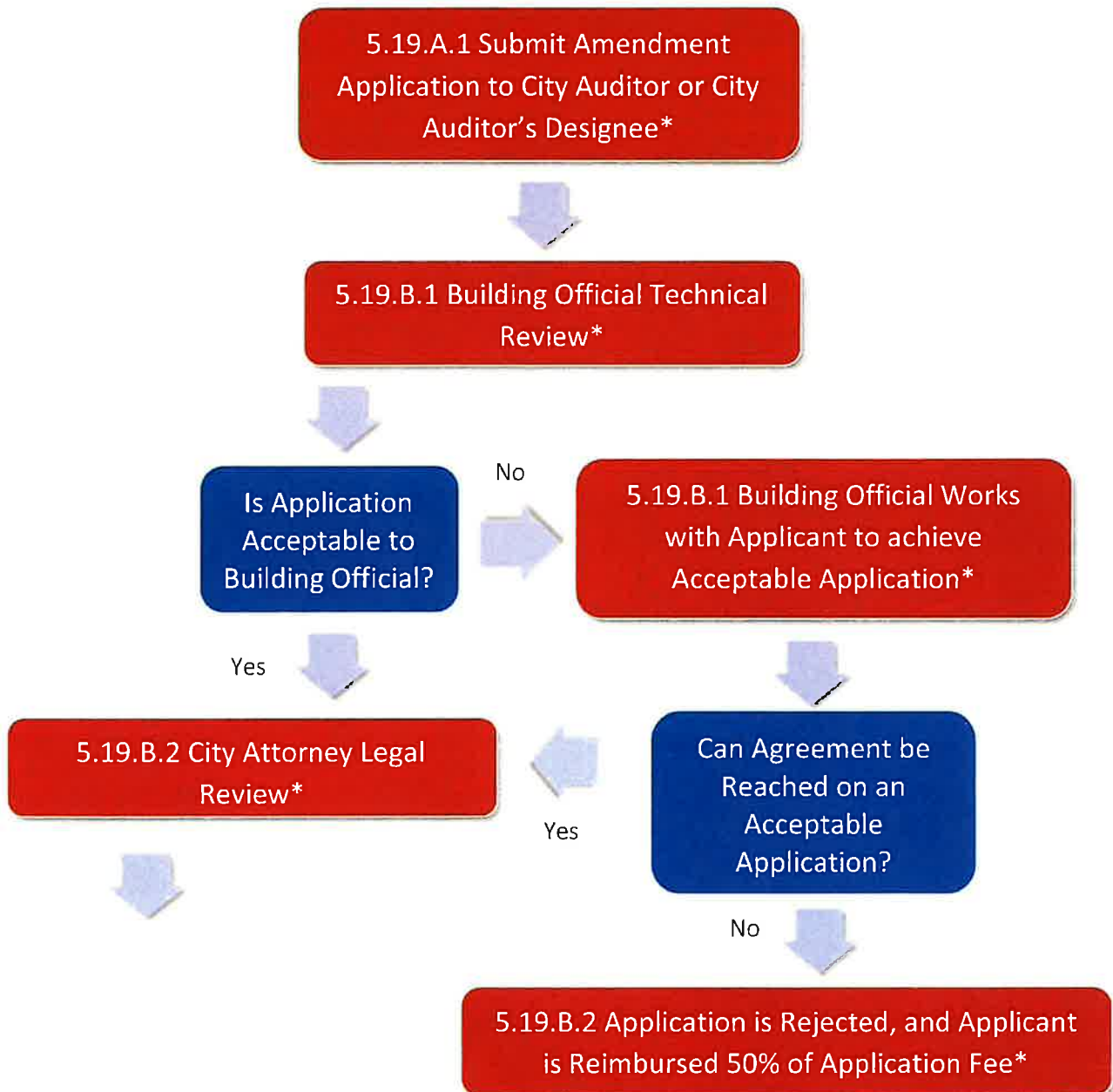
# Attachment D

Section 5.19 Zoning Ordinance Text Amendment

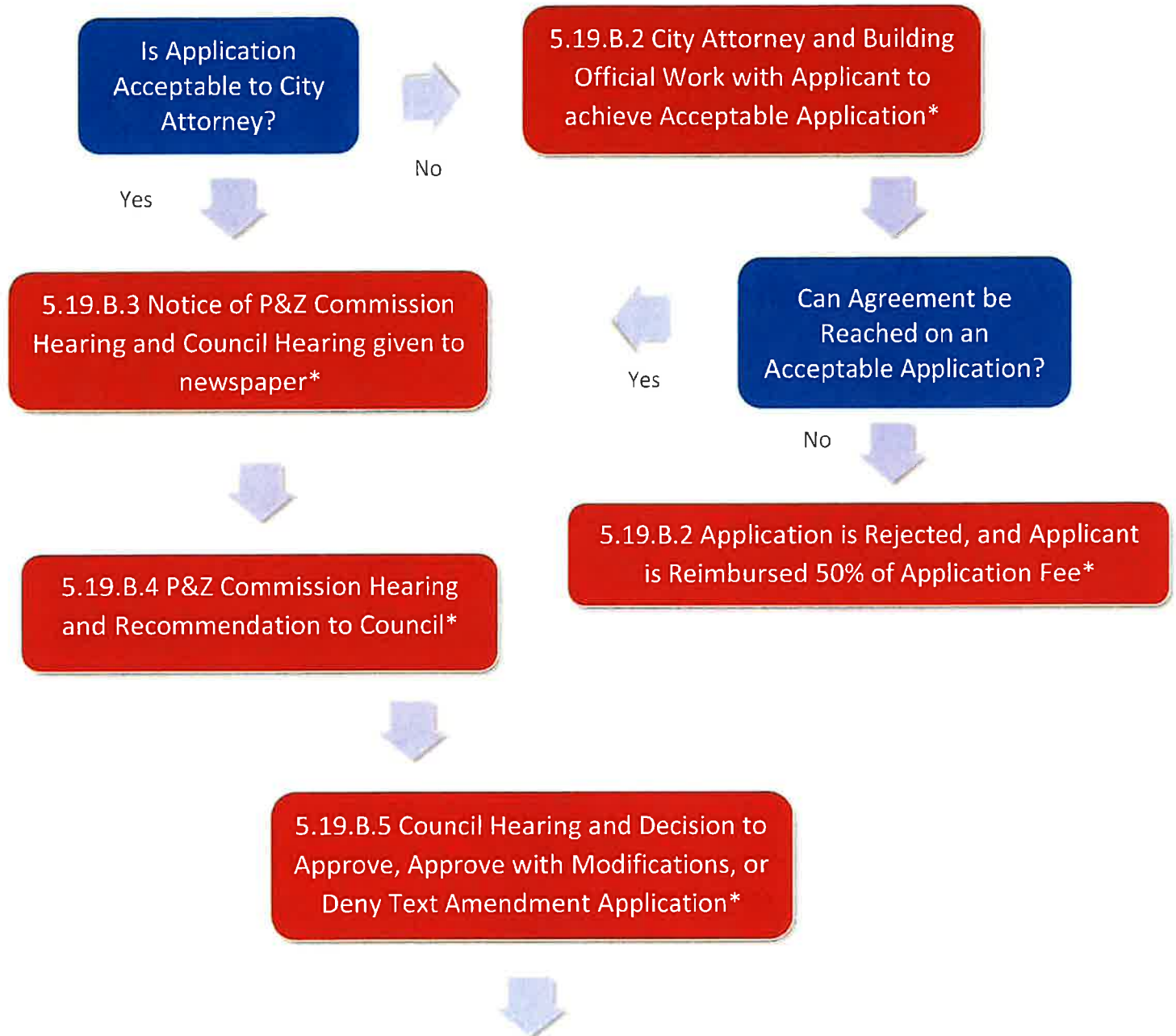
Heidi Hamelton, Assessor/Planner/Building Official  
8-25-2022

## Section 5.19 Zoning Ordinance Text Amendment

From time to time, because nothing is static, the Zoning Ordinance may have to be amended, supplemented, changed, or repealed. The City Council or the P&Z Commission are the only entities authorized to initiate text amendments to the Zoning Ordinance in the manner set forth. Any person, persons, firm, or corporation can initiate text amendments to the Zoning Ordinance by formal request of the City Council or the P&Z Commission.



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5.19.B.6 If the Text Amendment Application is Approved by Council, the City Attorney prepares an Amending Ordinance covering the Approved Text Amendment. \*



5.19.B.6 City Council has First Reading of the Amending Ordinance. \*



5.19.B.6 City Council has Second Reading of the Amending Ordinance. \*



5.19.B.7 Building Official incorporates Amending Ordinance into the Zoning Ordinance and sends revised Copy to City Auditor and City Attorney. \*



5.19.B.8 Notice of Amendment Adoption Given in Newspaper\*

(A) Prepare Zoning Ordinance Text Amendment/Submit Application

(1) Application: \*

Zoning Ordinance Text Amendment Applications shall be submitted to the City Auditor or their designee on the appropriate form. Text amendments submitted by any person, persons, firm, or corporation through the City Council, or the P&Z Commission will incur a fee that has been established by a resolution of the Council. If rejected before publication of the required public hearings, 50% of this fee will be refunded to the applicant. No fee is required for Zoning Ordinance text amendments initiated by the Planning and Zoning Commission or the City Council. Applications must still be submitted to the City Auditor or their designee.

(2) Application Checklist:

- (a) Applicant name and contact information.
- (b) Current Zoning Ordinance text that the proposed text amendment addresses and why the applicant feels the current Zoning Ordinance language should be modified.
- (c) Full text of proposed text amendment.
- (d) How the proposed text amendment addresses the deficiencies the applicant feels exists with the current Zoning Ordinance language.

(B) Review and Action \*

(1) The Building Official will review the application for technical issues and generate a written report outlining the results of the review. This would include but not be necessarily limited to:

- (a) A review of the deficiencies with the current Zoning Ordinance listed in the Text Amendment Application. The Building Official will provide an opinion on the validity of the submitted deficiencies.
- (b) A review of the proposed changes in the Text Amendment Application. The Building Official will provide an opinion on the applicability of the proposed changes.
- (c) The Building Official will provide an opinion whether the proposed text amendment is in the best interests of the City of Beulah.
- (d) If the Building Official finds that the proposed text amendment is not acceptable for any reason, the Building Official will work with the applicant to achieve an acceptable proposed text amendment. If this is not possible, the Building Official will reject the proposed Text Amendment Application and the City Auditor will then return the Text Amendment Application to the applicant with 50% of the application fee.
- (e) If the Building Official finds the proposed text amendment is acceptable and technically sound, the Building Official will forward it to the City Attorney for review.

- (2) The City Attorney will review the proposed text amendment for any legal issues and generate a written report outlining the results of the review that will be sent to the Building Official. The City Attorney will be allowed 21 calendar days from the date of application transmittal from the Building Official for legal review. If the Building Official has no response of any kind from the City Attorney on the proposed text amendment after 21 calendar days have elapsed, the Building Official will assume that the proposed text amendment has no legal concerns. An extension for legal review may be granted at the discretion of the Building Official.
  - (a) If the City Attorney finds that the application is not legally acceptable, the City Attorney and the Building Official will work with the applicant to achieve an acceptable proposed text amendment. If this is not possible, the City Attorney will reject the proposed Text Amendment Application and the City Auditor will then return the Text Amendment Application to the applicant with 50% of the application fee.
  - (b) If the City Attorney finds that the application, or revised application, is legally sound, the City Attorney will return it to the Building Official.
  - (c) If the application, or revised application, is now acceptable to the Building Official, the Building Official will schedule hearings with the P&Z Commission and the City Council
- (3) The Building Official shall publish notice of the hearings before the P&Z Commission and the City Council regarding the Text Amendment Application. Notice is to be published in the official newspaper of the City of Beulah at least once each week for 2 successive weeks and not less than 15 days preceding the date of the scheduled public hearings. (Not necessary for hearings after a continuation of the application).
- (4) The P&Z Commission shall hold a hearing on the Text Amendment Application. At this hearing, the Commission will review any comments from the City Auditor, the Building Official, and the City Attorney. Input from the general public will also be accepted. The P&Z Commission will thereafter make a recommendation to the Council to approve, approve with modifications, or deny the application. The action upon the Text Amendment Application may also be tabled by the P&Z Commission in order to allow for additional information requested of the applicant.
- (5) The Council shall hold a public hearing on the proposed Text Amendment Application. The Council will review the recommendation from the P&Z Commission and any comments from the City Auditor, the Building Official, the City Attorney, and the general public. The Council will then act to approve, approve with modifications, or deny the application. The action upon the Text Amendment Application may also be tabled by the Council in order to allow for additional information requested of the applicant. At said hearing, if there are no protests to the Text Amendment application, the Council may approve the Text Amendment by five of the eight members of the Council voting in favor.
- (6) Upon passage by the Council, the City Attorney will prepare an Amending Ordinance that covers the approved Text Amendment. Using the standard City of Beulah procedure, the Amending Ordinance will have a First Reading and Second Reading before the Council.
- (7) The Building Official will then amend the Zoning Ordinance using the language from the Amending Ordinance. One copy of the amended Zoning Ordinance will be sent to the City Auditor and a second to the City Attorney for their records.



- (8) Within 30 days after the Zoning Ordinance is amended, Building Official shall ensure that notice of the approved Text Amendment is published in the official newspaper of the city.

(C) Criteria

The Council will use the following as guidance to determine if a Zoning Ordinance Text Amendment should be approved:

- (1) The recommendation of the P&Z Commission.
- (2) The review by the City Auditor, the Building Official, and the City Attorney.
- (3) Public input at both the P&Z hearing and the Council hearing on the Zoning Ordinance Text Amendment.
- (4) The proposed amendment is consistent with the purpose of this Ordinance, in harmony with the Comprehensive Plan Land Use Map, and other adopted policies of the City.

(D) Protest Petitions

(1) Protest Provision Required

Any person aggrieved by a proposed change to the Zoning Ordinance may file a protest petition prior to consideration by the Council. The protest shall be submitted to the City Auditor. A protest petition against a change, supplement, modification, amendment, or repeal must be signed by the owners of twenty (20) percent or more:

- (a) Of the area of the lots included in such proposed change; or
- (b) Of the area adjacent, extending one hundred and fifty (150) feet from the area to be changed, excluding the width of streets.
- (c) If the proposed change to the Zoning Ordinance affects the entire incorporated City of Beulah, a protest petition against a change, supplement, modification, amendment, or repeal is signed by residents of twenty (20) percent or more of the total votes cast in the last mayoral election.
- (d) "Valid" protest petitions must be in writing, contain a clear and concise statement describing and setting forth the protest, and contain the signature and address of each protesting property owner. The location of property owned by each protestor shall be shown on a map attached to the protest petition.

(2) Vote Required

If a protest to a Zoning Ordinance Text Amendment is filed, the amendment shall not become effective except by six of the eight members of the Council voting in favor. The provisions of this Zoning Ordinance relating to public hearings and official notice shall apply equally to all changes or amendments considered under this section provided that protest petitions must



be filed with the City Auditor prior to the time set for the City Council hearing on the Zoning Ordinance Text amendment.

City of Beulah Planning & Zoning Commission  
Application for Text Amendment to the Zoning Ordinance

# Attachment E

Section 4.02 Sight Visibility Triangle

Heidi Hamelton, Assessor/Planner/Building Official  
8-25-2022

## 4.02 Sight Visibility Triangle

### (A) Purpose

The sight visibility triangle is intended to prevent a motorist's visibility from being obstructed while entering or exiting a driveway or public/private street right-of-way.

### (B) Standards

(1) Unless otherwise noted, no building, sign, tree, shrub, parking spaces, fences, or any other object not mentioned in this section may be erected or constructed within the sight visibility triangle from a height of 3 feet to 10 feet. Traffic control signs, street signs, fire hydrants, and utility poles are specifically permitted in any sight triangle.

(2) The sight visibility triangle does not apply to the Central Business district and Urban Multi Family district.

### (3) Sight Visibility Triangle Size:

(a) The distance shall be measured along the street curb lines from where the two street curb lines meet. The edge of pavement applies in the absence of a curb.

(b) For lots adjacent to or containing private drives, the distance shall be measured from where the curb lines extend and intersect. The road surface edge applies in the absence of a curb.

(c) The following table shall be used to determine the size of the sight visibility triangle:

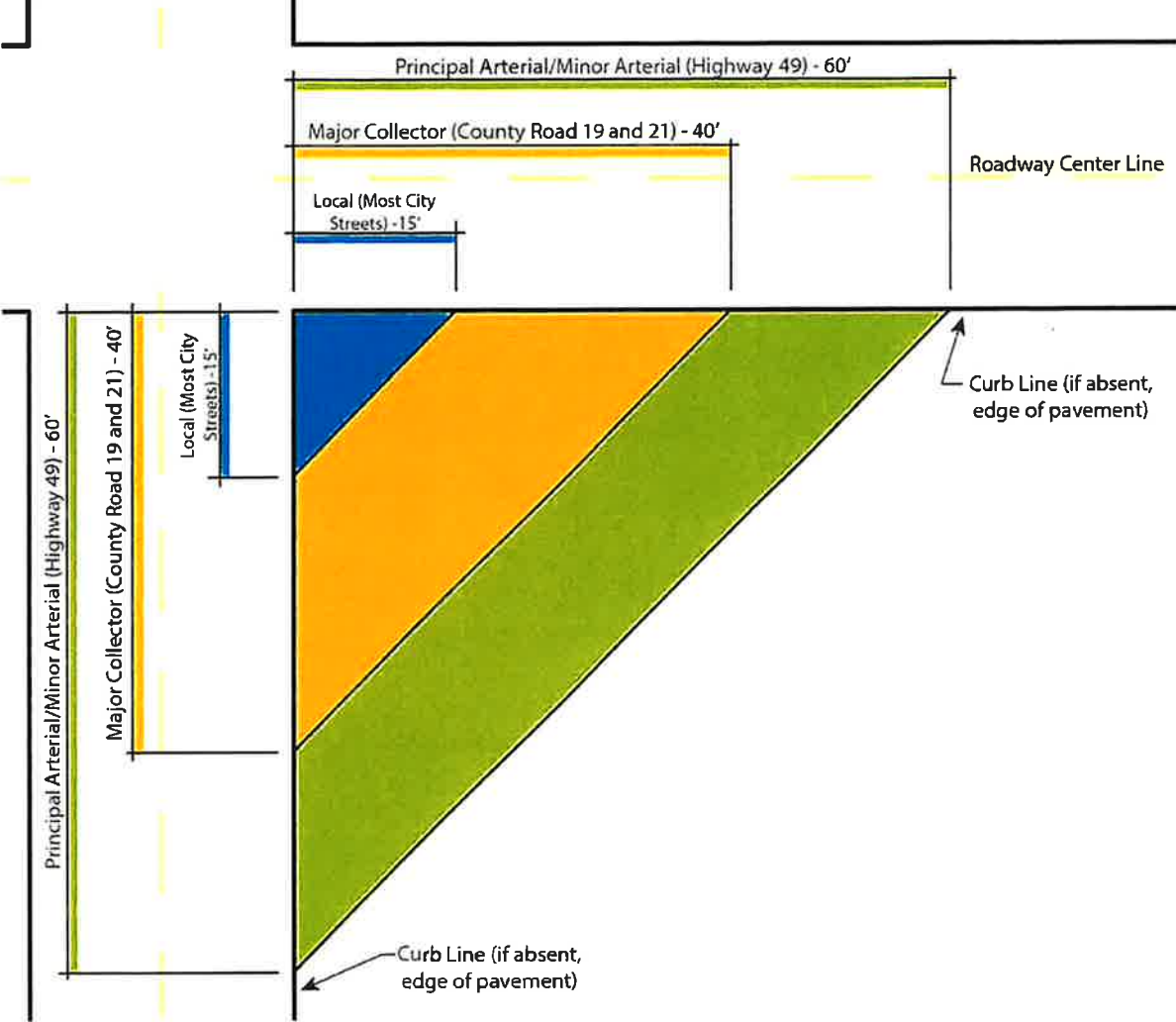
*Road Functional Classification	Size of Sight Visibility Triangle
Principal Arterial	60 feet from curb line
Minor Arterial	60 feet from curb line
Major Collector	40 feet from curb line
Local Street (all other streets not classified by NDDOT)	15 feet from curb line

\*Refer to the NDDOT Functional Classification Map for Beulah at [www.dot.nd.gov](http://www.dot.nd.gov)

(f) Where two streets with differing classifications intersect, the street with the higher volume classification applies (Principal arterial is highest, followed by Minor Arterial, Major Collector, and Local Street).

(g) The size of the sight visibility triangle is subject to change when the Building Official finds that an increase is necessary for safety reasons.

Sight Visibility Triangle Diagram



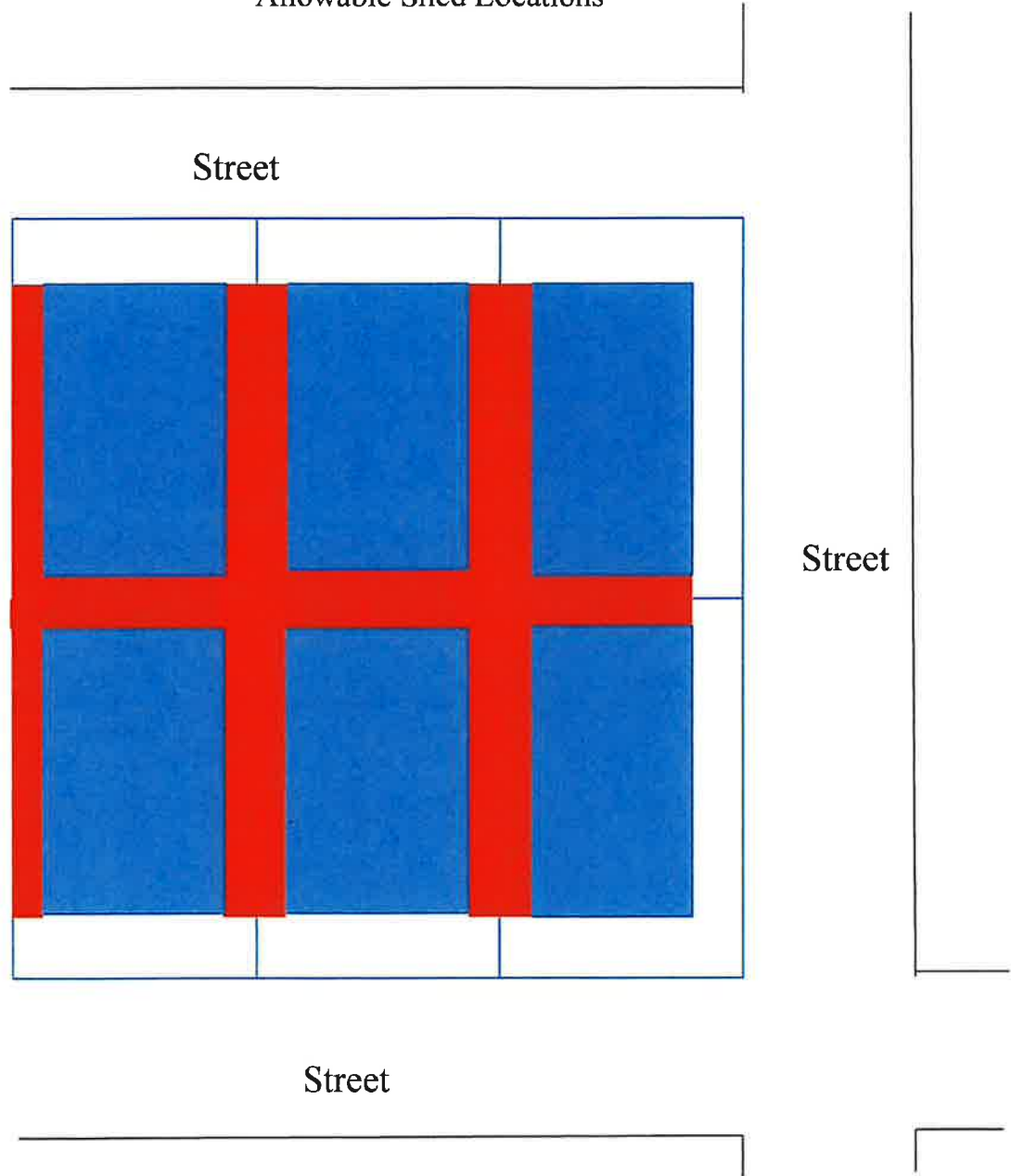
City of Beulah Planning & Zoning Commission  
Application for Text Amendment to the Zoning Ordinance

# Attachment F

Section 6 Shed Setback Graphic

Heidi Hamelton, Assessor/Planner/Building Official  
8-25-2022

Allowable Shed Locations



- Zoning Setback
- 3' Setback
- Acceptable Location for Shed

*Not to scale*