CASSELTON/EVEREST JOINT TOWNSHIP

ZONING ORDINANCE

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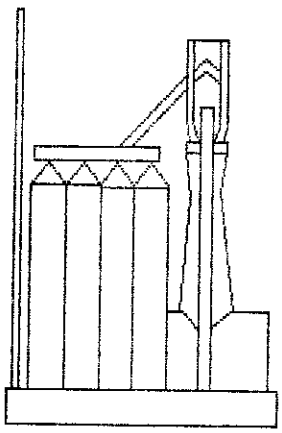

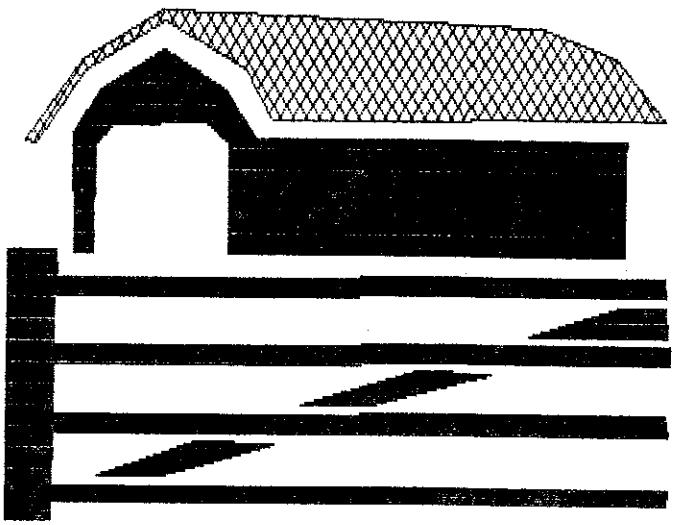

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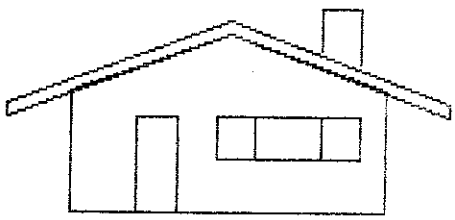


A

RESOLUTION

WHEREAS, the Casselton Township Board of Supervisors and the Everest Township Board of Supervisors, in conjunction with the Casselton-Everest Joint Township Zoning Commission, composed of members from the affected areas, have investigated and determined the necessity of amending the "Casselton-Everest Joint Township Zoning Ordinance"; and

WHEREAS, after investigation and consultation with the Cass County Planning Department, the Joint Township Zoning Commission has prepared an amended "Casselton-Everest Joint Township Zoning Ordinance" to be submitted herewith to the Casselton Township Board of Supervisors and the Everest Township Board of Supervisors and filed in the office of the Township Clerks and the Cass County Planning Department; and

WHEREAS, after filing of the proposed amended Ordinance, the Joint Township Zoning Commission held a public hearing thereon at which the proposed amendments were submitted for discussion, and parties in interest and citizens had an opportunity to be heard. Notice of the time, place, and purpose of the hearing was published fifteen days prior to the hearing in the official newspaper of the County and the official newspaper of the municipality. Said notice described the nature, scope, and purpose of the proposed rules and regulations, and stated the times at which it would be available to the public for inspection and copying at the office of the Cass County Planning Department; and

WHEREAS, the Joint Township Zoning Commission has approved this draft of the amended "Casselton-Everest Joint Township Zoning Ordinance" and recommends it be adopted by the Casselton Township Board of Supervisors and the Everest Township Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Casselton Township Board of Supervisors and the Everest Township Board of Supervisors hereby adopt the amended "Casselton-Everest Joint Township Zoning Ordinance".

Approved and adopted this 28 day of January 1992.

Don Tabermacher
Chairman, Casselton Township

Tom Tugen
Chairman, Everest Township

ATTEST:

Dayton B. Byram
Clerk, Casselton Township

I. B. Weber
Clerk, Everest Township

Article I

Introduction

I. Authority: This ordinance is adopted under the authority granted in Chapter 58-03 of the North Dakota Century Code.

II. Purpose: The purpose of this ordinance is to:

1. Implement the Casselton and Everest Township Comprehensive Plan
2. Promote public health, safety, & general welfare
3. Preserve prime agricultural land and property values
4. Facilitate provision of adequate public facilities
5. Control population density & distribution
6. Secure safety from fire, flood, panic, & other dangers
7. Prevent overcrowding of land.
8. Lessen governmental expenditures
9. Conserve & develop natural resources
10. Regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures; and land for trade, industry, residence, or other purposes.

III. Severability: 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 ordinance of Casselton and Everest Township in conflict with this ordinance are hereby repealed.

V. Title: This ordinance shall be known as "Zoning Ordinance of Casselton and Everest Township".

VI. Effective Date: This ordinance shall become effective after a public hearing adoption by the Casselton and Everest Township Board of Supervisors.

Article II

General Provisions

I. Jurisdiction: The jurisdiction of this ordinance shall include all unincorporated areas of Casselton and Everest Township, except that area under the jurisdiction of the city of Casselton through the city's execise of its extraterritorial zoning jurisdictional area.

II. Compliance: Except as hereinafter provided, no building, structure, o land shall be erected, repaired, or used except in conformance with this ordinance.

III. Agriculture Exempted: Nothing in this ordinance shall be applied for the purpose of preventing or prohibiting the use of land or buildings for agriculture or any of the normal incidents of agriculture.

IV. Interpretation: In the interpretation and application of this ordinance the provisions of this ordinance shall be held to be the minimum requirements. Where this ordinance imposes a greater restriction than existing law, the provisions of this ordinance shall govern.

V. Non-Conforming Uses:

1. Lawful, non-conforming uses of land or buildings existing at the date of adoption of this ordinance may continue provided no structural alterations except for normal maintenance are made and such non-conforming uses shall not be extended to occupy a greater area of land that occupied at the time of adoption.

2. No building or structure destroyed where a non-conforming use has been discontinued for a period of 1 year or has changed to a permitted use shall again be devoted to a non-conforming use.

3. A non-conforming structure destroyed or damaged less than 50 percent of its fair market value may be reconstructed within 1 year of such casualty. If damaged more than 50 percent of its fair market value, such building shall be reconstructed in conformance to this ordinance.

4. The provisions of this section shall not be applicable to conditional uses or any use made non-conforming by a change in district regulations.

VI. Amendments: In accordance with Section 58-03-13 of the North Dakota Century Code, the Board of Township 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 15 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 Board of Township Supervisors.

VII. Definitions: For the purpose of this ordinance, the following definitions have been adopted:

A. Rules:
1. Words used in the present shall include the future, the singular number shall include the plural.
2. The word "person" includes a firm, partnership, association, corporation, or individual.
3. The word "shall" is mandatory.

B. List of Definitions:
1. Agriculture: The use of land for agricultural purposes, including the necessary building 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, providing accessory uses are secondary to normal agriculture activities.

2. 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.

3. Building: Any structure used for shelter or enclosure of persons, animals, or chattels.

4. Conditional Use: A use conditionally permitted in order to reduce any adverse effects on surrounding property.

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 which is occupied by the farm's owner or person employed thereon.

7. Dwelling, Non-Farm: One and two-family dwellings located on a farm or otherwise of which 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, corporation, 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. The application of feedlot regulations shall be limited to non-farm related enterprises.

11. Home Occupations: Any occupation carried on solely by the occupants of a residence provided: that no more than one room of a dwelling be used for such purposes; no use shall require internal or external alteration or construction; that anything not produced on the premises is sold; and no display of goods or services is 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 provide the yard requirements of the ordinance.

14. Manufactured Housing (Mobile Home and Pre-builts): A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 600 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with permanent foundation when connected to the required utilities.

15. Non-Conforming Use: Any structure, land, or building existing at time of adoption or amendment of this ordinance which does not conform to the provisions of the ordinance.

16. Setback: The open space extending the full width of a lot between a building and the centerline of a public road.

17. Structural Alteration: Any change in the supporting members or any substantial change in the roof or exterior walls of a building.

18. Variance: The grant of relief from the requirements of the ordinance where it can be shown that due to unusual conditions of the property, strict application of the ordinance would result in undue hardship.

Article III

District Regulations

I. Establishment of District Regulations: For the purpose of this ordinance, the entire area of Casselton and Everest Township is zoned agricultural.

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 the ordinance.

1. Location of District Boundaries

a) Where the district boundary lines on the Zoning District Map are indicated to follow highway, road, 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 on the Zoning District boundary line, the Township Board of Supervisors, with a recommendation from the Zoning Commission, shall determine the location of such boundary lines.

II. Agricultural District:

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

B. Permitted Uses: Agriculture and agricultural buildings, including farm dwellings, non-farm dwellings, cemeteries, churches, existing railroad rights of way, home occupations, accessory uses to the permitted uses.

C. Conditional Uses: The following uses may be permitted with conditions as set by the Township Board of Supervisors:

1. Grain elevators and storage facilities

2. Public and parochial schools and other public facilities

3. Public and private conservation areas

4. Parks, recreational facilities, and open space

5. Commercial feed lots

6. High voltage transmission lines and accessory buildings and structures

7. Industrial, municipal, and/or commercial pipelines

8. Radio, television, and/or telephone microwave transmitting stations

9. Sewage treatment, solid waste disposal, and water treatment facilities

10. Other uses not listed but compatible with the purpose of the district.

D. Dimensional Standards:

1. Setbacks: Structures - 100 feet
Windbreaks - As specified by the Township Board of Supervisors

2. Lot Size:
   a. Lot area Required: 240,000 square feet.
   b. Lot Width Required: 100 feet.
   c. Lot Coverage by Buildings: Not more than 25 percent
   d. Lot Depth: Minimum depth 120 feet.

3. Yard Requirements:
   a. Front Yards: 50 feet.
   b. Building Height Limits: Two and one-half stories, but not exceeding thirty-five feet in height.
   c. Side Yards Required: 15 feet.
   d. Rear Yard Required: 25 feet.
   e. Non-attached Accessory Building Setbacks: 5 feet from rear and side property lines.

III. Residential District:

A. Purpose: The purpose of the Residential District is to encourage the establishment and preservation of low density residential neighborhoods characterized primarily by single-family dwellings. It is further to provide for certain other uses such as educational, religious and recreational activities compatible with residential areas and to reserve undeveloped lands for similar types of residential development.

B. Permitted Uses: 1. Agriculture and the normal incidents to agriculture.

2. Residential/Single-family dwellings and two-family dwellings.

3. Cultural, Educational and Social - Libraries; kindergartens; public schools of primary and secondary

instruction and private schools having curricula for education purposes comparable to those in public elementary schools and high schools; neighborhood day care facilities.

4. Recreational- Publicly owned and operated parks; playgrounds; golf courses, bicycle and pedestrian paths; and other public recreational facilities as are compatible with residential neighborhoods.

5. Home for temporary lodging and meals.

C. Conditional Uses:
1. Public - Fire stations, police stations, and post offices.

2. Religious - Churches; synagogues; temples; provided they are not located in structures originally constructed as a dwelling unit.

3. Temporary use of a one family dwelling as a two family dwelling.

D. Permitted Accessory Uses:
1. Home Occupations
2. Private garages and storage buildings.
3. Playhouses and fenced swimming pools.
4. Landscaping items.
5. Energy systems associated with residential uses such as solar collectors.
6. Nature areas, hiking and riding trails, and wildlife preserves.
7. Decks; however a deck shall not need a zoning certificate if the total area is under 100 square feet, except a deck which is connected to the roof in some manner or cantilevered off a wall of the building.
8. One unregistered vehicle unless the vehicles are enclosed by a structure.

E. Prohibited Uses:
1. All other uses not specifically granted as a permitted use nor a conditional use in this district.

F. Minimum Lot Size and Yard Requirements:
1. Lot Size:
   a. Lot area Required: 40,000 square feet.
   b. Lot Width Required: 100 feet.
   c. Lot Coverage by Buildings: Not more than 25 percent
   d. Lot Depth: Minimum depth 120 feet.

2. Yard Requirements:
   a. Front Yards: 50 feet.

b. Building Height Limits: Two and one-half stories, but not exceeding thirty-five feet in height.
c. Side Yards Required: 15 feet.
d. Rear Yard Required: 25 feet.
e. Non-attached Accessory Building Setbacks: 5 feet from rear and side property lines.

IV. Commercial District:

A. Purpose: To establish and preserve areas for the development of local commercial activity that allows for easy access to transportation facilities but does not create strip or spot commercial development.

B. Permitted Uses: 1. Agriculture and the normal incidents to agriculture;

2. Retail, General: Animal hospitals, shelters, and veterinary clinics, (excluding any outside pens and exercise yards); antique stores; appliance sales and repair stores; bakery outlet; boat, snowmobile and motorcycle sales, service and repair; book stores; carpet stores; commercial film developing and processing; confectioneries; dairy products; dance studios; department stores; drapery stores; drug stores; fabric stores; florists; furniture and home furnishings; general contractors (office only); general merchandise; hardware stores; health food stores; hobby shops; interior decorating; jewelry stores; laundries, including laundromats and dry cleaning stores; liquor stores; luggage stores; mail-order houses; meat markets; music stores; office equipment; optical centers; paint and wallpaper stores; pawn shops; pet shops (excluding kennels); pharmacies; photography stores; plumbing and heating shops (excluding contractor's yards); printing shops; sale of wearing apparel of all kinds; rental establishments; shoe stores; sporting goods; supermarkets; tailor shops; tobacco shops; transportation terminal; travel agencies; variety stores; watch and clock sales and repair.

3. Service, General: Beauty salons; bus and train stations; cable TV distributors; clinics - dental, medical, chiropractic; hotels and motels; insurance office; locksmiths; massage parlors; shoe repair; mortuaries and funeral homes; publishing and bookbinding establishments; radio and television broadcasting studios and offices; realty offices.

4. Agricultural Service Establishments.

5. Automotive Services: Automobile sales, carwashes, service stations, automobile parts and accessories, automotive repair shop -- (excluding salvage yards); automobile and truck body repair shop; auto glass sales and service, parking garage.

6. Cultural and Educational: Barber and beauty schools; business colleges; cultural centers such as museums, art galleries or community learning resource centers; modeling schools; trade and vocational schools.

7. Entertainment: Billiard parlors; bowling alleys; cocktail lounges; roller skating and similar indoor recreational uses; night clubs; private clubs or lodges; theaters (excluding outdoor drive-in theaters).

8. Financial Services: Banks and savings and loans, including drive-in facilities; credit unions, loan agencies; financial planning agencies.

9. Health and Social: Hospitals, health clubs - to include tennis, handball, racquetball, aerobic dance, bodybuilding and weight and diet related facilities.

10. Professional and Business: Business and professional offices.

11. Public/Semi-Public Establishments: Armory; civic centers, city, county, state and federal offices; libraries; parks and playgrounds; police and fire stations; telephone exchange buildings.

12. Religious: Churches; synagogues; temples.

13. Restaurants: Cafes; restaurants, drive-in type restaurants.

14. Parking Lots.

15. Nonfarm dwellings.

16. Manufacturing provided:
    a. odor and/or noise from the plant do not negatively impact adjacent properties.
    b. adequate physical separation from adjacent properties is provided for in the form of trees, hedges, fences.

17. Other: Uses not listed but similar to the permitted uses above and consistent with the stated purpose of this district.

C. Conditional Uses: The following uses may be permitted with conditions as set by the Township Board of Supervisors:
1. Home for temporary lodging and meals.
2. Dwelling units.
3. Retirement, nursing, rest or convalescent homes.
4. Kennels.
5. Salvage yards.
6. Yard areas containing general contractor's supplies and equipment.
7. Outdoor drive-in theaters.
8. Warehouses
9. Agricultural related processing plants provided:
   a. odor and/or noise from the plant do not negatively impact adjacent properties.
   b. adequate physical separation from adjacent properties is provided for in the form of trees, hedges, fences.
10. Temporary use of a one family dwelling as a two family dwelling.
11. Signs and Billboards.

D. Prohibited Uses: All other uses not expressly permitted as of right or on conditions are prohibited from being located within this District.

E. Minimum Lot Sizes and Yard Requirements:
1. Lot Size:
   a. Lot area Required: 40,000 square feet.
   b. Lot Width Required: 100 feet.
   c. Lot Coverage by Buildings: Not more than 25 percent
   d. Lot Depth: Minimum depth 120 feet.

2. Yard Requirements:
   a. Front Yards: 50 feet.
   b. Building Height Limits: Two and one-half stories, but not exceeding thirty-five feet in height.
   c. Side Yards Required: 15 feet.
   d. Rear Yard Required: 25 feet.
   e. Non-attached Accessory Building Setbacks: 5 feet from rear and side property lines.

ARTICLE IV

Supplementary District Regulations

I. Yard Regulations: All Districts
A. Visibility at Intersections in Residential Districts: On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede

vision between a height of thirty (30) inches and eight (8) feet within a thirty (30) foot radius of the point from the intersection of the two roadways.

B. Fences, Walls and Hedges:
No fence, wall or hedge shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of thirty (30) inches and eight (8) feet where it will interfere with traffic or pedestrian visibility from a driveway or alley to a public way. The regulations shall apply unless it can be demonstrated to the Zoning Administrator that the structure provides an unobstructed view so as not to create a safety hazard.

C. Yard Encroachments:
Every part of a yard or court shall be open and unobstructed by any building or structure, from its lowest point upward, except as follows:

1. Accessory structures, as governed by the Ordinance, are permitted in rear yards.

2. Awnings, balconies, sills, cornices, buttresses, and eaves may project not more than five (5) feet over or half the distance of the required side yard, whichever is less.

3. Walks, steps for negotiating ground slopes, retaining walls, hedges and natural growth, fences, paved terraces and paved areas.

4. Structures used ornamentally or for gardening or for private recreation purposes,and structures for essential services, all accessory to and customarily incidental to the principal use, are permitted in yards and courts and solar energy systems not included in the floor area of the building are permitted in side yards, provided that a side yard strip three (3) feet in width adjoining the side line of the lot shall be unobstructed by any structure or feature, except a fence or retaining wall.

5. Uncovered porches may not extend more than three (3) feet into any required side yard.

6. Open work fire balconies and fire escapes may extend not more than three (3) feet into a required yard or court.

7. Chimneys and flues may extend not more than two (2) feet into a required yard or court.

8. Front yard encroachments - add-on entry ways to existing residential dwellings may encroach into a front yard of 25

5. All sources of artificial light other than street lights shall be fixed, directed or designed so as not to measurably increase the amount of light to any abutting residential lot.
6. No sign can be of a height so that if it falls it will project over half way across a street right-of-way.
7. For home occupation use it is permissible to have one sign, not to exceed two square feet, non-illuminated, and mounted flat against the wall of the principal building.

III. Fences:

A. Location: All boundary line fences shall be located entirely within the private property of the person, firm or corporation constructing or causing the construction of such fence.

B Construction and Maintenance: Every fence shall be constructed in a substantial workmanlike manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a public or private nuisance. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the Zoning Administrator is hereby authorized to commence proper proceedings for the abatement thereof.

C. Barbed Wire Fences: shall not be permitted, used or constructed except in commercial and agricultural districts as hereinafter provided.

D. Residential District Fences: all residential fences shall be placed within the property being fenced.
1. Fences shall be setback one foot from property line.
2. Fences along side property lines shall not be more than eight (8) feet in height from the rear lot line to a point on such side property line which would be intersected by the front wall line of the existing principal structure on the lot.
3. Fences along any rear property line, which is also the side or rear property line of an abutting lot shall not exceed eight (8) feet in height.
4. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced.

E. Commercial District Fences: all commercial fences shall be placed within the property being fenced.
1. Fences shall be setback one foot from property line.
2. Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on

which barbed wire can be fastened commencing at a point at least seven (7) feet above the ground.

F. Special Purpose Fences: Fences for special purposes and fences differing in construction, height, or length may be permitted by the Zoning Administrator in any district in the Township provided that reasons submitted by the applicant demonstrate the purpose is necessary to protect, buffer or improve the premises for which such fence is intended. The Zoning Administrator may stipulate the height, location, construction and type of special fence thereby permitted.

IV. Manufactured Housing (Mobile Home or Pre-built Home): Manufactured Housing may be located in Casselton and Everest Townships provided:

A. A zoning certificate has been issued by the Township.
B. The structure meets or exceeds the National Manufactured Housing Construction and Safety Standards Act (42 U.S.C. §§ 5401 et seq. (1976).
C. The structure is placed on a permanent cement foundation and given skirts.
D. The structure must have a living area of at least 600 square feet.
E. The structure must have tie-downs.

Article V

Certificate Required

I. Certificate of Zoning Compliance: No building or other structure shall be erected, moved, added to or structurally altered without a certificate issued by the Zoning Administrator. No certificate shall be issued except in conformity with the provisions of this Ordinance except after written order from the Township Board of Supervisors.

1. Permitted Use:
   A. Applications: All applications for certificates shall be accompanied by site plans and estimated costs. The site plans shall be drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; existing or proposed parking; the number of families, housekeeping units, or rental

units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.

B. Expiration: If the work described in any certificate has not begun within twelve (12) calendar months from the date of issuance thereof, or such work described ceases for a period of twelve (12) calendar months, or if work described in the certificate is not completed within twenty-four (24) months said certificate shall expire. Time limitations cited above shall also apply to accessory buildings. The Zoning Administrator may grant a reasonable extension subject to the demonstration of a hardship condition. If canceled by the Zoning Administrator, a written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a new certificate has been obtained.

C. Construction and Use to be as Provided in Applications, Plans, and Certificate: Certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be a violation of this Ordinance.

D. Approval of Lot for Development: Prior to issuance of certificate, the applicant must provide a letter from the Cass County Planning Department stating that the lot has been approved by the county for development.

E. Septic Permit Condition to Certificate: When, for any use, a private sewer system will be used, a septic permit from the Environmental Health Office of the Community Health Dept. of the City of Fargo will be required before any certificate is issued.

F. Building Standards: All structures or buildings shall conform to the requirements of the Uniform Building Code and amendments thereto adopted by the state of North Dakota.

G. Electrical Standards: All structures or buildings shall have electrical installations which conform with the requirements of the National Electrical Code and the North Dakota Electrical Code.

2. Conditional Use:

A. Applications: All applications for conditional use certificates shall be accompanied by site plans. The site plans shall be drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; existing or proposed parking; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.

B. Conditions May Be Imposed: If the Township Board grants the conditional use, the Board may impose such conditions, including time limits, as may be deemed necessary for or appropriate to serve the purposes of the Comprehensive Plan, the Zoning Ordinance and to protect the public health, safety and welfare.

C. Criteria for Approval: No conditional use shall be granted unless the Township Board finds the following:

1. The use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to service the area.

2. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land.

3. The structure and site shall have an appearance that will not have any adverse effect upon adjacent residential properties.

4. The use in the opinion of the Township Board is reasonably related to the existing and projected land use of the Township.

5. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

6. The use is not in conflict with the Comprehensive Plan

of the Township.

D. Public Hearing: When considering an application for a conditional use, the Zoning Commission shall hold a public hearing. At least fifteen (15) days prior to the date of hearing, notice of the purpose, time and place of such hearing shall be published in the official newspaper of Cass County. The applicant shall mail, by registered mail, notice of the public hearing to property owners within one-half mile of the proposed development site.

E. Order a Certificate be Issued: If the Township Board of Supervisors approve the conditional use application, the Board shall order the Zoning Administrator to issue a certificate of zoning compliance.

F. Expiration: Where applicable, unless otherwise specified by the Board at the time it is authorized, a conditional use shall expire if the applicant fails to utilize such conditional use within one (1) year from the date of its authorization.

No application for a conditional use of a particular piece of property shall be accepted more than once in any twelve (12) month period except.

G. Construction and Use to be as Provided in Applications, Plans, and Certificate: Certificates issued on the basis of plans and applications approved by the Township Board of Supervisors authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be a violation of this Ordinance.

H. Approval of Lot for Development: Prior to issuance of certificate, the applicant must provide a letter from the Cass County Planning Department stating that the lot has been approved by the county for development.

I. Septic Permit Condition to Certificate: When, for any use, a private sewer system will be used, a septic permit from the Environmental Health Office of the Community Health Dept. of the City of Fargo will be required before any certificate is issued.

J. Building Standards: All structures or buildings shall conform to the requirements of the Uniform Building Code and amendments thereto adopted by the state of North Dakota.

K. Electrical Standards: All structures or buildings shall have electrical installations which conform with the requirements of the National Electrical Code and the North Dakota Electrical Code.

3. Variance: As used in this ordinance, a variance is authorized only for height, area, or size of structures or yards.

A. Application: All applications for Variances shall be accompanied by site plans. The site plans shall be drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; existing or proposed parking; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.

B. Conditions May Be Imposed: If the Township Board grants the variance, the Board may impose such conditions, including time limits, as may be deemed necessary for or appropriate to serve the purposes of the Comprehensive Plan, the Zoning Ordinance and to protect the public health, safety and welfare.

C. Criteria for Approval: No variance shall be granted unless the Township Board finds the following:

1. That there are exceptional or extraordinary circumstances applying to the property in question or to the intended use of the property that do not apply generally to other properties or class or use in the same zoning district.

2. 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.

3. That the authorization of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the ordinance or the public interest.

4. The owner cannot otherwise obtain a reasonable return on this property.

5. The hardship is not self-created.

6. The variance request is the minimum necessary to permit a reasonable use of the land.

D. Public Hearing: When considering an application for a variance, the Zoning Commission shall hold a public hearing. At least fifteen (15) days prior to the date of hearing, notice of the purpose, time and place of such hearing shall be published in the official newspaper of Cass County. The applicant shall mail, by registered mail, notice of the public hearing to property owners within one-half mile of the proposed development site.

E. Order a Certificate be Issued: If the Township Board of Supervisors approve the variance application, the Board shall order the Zoning Administrator to issue a certificate of zoning compliance.

F. Expiration: Where applicable, unless otherwise specified by the Board at the time it is authorized, a variance shall expire if the applicant fails to utilize such variance within one (1) year from the date of its authorization.

No application for a variance of a particular piece of property shall be accepted more than once in any twelve (12) month period.

G. Construction and Use to be as Provided in Applications, Plans, and Certificate: Certificates issued on the basis of plans and applications approved by the Township Board of Supervisors authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be a violation of this Ordinance.

H. Approval of Lot for Development: Prior to issuance of certificate, the applicant must provide a letter from the Cass County Planning Department stating that the lot has been approved by the county for development.

I. Septic Permit Condition to Certificate: When, for any use, a private sewer system will be used, a septic permit from the Environmental Health Office of the Community Health

Dept. of the City of Fargo will be required before any certificate is issued.

J. Building Standards: All structures or buildings shall conform to the requirements of the Uniform Building Code and amendments thereto adopted by the state of North Dakota.

K. Electrical Standards: All structures or buildings shall have electrical installations which conform with the requirements of the National Electrical Code and the North Dakota Electrical Code.

Article V

Administration and Enforcement

I. Zoning Administrator: A person shall be appointed by the Township Board of Supervisors to administrate and enforce this ordinance. The person appointed shall be known as the "Zoning Administrator". He may be provided with the assistance of such other persons as the Township Board of Supervisors may direct.

Duties of the Zoning Administrator shall include:

1. Issuance of all certificates,
2. Conduct inspections,
3. Maintain records of the ordinance and applications,
4. Transmit to the Zoning Commission all applications for appeals, variances, conditional use certificates, and all applications for amendments.

II. Zoning Commission: A Zoning Commission shall be appointed with the membership composed of two Township Supervisors from each Township and two persons appointed from the municipality in the Township.

The duties of the Zoning Commission shall be:

1. Recommend the establishment of plans, rules, regulations, and procedures for the purpose of administrating this ordinance.

2. Assist the Zoning Administrator in conducting inspection of land uses and administrating this ordinance.

3. Hear and forward recommendations on appeals where it is adjudged by the applicant that an error in judgement has been made by the Zoning Administrator.

A. Procedure:

i. Any person aggrieved by any order of determination of the Zoning Administrator may within 60 days of such action petition the Zoning Commission for a hearing. Such appeal shall be in writing and shall specify in detail the grounds for the appeal. The appeal shall be filed with the Zoning Administrator.

ii. Within 30 days of filing, the Zoning Commission shall fix a date for a hearing.

iii. Notice in writing shall be given to the petitioner at least 5 days prior to the hearing.

iv. Within 15 days after the hearing, the Zoning Commission shall take action and shall mail by registered mail a copy of its order to the petitioner.

v. If the petitioner is aggrieved by the determination of the Zoning Commission, the petitioner may petition the Township Board of Supervisors for a hearing.

vi. The procedure followed by the Zoning Commission shall be followed by the Township Board of Supervisors in hearing the appeal petition.

vii. If the petitioner is aggrieved by the determination of the Township Board of Supervisors, the petitioner may make an appeal to the Cass County District Court. This appeal must be taken in accordance with the procedure provided in Section 28-34-01 of the North Dakota Century Code.

4. Conduct public hearings and forward recommendations to the Township Board of Supervisors on applications for conditional uses, variances, and amendments of this ordinance

5. Review and study from time to time the provisions of this ordinance.

III. Township Board of Supervisors: Each Township Board of Supervisors shall have final authority in all matters of this ordinance pertaining to land uses within that particular Township.

IV. Violations: If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure, or land is used, in violation of this ordinance, the Zoning Administrator, Zoning Commissioners, or Township Supervisors, or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceeding as outlined in Section 58-03-14 of the North Dakota Century Code.

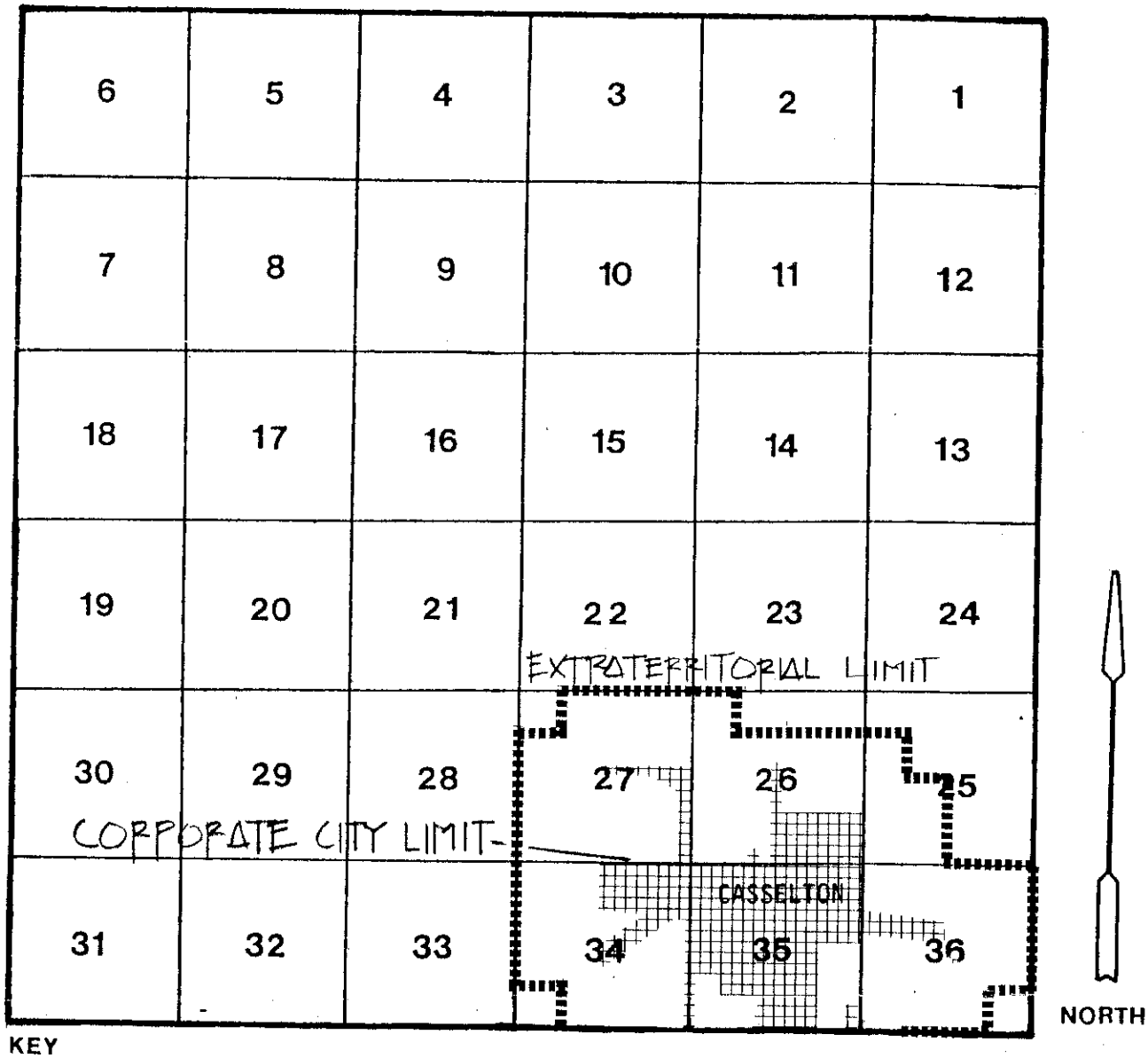
V. Fees: For the purpose of administrating this ordinance, fees may be instituted by the Board of Township Supervisors.

Official
Zoning District Map

CASSELTON

TOWNSHIP 140 N

RANGE 52 W



KEY

Agricultural District

Date Adopted:
2-3-92

BY:
Ron Rodenmacher
Chair, Township Board

Amended: _____ _____ _____

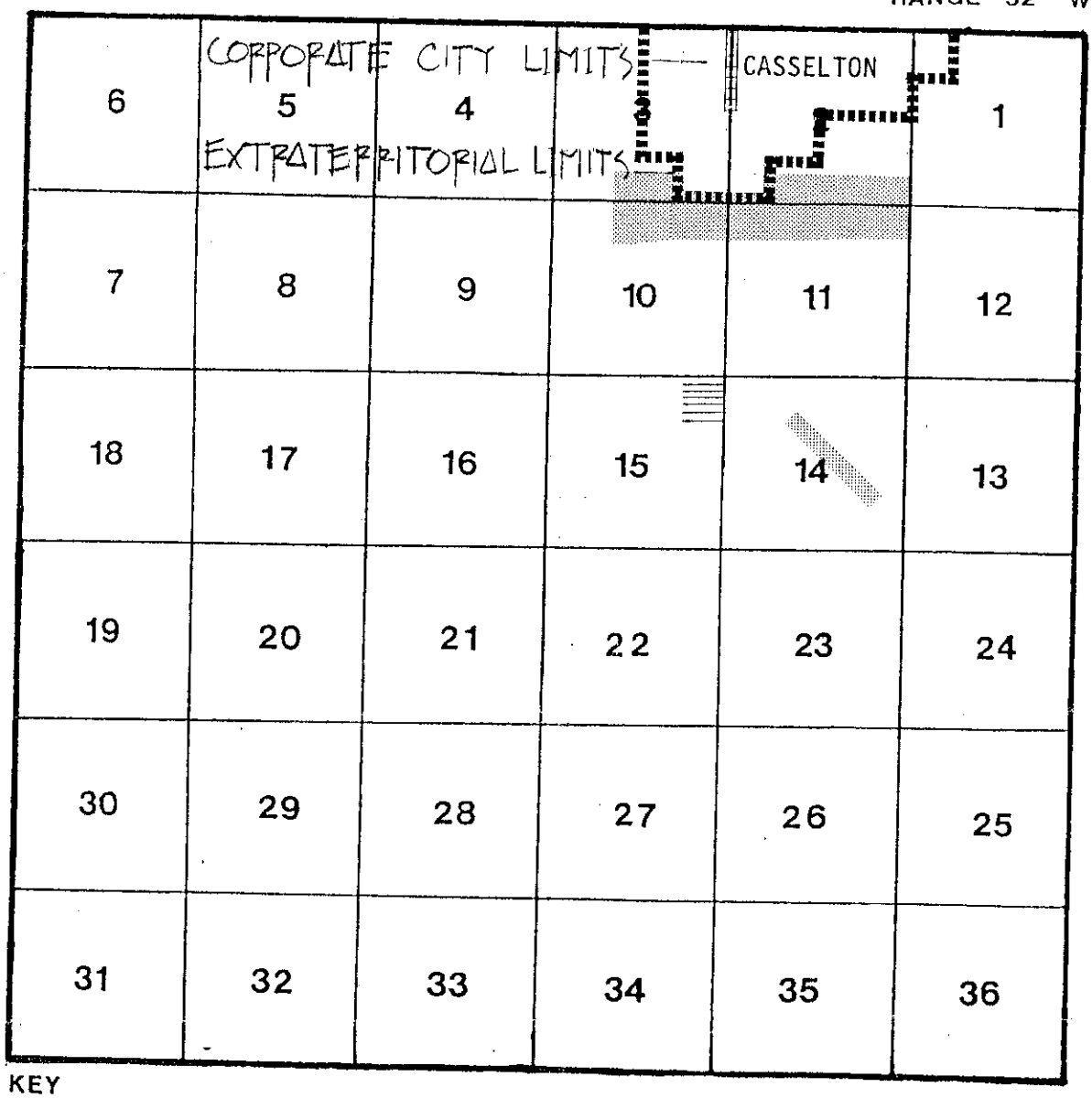
_____

Official
Zoning District Map

EVEREST

TOWNSHIP 139 N

RANGE 52 W



NORTH

KEY

Agricultural District

Residential District

Commercial District

Date Adopted:
1-31-92

BY:
John F Helbourn
Chair, Township Board

Amended: _____ _____ _____

_____