

**RESOLUTION TO ADOPT AN AMENDMENT
TO ZONING ORDINANCE/COMPREHENSIVE PLAN**

WHEREAS, the Board of Supervisors for Dunbar Township, North Dakota, on or about march 21, 1995, adopted a zoning ordinance ("Master Ordinance") for the purposes of establishing zoning regulations to regulate land use in the township and providing for the administration, enforcement and amendment thereof; and

WHEREAS, the Board of Supervisors of the Township, pursuant to the provisions of the Master Ordinance and N.D.C.C. 58-03-12 has determined that for the purposes of zoning regulation and to continue to define the character of areas within the township, the peculiar suitability for those areas for particular uses and to not significantly change the existing character of the Township, and to further promote the health, safety and general welfare, amendments to the Master Ordinance is appropriate; and

WHEREAS, the Board of Supervisors and the Township Zoning Commission has reviewed the existing ordinances and has determined that in the interests of and to promote normal growth of the Township and for the purpose of promoting the health, safety, morals, and general welfare and secure orderly development, the Master Ordinance should be amended and proposed amendments have been drafted, reviewed and secured preliminary approval as to form and content, therefore, a public hearing is to be held for consideration and final adoption of said amendments.

WHEREAS, all requirements of Chapter 58-03, North Dakota Century Code, have been satisfied and proposed the Amendment to the Master Ordinance to be adopted and enforced by the Township is as hereinafter set forth and the Clerk of the Township is directed to give notice of public hearing thereon as required by Master Ordinance and Chapter 58-03 of the North Dakota Century Code and hold the ordinance on file for inspection prior to said public hearing.

WHEREAS, upon conclusion of the public hearing, the Township Zoning Commission shall consider whether or not to recommend adoption of the following the Amendment in its present form or as the same may be modified as a result of the public hearing and report thereon to the Township Board of Supervisors who shall thereupon hold a meeting to consider adoption of the Amendment as required by law.

NOW, THEREFORE, be it resolved that the people of the Township, and the Township Board of Supervisors amend the Master Ordinance as follows:

The provisions of the Master Ordinance of Dunbar Township adopted march 21, 1995 shall in all things remain in full force and effect unless otherwise amended, qualified or explained in this Amendment to Zoning Ordinance and Comprehensive Plan, effective for the Township only.

The Ordinance is amended by adding the following attached documents:

<u>Beverly Brazzicha</u>	<u>3-21-95</u>	<u>Dennis Brazzicha</u>	<u>3-21-95</u>
Township Clerk	Date	Chairman	Date

TABLE OF CONTENTS

CHAPTER	PAGE
Introduction	1
Goals & Objectives	1
Population	3
Housing	4
Economy	4
Employment	
Township Tax Valuation & Mill Levy	
Income	
Climate	5
Natural Resources	6
Geology	
Surface Materials & Soils	
Aquifers	
Public Facilities & Services	7
Transportation	
School District	
Fire Protection	
Land Use (existing)	8
Map #1- Sargent County Soils	
Map #2- Sargent County Aquifer	
Map #3- Sargent County Transportation	
Map #4- Sargent County School Districts	
Map # 5- Sargent County Fire Districts	
Map #6- Dunbar Township Ownership/ Road System	

INTRODUCTIONS

Dunbar Township is located in Sargent County. It is situated on the rolling plains of ancient Lake Agassiz (see Map #1). As a result of this, the surface soil of Dunbar Township is entirely rich clay and silt that produces high crop yields.

This plan examines the physical and social characteristics of Dunbar Township. It presents this information in the form of text, tables, and maps. The plan is designed to help guide responsible land use planning and control. In an effort to keep this document a useful and applied tool, it is being kept to a limited size. Additional information is available through Lake Agassiz Regional Council in Fargo, N.D.

GOALS AND OBJECTIVES

The Dunbar Township Comprehensive Plan is to be used as a guide on which the development policies and regulations will be based. The plan was used to help develop goals, objectives and policies. As conditions change, so should the plan. Being a flexible document, this plan will reflect the changing goals of the citizens of the Township. For clarification, a "goal" is a broad, general concept that the Township wishes to attain in the future. An "objective" is a more specific, measurable step to be taken toward achieving a goal. A "policy" is a general principle that guides the actions taken to meet the goals and objectives.

Four goals have been established. Each addresses a particular subject. They all work together towards providing guidelines to ensure desired land use in the Township. The goals, objectives and policies are:

GOALS

GOAL #1

Preserve the Township's agricultural integrity and heritage.

OBJECTIVES:

- A. Preserve prime farmland by using the land use controls provided in this comprehensive plan and its corresponding zoning ordinance when making all land use decisions.
- B. Support family farms by being active in legislation affecting agriculture; send letters from the Township Officers to state and federal officials involved in the decision.
- C. Identify, preserve and enhance historic sites by contacting people willing to collect and document local history.

POLICIES:

1. Support agriculture and appropriate farms programs.
2. Support an equitable agricultural land taxation system.

3. Discourage and control non-farm developments which interfere with farming and harm agricultural land values.
4. Encourage siting public facilities and utility easements in locations which would minimize interference with farming.

GOAL #2

Protect public health, safety and welfare by deterring incompatible land uses from harming conforming land uses.

OBJECTIVES:

- A. Refer to this plan to determine if land use requests are consistent with the natural resources.
- B. Adopt a zoning ordinance consistent with this plan.
- C. Use the zoning ordinance provisions to prevent incompatible land uses.
- D. Acquire soil surveys from the soil conservancy offices.

POLICIES:

1. Discourage nonagricultural development on fertile soils.
2. Prevent undesirable, incompatible land uses from locating in the Township unless they meet appropriate conditions.
3. Make land use decisions in accordance with this plan.
4. Deter offensive and incompatible land uses (such as hog barns), from locating near dwellings and communities.

GOAL #3

Provide an adequate, safe, and efficient system for the transportation of people, goods and services.

OBJECTIVES:

- A. Provide well maintained gravel roads for all mail routes, school bus routes, and other routes deemed "high priority" by the Township's elected officers.
- B. Appoint a "Road Overseer" who periodically inspects and maintains a record of the conditions of all Township roads, bridges and signs.

POLICIES:

1. Discourage developments which would create congestion and/or road hazards, or damage Township roads without compensation.
2. Encourage development to locate in areas served by adequate transportation facilities.
3. Downgrade priority, abandon, or close township roads and bridges when appropriate.

Township Zoning Amendment

RULES AND DEFINITIONS

Rules

In construction of these regulation, the rules and definitions contained in this section shall be observed and applied except when the content clearly indicates otherwise.

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

Definitions

1. **“Accessory Building and Uses”** means a subordinate building or portion of the main building the use of which is clearly incidental to and serves exclusively the principal building or principal use. The accessory building or use shall be located on the same zoning lot and it is established to contribute to the comfort, convenience or necessity of occupants of the principal building or principal use.
2. **“Agriculture”** means the process of producing food and fiber including, but not limited to the land, facilities, structures, and buildings for operation and maintenance thereof. It includes all types of general farming, crop and vegetable farming, dairying, livestock and poultry raising, apiaries, fur farming, horticulture, pasturing, tree farming and related land based food and fiber producing facilities.
3. **“Airport”** means any area designated for the landing and take off of aircraft and any appurtenant areas which are used or intended for use for airport buildings and structures including runways, taxi-ways, aircraft storage and tie down areas, hangars and other related facilities and open spaces other than landing strips used for family purposes.
4. **“Animal Hospital or Kennel”** means a building or premises set up for treatment and boarding of domestic animals including veterinary facilities.
5. **“Building”** means any structure designed or intended for shelter, housing, business, office, and accommodation of persons, animals, chattels or property.
6. **“Building Area”** means that portion of the zoning lot that can be occupied by the principal use, excluding the front, rear and side yards.
7. **“Building Height”** means vertical distance from the grade to the highest point of the roof.

8. **“Building Line”** means a line establishing the minimum distance that structures may be placed from the lot lines or highway right-of-way. For the purposes of these regulations the building line is the same as setback line.
9. **“Building, Principal”** means a building, the principal use of which is single family and multi-family dwellings, and offices, shops, stores and other uses.
10. **“Channel”** means a natural or man-made water course for conducting the flowing water.
11. **“Club or Lodge”** means a private club or lodge which is a nonprofit association of persons for the purpose of gatherings and entertaining members including consumption of food and beverages.
12. **“Comprehensive Plan”** means a guide for management of the physical resources and development of the Township as adopted by the Board of Supervisors.
13. **“Conditional Use”** means use of a special nature not automatically permitted in a zoning district and which requires review and approval of the Zoning Commission after public hearing.
14. **“Conforming Building or Structure”** means a building or structure which complies with all requirements of these regulations and other regulations adopted by the Township.
15. **“Development”** means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures, the construction of additions or alternations to buildings or structures, ditching, lagooning, dredging, filling, grading, paving, excavation and drilling operations.
16. **“Development Plan”** means a document including maps and data for physical development of an area as provided by these regulations.
17. **“District”** means a section or sections of the township for which regulations governing the use of building and premises, the building heights, size of yards, lot area, lot width and the use are uniform.
18. **“Dwelling”** means any building or portion thereof, used exclusively for human habitation including single family and multiple family units but not including hotels or motels.
19. **“Dwelling, Multiple Family”** means a single building or portion thereof, containing two (2) or more dwelling units.
20. **“Dwelling, Single Family”** means a building containing one dwelling unit only.
21. **“Encroachment”** means any fill, building, structure or use including accessory uses projecting into the required yard areas or public and private property.

22. **“Establishment”** means a place of business for processing, production, assembly, sales, service of goods and materials.
23. **“Feedlot”** means a parcel of land which contains a commercial operation for feeding or raising of 200 (two hundred) or more animals which is operated as a separate activity and not incidental to farming.
24. **“Flood Plain”** means an area which may be covered by flood water including but not limited to regional floods.
25. **“Frontage”** means the front part of a lot abutting a public right-of-way, or road or highway.
26. **“Grade”** means the land elevation at the horizontal intersection of the ground and the building.
27. **“Home Occupation”** means any occupation carried on in a dwelling unit by a member or members of the family and which meets these requirements:
 - (1) That the occupation is conducted within the principal building and not in an accessory building.
 - (2) That no stock-in-trade is kept or commodities sold other than those produced on the premises.
 - (3) That no more than twenty five percent (25%) of the floor area of the dwelling is devoted to such home occupation.
28. **“Hotel or Motel”** means a building in which lodging accommodations, with or without meals are provided for compensation.
29. **“Junk or Salvage Yard”** means an open area where waste or scrap material, including parts of used motor vehicles, appliances and farm implements are bought, sold, exchanged, stored, baled, parked, disassembled or handled.
30. **“Kennel, Animal”** means any premises where dogs, cats and other household pets are boarded, bred and maintained for compensation.
31. **“Lot”** means a piece, parcel, lot or area of land of continuous assemblage established by survey, plat or deed.
32. **“Lot Lines”** means the property lines bounding the lot.
33. **“Lot Width”** means the horizontal distance between the side lot lines of a lot measured at the front building setback line.
34. **“Lot, Zoning”** means a single lot, parcel, tract of land within a zoning district developed or to be developed.
35. **“Mobile Home”** means a manufactured trailer intended for family residential occupancy.

36. **“Mobile Home Park”** means a parcel of land for which a detailed plan indicating the location of lots, blocks, streets, facilities and utilities exists.
37. **“Nonconforming Building”** means any building which does not comply with any or all of these regulations.
38. **“Nonconforming Use”** means any principal use of land or building which does not comply with any or all of these regulations.
39. **“Nursing Home or Convalescent Home”** means a home for the aged or infirm which unrelated persons are accommodated for compensation.
40. **“Permitted Uses”** means those uses, buildings or structures which comply with the provisions of specific zoning districts because of the similarities in nature and relationship to each other. Permitted uses are distinct from conditional uses that are authorized only if certain requirements of these provisions are met after a public hearing and approval by the Zoning Commission.
41. **“Person”** means any individual, firm, corporation, partnership or legal entity.
42. **“Planned Development”** means a grouping of buildings and structures on a site of five (5) or more acres in single ownership which is not limited by the yard or building height limitations but is based on a detailed development plan and recorded in the Office of the County Register of Deeds upon approval by the Township Board of Supervisors.
43. **“Public Roadway or Public Way”** means any dedicated and recorded right-of-way including alleys, sidewalks, streets, roads or highways.
44. **“Regional Flood”** means a flood determined by the state and Federal Emergency Management Agency which is representative of large floods known to have occurred in the County.
45. **“Service Station”** means any building or premises where automotive fuels, automotive related services, lubricants, parts, and supplies are made available to the motorist.
46. **“Sign”** means any emblem, name, identification, description or illustration which is used for outdoor advertising having permanent location on the ground or attached to or painted on a building including bulletin boards, billboards and poster boards, but excluding real estate for sale signs, political campaign signs, public information and traffic signs.
47. **“Site Plan”** means a detailed plan for making improvements to parcel(s) of land for the purpose of building and development as provided in these regulations.
48. **“Structural Alterations”** means any change in the supporting elements of a building or structure including bearing elements, partitions, columns, beams, girders, roofs, exterior walls and embankment.

49. **“Structure”** means anything constructed or erected, the use of which requires permanent location on the ground including advertising signs and billboards.
50. **“Variance”** means the relaxation of the terms of the zoning regulations in relationship to building height, size of the front, rear and side yards, where the literal enforcement of these regulations could create unreasonable hardship, but it is not contrary to the purposes of the Township Comprehensive Plan and these regulations.
51. **“Yard”** means an open space on the zoning lot which is unoccupied or unobstructed by any portion of a structure from the ground upward.
52. **“Zoning Commission”** means a body consisting of the three (3) Township supervisors and appointed members under the authority of Chapter 58-03-13 of the North Dakota Century Code to review the planning issues, prepare plans, review the zoning requests and plats of subdivision, zoning amendments and conditional uses and make recommendations to the Board of Supervisors.

ARTICLE ONE, SPECIAL PROVISIONS

1. Off-Street Parking

1.1 Purpose

The purpose of this section is to provide for the off-street parking regulations to:

1.1.1 Increase the safety and capacity of public roads by requiring off-street parking or loading facilities.

1.1.2 Minimize adverse effects of off-street parking and off-street loading facilities on the adjacent properties.

1.1.3 Lessen congestion and preventing the overtaking of public roads by regulating the location and capacity of off-street parking or off-street loading facilities.

1.2 General Requirements

1.2.1 An off-street automobile parking space shall be at least 9 (nine) feet wide and 20 (twenty) feet long, exclusive of access drives or ramps.

1.2.2 All open off-street parking areas with 4 (four) or more spaces and all loading berths shall be:

- (1) improved with all weather surface to provide a durable and dust free surface;

(2) graded to dispose of all surface water run-off but not be diverted to adjoining properties.

1.3 Special Requirements

1.3.1 No building shall be erected or enlarged without meeting the following parking requirements.

(1) Business; professional or public office building, studio, bank, medical or dental clinics, three (3) parking spaces plus one additional space for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.

(2) Hotels and motels; one parking space for each room plus one space for each two hundred (200) square feet of eating and drinking establishments or restaurants.

(3) Private club or lodge; one parking space for each two hundred (200) square feet of service area.

(4) Restaurant, eating and drinking establishment; one parking space for each one hundred (100) square feet of floor area.

2. Signs

2.1 Purpose

The purposes of regulating signs in the Township is to provide for a visually pleasant environment and minimize potentially unsafe conditions for all age groups, but yet offer many opportunities for public and private information and advertising.

2.2 General Requirements

2.2.1 No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered without obtaining a permit from the Township Code Administrator.

2.2.2 Signs shall not be permitted within 300 (three hundred) feet of any road crossing which is measured from the point of intersection of the road center lines. For state and federal highways the state and federal sign requirements shall apply.

2.2.3 Directory signs shall not be larger than 20 (twenty) square feet in area for permitted uses.

2.2.4 Directory signs for conditional uses shall not be larger than 40 (forty) square feet.

2.2.5 Advertising signs shall not be larger than 96 (ninety-six) square feet.

3. Mining of Sand and Gravel

3.1 Purpose

The purpose of these provisions is to provide for mining and extraction of sand and gravel for commercial uses, and to protect and preserve agricultural land by guiding such operations, and to minimize the traffic, noise, dust, fume and vibration impact on the adjoining uses and the road network.

3.2 Site Approval Requirements

All sand and gravel mining, excavation site require approval by Township excepting those related to farming and township road maintenance.

3.3 Data Submission Requirements

3.3.1 A site plan for operation and reclamation of the mined land including maps showing location of the land to be mined, location of roads and points of access to the site, maps showing the existing and proposed contours after the land is mined and a time table for operation of the site.

3.3.2 A guarantee that the reclamation of the site be completed within one year of the closure of the operation of the site.

3.3.3 Proof of compatibility with the existing land form including the vegetation, surface and ground water resources.

3.4 Proximity to Existing Uses

The operation of sand and gravel sites shall not be nearer than 500 (five hundred feet from any residential uses or 300 (three hundred) feet from non-residential uses.

3.5 Permit Requirements

Any person who operates a sand and gravel operation shall obtain a permit from Township before resuming any mining or excavation of the sand and gravel sites.

4. Sanitary Landfills and Solid Waste Sites

4.1 Compliance with North Dakota State Laws and Rules

Any person who operates sanitary landfills or solid waste sites shall comply with all North Dakota state laws and administrative rules set forth by the state agencies.

4.2 Compliance with County Ordinances and Procedures

Where a county solid waste ordinance exists, any person who operates a sanitary landfill or solid waste site shall comply with the County Ordinance, rules and procedures.

4.3 Township Ordinance and Procedures

The Township hereby adopts solid waste provisions, subject to the provisions of NDCC 11-33-20, to assure meeting the purposes of these regulations and the township comprehensive plan.

4.4 Purpose

The purpose of these provisions is to protect public health, ground and surface water, conflict with present land uses and preservation and protection of natural resources in the Township.

4.5 Site Approval Requirements

All solid sites require approval by Township Zoning Commission.

4.6 Locational Standards

4.6.1 No landfill, incinerator shall be located within 1,000 (one thousand) feet of residential uses, 500 (five hundred) feet of commercial buildings and structures.

4.6.2 No landfill shall be located in areas which due to high water table, flooding, or soil conditions may affect the quality of surface and ground water.

4.6.3 No landfill operation shall be located nearer than 200 (two hundred) feet of all road and highway rights-of-way.

4.7 Data Submission Requirements

4.7.1 Maps of the area showing existing features such as roads, highways, vegetation cover, water courses, drainage way, soils, topography, depth of water table, wet lands, sloughs, existing uses, buildings and structures including the existing utility lines.

4.7.2 A plan for operation of the site including a descriptive text explaining consistency or inconsistency with the natural or man made environment.

4.7.3 Records of data and information submitted to the state of North Dakota appropriate agencies and the county as a part of application for state and county permits.

4.7.4 The Zoning Commission may require additional information if it deems it necessary.

4.8 Statement of Findings

Upon the public notification and a public hearing the Zoning Commission shall determine whether the proposed site meets the requirements of these regulations. The Zoning Commission may place conditions for approval of the site.

5. Junk or Salvage Yards

5.1 Purpose

The purpose of these requirements is to preserve and protect the visual and other environmental amenities of the rural areas while allowing the salvage or junk yards as business places.

5.2 Site Approval Requirements

All sites for salvage and junk yards require approval by the Township Zoning Commission.

5.3 Locational Standards

5.3.1 No salvage or junk yard shall be located within 500 (five hundred) feet of a residential district and 200 (two hundred) feet of commercial buildings and structures.

5.3.2 No salvage or junk yard shall be located in areas which due to high water table, flooding and soil conditions may affect the quality of surface and ground water.

5.3.3 No salvage or junk yard shall be located nearer than 100 (one hundred) feet of all road and highway rights-of-way.

5.3.4 All salvage yards and operations shall be screened from the public view unless the salvage material is placed 500 (five hundred) feet away from any highway right-of-way and screened by natural vegetation, building and land form.

6. Utilities

6.1 Purpose

The purpose of these provisions is to encourage orderly development of utilities in relationship to the agricultural and nonagricultural uses and to provide for the safety of the Township residents.

6.2 General Requirements

6.2.1 The utilities include but not limited to electric power, electrical transmission lines, electrical towers and substations, natural gas pipelines, the petroleum product pipelines, water and sewer lines, telephone lines and other

above ground or underground communication and energy transfer lines and pipelines.

6.2.2 All new utility lines and pipelines require a permit from the Zoning Commission.

6.2.3 All new utility lines and pipelines are considered conditional uses and shall conform to the provisions of Section 8.2, Conditional Use Permit, of these regulations.

6.2.4 All pipelines, natural gas, petroleum pipelines and other energy transfer lines shall be placed deep enough in the ground so as to not interfere with or become hazardous to normal farming operations.

6.2.5 Excavation for tunneling of any pipelines under roads, farm drains, group drains and local drains shall be done by the company owning or leasing said pipelines and the cost of said excavation and damages to be born by the said company.

7. Public and Non-Profit Wildlife Management Areas

7.1 Purpose

These provisions are designed to address the need for Public Wildlife Management Areas and at the same time preserve and protect the interest of the township for its tax lease and investment in construction and maintenance of public roads.

7.2 General Requirements

7.2.1 All publicly owned and non-profit agency wildlife management areas established after adoption of these regulations require a conditional use permit.

7.2.2 If the area is leased for this purpose, the public agency is required to provide the following as a part of the petition for a conditional use permit:

(1) A road maintenance agreement specifying duties and responsibilities of the owner/lessee for access and through roads

(2) Duties and responsibilities of the owner/lessee for the control of noxious weeds in the wildlife management area.

7.2.3 If the land is purchased by a public agency for such a purpose, the public agency shall arrange for compensating the township for the loss of the property tax.

7.2.4 When a township road provides access to the wildlife management area, a road maintenance agreement specifying the duties and responsibilities of the public agency shall be a part of the conditional use permit.

8. Commercial Feedlots

8.1 Purpose

These regulations are designed to allow commercial feedlots for feeding of livestock, fur bearers and poultry at the same time protect the adjoining uses against odor, run off and other incompatible characteristics associated with feedlots.

8.2 General Requirement

8.2.1 All feedlots as defined by these regulations are only permitted as conditional uses subject to the provisions of Section 8.2 and the requirements of the North Dakota Health Department.

8.2.2 All feedlots shall be designed and constructed with all reasonable preventive measures to avoid surface run-off including construction of sealed collection and retention ponds.

8.2.3 Where appropriate, there shall be sufficient drainage to avoid pollution of the ground water from the standing effluents.

8.2.4 Feedlots shall not be placed in the floodplains.

8.2.5 The applicant, as a part of site approval application shall submit a plan for removal and disposal of the liquid and solid waste generated by the feed lot.

8.2.6 No feed lot shall be located nearer one mile or the distance set by the township board or supervisor from a residential development in the unincorporated area or corporate limits of a town.

Interpretation

These regulations shall be held to be minimum requirements adopted for promotion purpose of the Township. Whenever, the requirements of these regulations are at variance with the requirements of other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive shall govern unless otherwise specifically stated.

Severability

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

Effective Date

These regulations shall be effective upon adoption by the Township Board of Supervisors as provided by the North Dakota Century Code.

Now and therefore, be it resolved that the Township Board of Supervisors hereby adopts Dunbar Township Zoning Ordinance Amendment.

Beverly Buzichas 3-21-95
Township Clerk Date

Dennis L. Buzichas 3-21-95
Chairman Date

PERMIT FEE SCHEDULE

Application for building permit:

<u>Value of work to be done</u>	<u>Fee</u>
under \$500	no fee
\$501 - \$20,000	\$25
over \$20,000	\$20 + \$1 for each additional \$1000 in valuation

Application for Conditional Use Permit	\$50
Application for Zoning Amendment	\$50
Application for Variance	\$50

PREAMBLE

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR DUNBAR TOWNSHIP; THE INTENT OF WHICH IS TO:

- Promote the health, safety, morals, and general welfare of the township people and the orderly development of township lands;
- Preserve and maintain agricultural lands for farm use;
- To manage and control non-farm residential development;
- Promote the development of utility corridors which utilize the least productive agricultural land;
- Discourage development which exceeds the carrying capacity of the land, air, or water resources; and
- Discourage any development which places an excessive financial burden on the township or county government.

THIS ORDINANCE IS HEREBY ADOPTED EFFECTIVE THIS 14 DAY OF April, 1980.

Donald Colby
Dunbar Township Board President

Beverly Brezicka
Dunbar Township Clerk

ARTICLE I
INTRODUCTION

- I. Authority: This ordinance is adopted under the authority granted Chapter 58-03 of the North Dakota Century Code.
- II. Purpose: The purpose of this ordinance is to preserve the agricultural use of the land, promote the health, safety, morals, general welfare, and orderly development of Dunbar Township.
- III. Separability: If any provision or section of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.
- IV. Repeal: All other ordinances or parts of ordinances of Dunbar Township in conflict with this ordinance are hereby repealed.
- V. Title: This ordinance shall be known as "Zoning Ordinance of Dunbar Township".
- VI. Effective Date: This ordinance shall become effective after a public hearing and adoption by the Dunbar Township Board of Supervisors.

ARTICLE II

- I. Definitions: For the purpose of this ordinance, the following definitions shall apply:
 - A. Rules of Interpretation:
 1. Words in the present tense shall include the future tense; the singular shall include the plural.
 2. The word "person" includes a firm partnership, association, joint venture, corporation or trust, as well as an individual.
 3. The word "shall" is mandatory.
 - B. List of Definitions:
 1. Accessory Use or Accessory Structure: A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use, such as a garage or tool shed.
 2. Agriculture: The use of land for agricultural purposes, including the necessary buildings or structures for farm or farm labor use. Agriculture shall include farming, dairying, pasturage, horticulture, animal and poultry husbandry, and accessory uses and buildings for packing, treating or storing produce, provided accessory uses are secondary to normal agricultural activities.

3. Building: Any structure used for shelter or enclosure of persons, animals, or property.
4. Conditional Use: A use not normally appropriate in a particular zoning district but which, if controlled according to number, location and relationship to surrounding uses may not detract from the character of the district. Specific conditions set forth in this ordinance or otherwise stipulated by the Township Zoning Board shall be met before the use may be approved.
5. Dwelling: A building or portion thereof occupied exclusively for residential purposes, but not including mobile recreational vehicles.
6. Dwelling, Farm: A single-family dwelling or mobile home located on a farm and occupied by the farm's owner or person employed thereon.
7. Dwelling, Non-Farm: One and two-family dwellings and mobile homes located on a farm or otherwise from which property the occupant does not derive at least 50 percent of his income from agricultural activities.
8. Family: A group of one or more persons occupying a single premise and living as a single housekeeping unit.
9. Farm: Any aggregate area operated by one person, family, partnership, or joint venture for agriculture or farming purposes.
10. Feedlot: The use of land or buildings for the exclusive purpose of concentrated feeding or fattening of livestock for marketing.
11. Home Occupations: Any occupation carried on solely by the occupants of a residence provided that no more than one room of a dwelling shall be used for such purposes; no use shall require internal or external alteration or construction; any goods produced on the premises shall be sold; and no display of goods or services shall be visible from the road.
12. Junk Yard: Any land or building used for the storage, sale or dismantling of obsolete vehicles, junk and other machinery.
13. Lot: A parcel of land sufficient to meet the yard requirements of the regulations.
14. Mobile Home: A dwelling unit designed for transportation after construction. A recreational travel trailer shall not be considered a mobile home.
15. Non-Conforming Use: Any structure, building or tract of land existing at the time of adoption or amendment of this ordinance which does not conform to its provisions.

16. Public Wildlife Management Area: A parcel of land leased or owned by public agencies and maintained as open space for wildlife production and habitat.
17. Repair: Any change in a building for the purpose of keeping the property in an ordinary efficient operating condition which does not add to the value of the property nor appreciably prolong its useful life beyond its normal life expectancy.
18. Setback: The distance extending from any point of the full width of a lot between a building and the centerline of a public road or highway.
19. Structural Alteration: Any change in the supporting members or any substantial change in the roof or exterior walls of a building.
20. Transmission Lines: Electric transmission lines, coal, gas or petroleum products pipe lines; water distribution lines; communication lines.

ARTICLE III

GENERAL PROVISIONS

- I. Jurisdiction: The jurisdiction of this ordinance shall include all unincorporated areas of Dunbar Township.
- II. Compliance: No building or structure shall be erected nor shall land be used except in conformance with these regulations.
- III. Agriculture Exempted: The provisions of this ordinance shall not apply to, prevent or restrict the use of land or buildings for agriculture or any of the normal incidents of agriculture.
- IV. Interpretation: In interpreting and administering this ordinance, the provisions shall be held to be the minimum requirements unless otherwise specified. Where this ordinance imposes a greater restriction than existing law, the provisions of this ordinance shall govern.
- V. Non-Conforming Uses:
 - A. Non-conforming uses of land or buildings existing at the date of adoption or amendment of this ordinance may lawfully continue provided that no structural alterations shall be made and that no non-conforming use shall be extended to occupy a greater area of land.

- B. No building or structure formerly devoted to a non-conforming use shall again be devoted to a non-conforming use if: 1) the non-conforming use has been discontinued for at least one year, or 2) the non-conforming use has been changed to a permitted use.
 - C. A non-conforming structure destroyed or damaged less than 50 percent of its fair market value may be reconstructed within one year of such casualty. If damaged more than 50 percent of its fair market value, such building shall be reconstructed in conformance to these regulations.
- VI. Amendments: In accordance with Section 58-03-13 of the North Dakota Century Code, the Township Board of Supervisors may from time to time amend the provisions of this ordinance. Such amendment shall not become effective until after a public hearing at which parties of interest and citizens shall have the opportunity to be heard. At least 30 days notice of the time and place shall be published in the official newspaper of the county. The description of any land within any zoning district, together with any restriction therein, or any amendment to the zoning ordinance, shall be filed with the Township Board of Supervisors.

ARTICLE IV

DISTRICT REGULATIONS

- I. Establishment of District Regulations: For the purpose of these regulations, Dunbar Township is divided into the following zoning districts:
 - A - Agricultural District; and
 - R - Residential District.
- A. Zoning Map: The location and boundaries of the zoning districts are hereby established as shown on the map entitled "Zoning District Map", which accompanies and is hereby made a part of these regulations.
 - 1. Location of District Boundaries:
 - a. Where the district boundary lines on the Zoning District Map are indicated to follow highways, roads or railroad rights-of-way, such boundary lines shall be construed to be the centerline of said rights-of-way unless clearly shown to the contrary.
 - b. Where any uncertainty exists as to the exact location of district boundaries on the Zoning District Map, the Township Board of Supervisors shall determine the location of such boundaries.

II. A - Agricultural District:

A. Purpose: To establish and preserve areas of agriculture and low intensity development which do not significantly change the existing character of the area.

B. Description: All of Dunbar Township.

C. Permitted Uses:

1. Agriculture and agricultural buildings including farm dwellings;
2. Cemeteries;
3. Churches;
4. Existing railroad rights-of-way;
5. Home occupations; and
6. Accessory uses to the permitted uses.

D. Conditional Uses:

1. Schools;
2. Sanitary disposal facilities including landfills;
3. Commercial mining or gravel removal facilities;
4. Commercial feedlots;
5. Junk yards;
6. New and used machinery dealership;
7. Transmission lines and associated structures;
8. Parks or other open land recreational uses such as golf courses; race tracks; trap, rifle and archery ranges;
9. Commercial campgrounds;
10. Municipal wells and wells serving rural residential developments;
11. Public Wildlife Management Areas.

E. Special Conditions:

1. Transmission Lines:

- a. New transmission lines and associated structures shall be considered a conditional use and, as such, shall conform to all requirements put upon them by the Township Board of Supervisors.
- b. Plans and proposals for new utilities and transmission lines and their associated facilities shall be submitted to the Township Board of Supervisors for consideration and shall include rights-of-way plans, locations, sizes, and specifications of all proposed structures, poles, lines and installations. The Township Board of Supervisors shall authorize issuance of a conditional use permit upon a determination that the plans and proposals do not interfere with: 1) The orderly development and safety of the township; and 2) the reasonable established future plans of adjoining townships.

- c. All above ground transmission lines shall be located on section lines or quarter-section lines, where possible.
 - d. All buried transmission lines shall be placed deep enough to not constitute a hazard to normal farming operations.
 - e. Excavations for tunneling of any transmission lines under roads, farm drains, group drains and local drains shall be carried out by the person owning or leasing said transmission lines, and all costs shall be borne by said person.
2. Sanitary Regulations: All residential, commercial or industrial structures shall conform to the North Dakota Health regulations as they refer to wells, irrigation, and septic and sanitary systems.
3. Shelter Belts: No shelter belts or major tree plantings shall be established closer than 150 feet from all section lines and the centerlines of all township and county roads and state highways.
4. Surface Excavation and Mining of Sand, Gravel, Rock:
 - a. A written reclamation agreement shall be negotiated between the mine operation/surface owner and the Township Board of Supervisors.
 - b. A written agreement shall be negotiated between the mine operator/surface owner and the Township Board of Supervisors specifying that excavation or processing shall not take place within 300 feet of an adjacent property line or within 500 feet of an existing residence.
 - c. The applicant shall conform to all requirements regarding preservation, removal or relocation of historical or archaeological artifacts.
 - d. A road maintenance contract shall be negotiated with the Township Board of Supervisors stating responsibilities for maintaining those roads used as haul routes by the person(s) removing the gravel.
5. Residential Development:
 - a. Density: There shall be no more than (20) non-farm dwellings per 640 acres, except for pre-platted areas.
 - b. Minimum Dimensional Standards of Non-Farm Dwellings:
 1. Setback - 150 feet
 2. Lot size - 20 acres
 3. Lot width - 150 feet
 4. Side yard - 24 feet
 5. Height - 35 feet maximum
6. Public Wildlife Management Areas:
 - a. Before the Township Board of Supervisors may issue a conditional use permit, it shall negotiate with the owner/lessee:

1. A road maintenance contract specifying duties and responsibilities of the owner/lessee of access and through-roads;
2. Duties and responsibilities of the owner/lessee for the control of noxious weeds in the wildlife management and conservation area.

F. Dimensional Standards:

1. Setbacks: All buildings - 150 feet.

III. R - Residential District

A. Purpose: To establish areas for low intensity residential development that are harmonious with the predominant agricultural environment of the township.

B. Description: The S $\frac{1}{2}$ SW Quarter of Section 31 is established as a residential district until such time as the governing body of Forman would choose to exercise their extra territorial zoning jurisdiction one-half mile beyond their corporate limits.

C. Permitted Uses:

1. Non-farm dwellings;
2. Churches;
3. Parks and other public recreational areas;
4. Municipal wells and wells serving rural subdivisions;
5. Customary accessory uses; and
6. Home occupations.

D. Conditional Uses:

1. Sanitary disposal facilities such as sewage lagoons and sanitary landfills;
2. Radio or television towers;
3. Commercial campgrounds;
4. Transmission lines and associated structures.

E. Dimensional Standards:

1. Lot:

- a. Area - $\frac{1}{2}$ acre
- b. Width - 125 feet

2. Yard:

- a. Setback - 150 feet from township, county and state roads; 70 feet from centerline of residential streets.

3. Height: 35 feet, maximum.

4. Side Yard - 24 feet.

ARTICLE V

ADMINISTRATION AND ENFORCEMENT

- I. Zoning Administrator: The Zoning Administrator shall be appointed by the Township Board of Supervisors. The Zoning Administrator shall have the following duties:
 - A. Issue all permits;
 - B. Conduct inspections of buildings;
 - C. Maintain records of the regulations and permits;
 - D. Transmit to the Township Board of Supervisors.
- II. Township Board of Supervisors: The board shall have the following duties:
 - A. Establish rules, regulations, and procedures for the purpose of administering the zoning ordinance;
 - B. Assist the Zoning Administrator in conducting inspections of buildings and administering the zoning ordinance;
 - C. Hear and decide appeals where it is adjudged by an applicant that an error in judgement has been made by the Zoning Administrator.
 1. Any person aggrieved by the provisions of these regulations or by any order of determination of the Zoning Administrator may within 60 days of such action petition for a hearing to the Township Board of Supervisors. Such appeal shall be in writing and shall specify in detail the grounds for appeal.
 - a. Procedure:
 - 1) Appeals shall be filed with the Zoning Administrator.
 - 2) Within 30 days of filing, the Township Board of Supervisors shall fix a date for a hearing which shall be held within 60 days of the filing date of the petition.
 - 3) Notice in writing of the hearing date shall be given to the petitioner at least 5 days prior to the hearing.
 - 4) Within 30 days after the hearing, the Township Board of Supervisors shall take action and shall notify, by registered mail, a copy of its order to the petitioner.
 - D. Review and study from time to time the provisions of the regulations.

E. Authorize variances from the provision of this ordinance.

1. As used in this ordinance, a variance is authorized only for height, area or size of structures or yards. Establishment or expansion of a use otherwise prohibited shall not be allowed by a variance nor shall a variance be granted because of the presence of non-conformities in a zoning district. No variance shall be authorized unless the Township Board of Supervisors finds, beyond a reasonable doubt, that all of the following conditions exist:
 - a. That there are exceptional or extra-ordinary circumstances applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of use in the same zoning district.
 - b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.
 - c. That the authorization of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the regulations or the public interest.
 - d. That the owner cannot otherwise obtain a reasonable return on his property.
 - e. That the hardship is not self-created.
 - f. That the variance request is the minimum necessary to permit a reasonable use of the land.

F. Authorize conditional use permits;

1. No permit pertaining to the conditional use of land or buildings shall be issued unless:
 - a. An application for a conditional use permit has been submitted to the Township Board of Supervisors for review;
 - b. The Board has notified adjacent landowners and has considered their comments;
 - c. The Board had made written findings certifying compliance with State rules regarding health and safety and that, where applicable, satisfactory provision for the following has been made:
 - 1) Entrance and exits to property with reference to public safety, traffic flow and convenience;
 - 2) Parking and loading requirements of the specific use;
 - 3) General compatibility with the surrounding property with due consideration for noise, odor or other adverse effects;
 - 4) Required open space and yards;
 - 5) Any other applicable circumstance that may need further attention

- III. Permits: No structure or land used for residential, commercial, or industrial purposes including accessories thereto, shall hereafter be built, altered or moved until a permit has been obtained from the Zoning Administrator. No permit shall be required for maintenance or repair of any building which does not alter the plan of the structure.
- IV. Penalties: A violation of this ordinance shall be punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days or both. In addition, any person violating the ordinance shall pay all costs and expenses involved in the case. Each day such violation continues shall constitute a separate offense. The township may take such other lawful action necessary to prevent or remedy any violation as prescribed in Section 58-03-14 of the North Dakota Century Code.
- V. Fees: For the purpose of administering this ordinance, fees may be established by the Township Board of Supervisors.

