

CHAPTER V

LAND USE IMPLEMENTATION

This Chapter's purpose is to identify those measures necessary to insure implementation of the comprehensive land use plan through proper execution of the planning process at the county level. Although these mechanisms have been touched on briefly in previous chapters, they will be discussed in much greater detail in this chapter.

I. IMPLEMENTATION

The initial steps to effective implementation of the plan occur when all necessary revisions of the plan have been made and the document is officially adopted by the Mercer County Planning Commission according to the procedures set forth in the North Dakota Century Code. Following adoption of the plan, proper implementation is dependent upon a variety of mechanisms available for such implementation. Such mechanisms as proper zoning enforcement, control of subdivision and enforcement of building codes which, when done in conjunction with the recommendations mentioned in the preceding chapter, can promote well planned growth and development at the county level. Such a plan can only serve as a general framework for decision making and policy development when the following tools are available and put to proper use.

II. ZONING

Preparation of the comprehensive plan should serve as the foundation for the zoning ordinance. The responsibility for this preparation, according to the North Dakota Century Code, lies with the County Planning Commission. State statutes recognize zoning as the principle method for achieving orderly growth. These statutes also exclude agricultural activity and incorporated municipalities from county zoning regulations.

The County Planning Commission, as the designated legal authority for administering and enforcing zoning ordinances and subdivision regulations, must base its land use decisions on well-defined criteria.

Generally, there are two such sources for those criteria--the county comprehensive plan and five specific purposes adopted by the North Dakota Legislature which establishes county zoning in order to promote health, safety, morals, public convenience, general prosperity and general welfare. These five purposes which follow should serve as the general guide for review of zoning changes or other land use proposals. The applicant would need to offer convincing evidence that the proposed change is in compliance with this guide and the comprehensive plan.

III. PURPOSE #1 - TO PROTECT AND GUIDE THE DEVELOPMENT OF NON-URBAN AREAS

1. Is the proposed change consistent with the comprehensive plan?
2. Is the proposed change a logical extension of existing ordinances?
3. Is the proposed change compatible with existing land uses on adjacent property?
4. How will the proposed change affect both adjacent and county wide property values?
5. How will the proposed change affect the existing transportation network within the county?
6. Does the change reinforce present development where substantial public and private investment already exists?

IV. PURPOSE #2 - TO SECURE SAFETY FROM FIRE, FLOOD AND OTHER DANGERS

1. How will the proposed change affect the following vital environmental concerns?
 - a. Water quality
 - b. Air quality
 - c. Noise
2. Will the proposed change endanger, in any way, the physical well-being of citizens due to floods, fire, erosion, subsidence or other avoidable dangers?
3. Will the proposed change intensify traffic in a manner which results in congestion and traffic hazards?

V. PURPOSE #3 - TO REGULATE AND RESTRICT ERECTION, CONSTRUCTION, OR USE OF BUILDINGS AND STRUCTURES, THE HEIGHT, NUMBER OF STORIES, AND RISE OF BUILDINGS AND STRUCTURES, THE PERCENTAGE OF LOT AREA THAT MAY BE OCCUPIED, THE SIZE OF COURTYARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES

1. Is the appropriate technique (i.e., rezoning, planned unit development, subdivision, conditional use, variance, etc.) being used to obtain the desired land use?
2. Is the proposed change in accordance with the zoning ordinance requirements regarding procedures, notices, etc?

VI. PURPOSE #4 - TO LESSEN GOVERNMENTAL EXPENDITURES

1. Will the proposed change overload existing public facilities?
2. Will the impact of the proposed change increase the burden and cost of local government (i.e. sewer and water, police and fire protection, schools, street and highway maintenance) without an equivalent increase in revenues?
3. If increased revenues as a result of the proposed change are anticipated, when will this revenue be realized and can governmental units meet immediate needs if it is not readily available?
4. Will the proposed change result in an unnecessary spread of development adding to governmental expenditures?
5. How will the proposed change affect property values and the local tax base?

VII. PURPOSE #5 - CONSERVE AND DEVELOP NATURAL RESOURCES

1. Will this change result in the removal of good agricultural land or potentially irrigable lands for production?
2. What effect will the proposed change have on the valuable soil base?
3. How will the proposed change affect efforts to conserve area water resources?
4. Will the proposed change hinder future development of sand, gravel, coal, oil or other mineral resources?
5. How will the proposed change affect the following:
 - a. Scenic areas?
 - b. Historic sites or landmarks?