

EMMONS COUNTY ZONING ORDINANCE

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GENERAL PROVISIONS

Purpose

The Emmons County Zoning Ordinance has been enacted pursuant to the authority granted by the North Dakota State Legislature to promote the health, safety, morals, public convenience, general prosperity and public welfare of the citizens of Emmons County.

It has been made and adopted in accordance with the 1982 Comprehensive Plan for Emmons County.

Intent and Scope

Any request not meeting the minimum standards of this Ordinance or which the County Board of Commissioners determines does not meet the purpose of this Ordinance or does not conform with the goals of the Comprehensive Plan shall constitute sufficient cause for denial of any request under this Ordinance. All regulations herein shall have full effect upon all unincorporated areas of Emmons County except those areas under legal extra-territorial zoning jurisdiction accepted by an incorporated city in the county.

Interpretation

The provisions of this Ordinance shall be minimum requirements. In cases where a use or regulation is not specifically addressed in this Ordinance, the County Board of Commissioners or the Planning Commission may determine the appropriate regulation or zoning district on the basis of similar uses as long as it conforms with the intent of the district, or either commission may determine that an amendment to the Ordinance is necessary.

Exceptions

Exempted from literal enforcement of this Ordinance are non-conforming uses and the maximum height requirements for certain appurtenances usually placed above rooftops and not intended for occupancy.

However, a certificate of compliance is required for all non-conforming uses within three months of passage of this Ordinance; no enlargement, expansion or extension of a non-conforming use; no repairs to a damaged or deteriorating use shall exceed 50 percent of the assessed value of the structure; and no non-conforming use may be resumed if such use has been discontinued for more than 12 months, unless a variance is granted.

Examples of structures exempt from height limitations include: antennas, belfries, chimneys, cupolas, flag poles, ventilators, water tanks, windmills.

In addition, variances may be granted, but only from district regulations or for non-conforming uses, but not to include permitting a use not already in existence at the time of passage of this Ordinance, or amendment thereto, which is not permitted, either as a permitted or as a conditionally permitted use, in the district.

Repeal

All regulations or parts of the regulations, existing ordinances, districts, district zoning maps, or resolutions in conflict with this Ordinance and its provisions are hereby repealed.

Severability

If any part or provision of this Ordinance or the application thereof to any persons, property, or circumstance is adjudged invalid by any court of competent

jurisdiction, such judgment shall be confined in its effect to that part, provision, section, or application expressly involved in the controversy and shall not affect or impair the integrity or validity of the remainder of the Ordinance or its application to other persons, property, or circumstances.

The County Commissioners of Emmons County, North Dakota hereby declare that it would have enacted the remainder of this Ordinance even without the affected part, provision, section, or application.

Compliance and Effective Date

The regulations set by the provisions of this Ordinance shall apply uniformly within each district.

Both the Planning Commission and Board of County Commissioners may require reasonable information deemed necessary.

From this _____ day of _____ each new use shall be in compliance with the provision of this Ordinance.

Zoning District Map

The Zoning District Map, and any description of Zoning District Boundaries, shall be considered a part of this Ordinance, and any change thereto shall require an amendment just as is required of any change in the text.

ARTICLE I

RA - Recreation District

It is the intent of these district regulations to provide for a general farming, recreational and limited residential area discouraging potentially damaging development and protecting the natural, scenic areas.

I.A. Permitted Uses--

1. Agriculture: Usual buildings, structures, and operations incidental to farming and ranching
2. Resorts, marinas, boat launching and rental facilities
3. Single-family dwellings (permanent-type construction) including mobile homes on permanent foundations
4. Golf courses and driving ranges
5. Public parks, playgrounds and highway rest stops
6. Hunting, fishing and trapping
7. Hobby livestock and stables or barns on non-farm property, provided that no structure associated with the boarding, keeping, or sheltering of livestock is within 50 feet of the lot line, that at least two and one-half (2.5) acres is owned, and that the number of grazing animals is limited to one grazing animal for each 2.5 acres owned.
8. Floodwater management structures.
9. Tree farms and nurseries.
10. Historical monuments and structures.

11. Churches, schools, cemeteries and public buildings or structures
12. Raising of fowl, waterfowl or fish, provided that no structure associated with the raising of fowl, waterfowl or fish is located within fifty (50) feet of the property line and provided that no more than 50 fowl or waterfowl are owned.
13. Utility and power lines which primarily would service local residences and uses

I.B. Conditionally Permitted Uses:

1. Commercial recreational parks, tourist and trailer camps
2. Water reservoirs, water storage tanks, water pumping stations, sewer lift stations, sewage lagoons and sediment ponds.
3. Electric transmission facilities and water, gas, oil or coal slurry transmission pipelines.
4. Geophysical testing and other forms of gas, oil, mineral or coal exploration operations and test hole drilling and production wells.
5. Gun and archery ranges.
6. Home occupations intended to serve immediately surrounding areas.
7. Two-family homes.
8. Commercial retail establishments operated only in conjunction with the recreational uses in the district and for the convenience thereof, e.g., motels, service stations, convenience stores, bait shops, restaurants, sporting-goods stores, commercial riding stables, etc.
9. Special Temporary Conditional Uses.

ARTICLE II.

A - Agricultural District

It is the purpose of this Ordinance and this District to encourage first and foremost, the use of this land for agricultural activities (that is, general farming and ranching), to protect resources and soils, and to discourage any use which would be detrimental to carrying out agricultural practices.

Further, the provisions of this district are set forth to regulate scattered non-farm development, and to promote the orderly and economic development of public service utilities and schools.

II.A. Permitted Uses:

1. All types of farming and ranching operations including dairying, livestock, poultry raising and apiaries, except as otherwise indicated in this ordinance.
2. Truck gardening, nurseries, greenhouses, and roadside stands offering for sale only those farm products which have been grown on the premises.
3. Accessory buildings and structures necessary to the operation of farms or ranches.
4. Churches and cemeteries.
5. Public and private schools.
6. Greenhouses and nurseries.
7. Animal hospitals and clinics.
8. Local governmental facilities, structures and parks, included but not limited to research centers, historical monuments and floodwater structures.
9. Public and private conservation areas.

10. Non-farm residences on lots of five (5) acres or more.
11. Public parks.
12. Hunting, fishing and trapping.
13. Utility and power lines, water reservoirs and storage tanks which would primarily service local residences and uses.
14. Raising of fowl, waterfowl or fish.
15. Public and private conservation areas.
16. Dog and pet kennels.
17. Farm equipment sales and repair businesses, including but not limited to farm implement dealerships.

II.B. Conditionally Permitted Uses:

1. Livestock auction yards.
2. Facilities for the manufacturing and/or processing of agricultural products indigenous to Emmons County.
3. Railroad tracts and spurs, provided no trackage is placed within 125 feet of an existing residence unless a written agreement is made with the owner of said residence.
4. Commercial grain elevators and accessory structures.
5. Feedlots, feedyards, sewage lagoons, sediment ponds and sanitary landfills.
6. Fur farming operations.

7. Radio, television and telephone microwave transmitting stations.
8. Airports.
9. Salvage and junkyards.
10. Electric transmission facilities and water, gas, oil or coal slurry transmission pipelines.
11. Geophysical testing and other forms of gas, oil, mineral or coal exploration operations, test hole drilling and production wells.
12. Gun and archery ranges.
13. Home occupations.
14. Public or private assembly halls.
15. Subsurface mining and surface extraction. The provisions of this section shall not apply to any excavation for agricultural purposes or for uses which require less than 1,000 cubic yards of excavation or which disturb less than one-half acre per year.
16. Special Temporary Conditional Uses.

ARTICLE III

R - Residential District

It is the purpose of this Ordinance and this District to provide for orderly residential development; to protect the quiet and comfort of residential neighborhoods; to protect the value of property; to allow for a variety of housing opportunities.

III.A. Permitted Uses:

1. One- and two-family residential dwelling units.
2. Churches, schools, and related facilities.
3. Public parks, playgrounds, and other public recreational facilities.
4. Public libraries, museums, and community centers.
5. Fire and police stations.
6. Accessory uses and structures customarily incidental to the uses permitted by this district.

III.B. Conditionally Permitted Uses:

1. Home occupations.
2. Hotels, motels, tourist homes and boarding houses.
3. Multi-family residences for more than two families.
4. Nursing homes and basic care health facilities.

ARTICLE IV

C - Commercial District

It is the purpose of this Ordinance and this District to provide for the grouping of retail merchandising, light industry, wholesale, and service activities into a defined area to maximize the convenience for patrons and customers; and to minimize the costs of utility and other related services to commercial enterprises.

A. Permitted Uses:

1. Agriculture.
2. Dry cleaning, pressing, tailor shops, and laundromats.
3. Electrical and plumbing shops.
4. Lumberyards.
5. Professional offices including banks, insurance, real estate, medical clinics, newspapers, and lawyers.
6. Retail and service uses including grocery, drugs, hardware, clothing, furniture stores, bakeries, restaurants, taverns, automobile service stations, used and new car lots, print shops, barber and beauty shops, and sale and service of appliances.
7. Sales and service of farm implements.
8. Wholesale activities not requiring yard storage.
9. Hotels and motels.

10. Theaters.
11. Bowling alleys and other recreational buildings.
12. Governmental facilities.
13. Clubs and lodges.

IV.B. Conditional Uses:

1. Warehouses.
2. Trucking or freight terminals.
3. Grain and feed mills.
4. Railroad trackage, provided that it is placed no closer than 125 feet of an area zoned for residential use unless a written agreement is made with the owner of the residentially zoned property.
5. Special events and construction sheds and offices.

ARTICLE V

I - Industrial Districts

Intent:

It is the purpose of this Ordinance and this District to provide for the development of the mineral and agricultural resources of Emmons County; to provide for the refining and processing of unfinished and partially finished resources and products; and to isolate industrial activities in locations where conflicts with other uses will be minimized.

V.A. Permitted Uses:

1. Agriculture.
2. Dry bulk storage.
3. Manufacturing requiring yard storage.
4. Creameries.
5. Heavy equipment storage, repair and sales.
6. Truck and freight terminals.
7. Wholesale/warehousing activities.
8. Railroad freight and/or bulk terminals; trackage and spurs.
9. Livestock sales pavilion.
10. Concrete, concrete products, and clay product plants.

11. Gasoline filling stations.
12. Sewage lagoon, sewage or water treatment plants, and sanitary landfills.
13. Radio or television transmitting stations.
14. Government buildings and facilities, including fire halls.
15. Manufacturing or processing of tools, household goods or supplies, building supplies, toys, musical instruments, or agricultural products.
16. Grain and feed elevators or mills.
17. Lumberyards.
18. Factories, bottling plants, blacksmith and machine shops.

V.B. Conditional Uses:

1. Chemical fertilizer and storage plants or facilities.
2. Electrical generation and/or transmission facility.
3. Refineries, petro-chemical, bulk fuel and gasahol plants or storage facilities.
4. Airports.
5. Salvage and junkyards.
6. Surface or subsurface mining.
7. Radio, television and microwave towers.

8. Commercial animal feedlots.
9. Slaughter and packing of animals and meat products.
10. Tanery or curing or storage of raw livestock hides.
11. Special events and construction sheds and offices.

ARTICLE VI

Conditional Use Requirements

Conditional uses are uses which may be permitted in a district, but because of their specific needs or because there may be a potential for conflict with other, permitted uses, special requirements may need to be met to alleviate any concerns that the specific conditional use will not conflict with the intent of the district.

Included, but not limited to, the special conditions or regulations which the Planning Commission and/or the Board of County Commissioners may consider prior to approving, or disapproving, a conditional use are:

Setbacks; heights; buffer zones, including fences and greenbelts; parking; walkways, including sidewalks; open spaces and percent of lot area to be covered by structures; ingress, egress, road conditions and traffic safety; siting, and how it may enhance or detract from development or potential development in surrounding areas; approvals or permits; the posting of performance bonds; and compliance with requirements, including the obtaining of necessary permits, of other units of government or governmental agencies.

In addition to any, all or other related conditions listed above which the Planning Commission and the County Board of Commissioners may require, petitioners of certain conditional uses shall meet the following minimal requirements for:

- A. Commercial recreational parks, tourist and trailer camps
1. The minimum area for campground shall be five (5) acres and maximum number of recreational trailers shall be fifteen (15) units per gross acre.
 2. A site plan showing the boundary of property, topographic information with contour intervals of no more than five (5) feet; arrangement of streets, drives and access roads; location of service buildings; location and dimension of campsites; location of sanitary facilities; location of water supply.

B. Electric transmission facilities and water, gas, oil or coal slurry transmission pipelines:

1. The applicant shall provide the summary portion of the application for a transmission facility permit submitted to the North Dakota Public Service Commission (PSC) for said transmission facility if an application is required under Chapter 49-22 of the NDCC.
2. The applicant shall submit all materials which constitute a ruling by the PSC on said transmission facility including maps of the approved corridor.
 - a. In cases of above-ground transmission facilities:
 - i. The applicant must demonstrate that all reasonable attempts were made to avoid routing the corridor through areas shown to have a large amount of prime soils, particularly, but also soils of statewide and local importance.
 - ii. Transmission line sitings shall have minimal interference with farming or irrigation operations, following quarter or section lines unless otherwise permitted by the landowner, or unless the applicant can show that because of unusual circumstances, such as to protect scenic areas or because of terrain difficulties, the following of quarter or section lines would be unreasonable.
 - b. In cases of below-ground pipeline facilities, the applicant shall provide the following information to obtain a permit:
 - i. A map of the pipeline route which clearly indicates that the pipeline right-of-way does not pass within two hundred (200) feet of a building or surface water body and is not within one hundred (100) feet of a highway right-of-way or section line unless perpendicular to said right-of-way or line;

- ii. An identification of pipeline origin, destination, size, minimum burial depth, road crossing methods and products;
- iii. An identification of areas where the pipeline right-of-way transverses a slope which exceeds 15 degrees and a plan for the construction of water bars to reduce erosion in such areas;
- iv. An indication of the steps that will be used to reclaim and revegetate the right-of-way;
- v. The name and telephone number of the senior engineer with the project.

C. Salvage and junkyards

- 1. Minimum lot size: 5 acres
- 2. Fences: Fencing to the specifications required by the County Commissioners
- 3. Burning shall be prohibited

D. Subsurface mining and surface extraction:

- 1. Written evidence of a reclamation agreement with the surface owner.
- 2. Mineral excavation or processing shall not take place within one hundred (100) feet of an adjacent property line or within five hundred (500) feet of an existing residence unless allowed through a written agreement between the property owner and applicant.
- 3. Copies of all non-confidential information submitted to the state geologist as required under Section 38-12 NDCC which identifies production methods and likely outputs, reclamation procedures, and state geologist recommendations.

4. Conformance to all state and federal laws relating to the preservation, removal, or relocation of historical or archaeological artifacts, and to reclamation of strip-mined lands.

5. Posting of performance bond of an amount specified by the County Commissioners for reclamation of the site with the County Auditor, if not already posted with the state.

ARTICLE VII

Special Temporary Conditional Uses

Special Temporary Conditional Uses shall be considered the same as any other conditional use except that continuation of the use may exist for a period of time pre-designated by a permit.

A. Geophysical Testing

1. Permit Procedure

- a. No corporation, partnership, association, individual, agent or other business entity however organized, engaged in geophysical exploration by any means for purposes of conducting petroleum-related geophysical surveys within the county of Emmons shall engage in said activities without first filing a Notice of Intention to Engage in Geophysical Exploration and obtaining a Geophysical Exploration Permit from the County Auditor. The purpose of said permit is to assure satisfaction that geophysical exploration activities by said applicant will not result in undue damage or injury to county or township roads and bridges, right-of-ways, easements, structures, and other property, real or personal, public or private within said county.
- b. The fee for said permit shall be \$250 and shall be effective for all geophysical crews of the permittee for 12 months, commencing at the time of issuance.

2. Conditions to be Met Prior to Issuance of Permit

Applicant shall submit to the County Commissioners or its designee a completed Notice of Intention to Engage in Geophysical Exploration which shall include:

- a. Proof that a bond has been filed with the State Industrial Commission and that a certificate has been issued to the applicant by said commission.

- b. A statement signed by the permittee stating that all affected landowners and the surface operators, if other than the landowner, have been provided, or have been offered to be provided, the names, addresses and telephone numbers of the client company, the contract company, all subcontract companies and local agents of contract and subcontract companies.
- c. A map drawn to scale which shows the location of each line or area to be explored in each quarter section and the approximate date on which the activity will take place.
- d. Identification of the general type, size and number of vehicles to be used and the maximum gross weight for each vehicle.
- e. A list of all names, addresses and telephone numbers of clients, contracting and subcontracting companies, and their respective local agents, to be involved in the seismographic activity for which the permit is being issued.
- f. A description of all county roads anticipated to be traveled and approximate dates when roads will be used.

3. Conditions to be Met During Seismographic Operations

- a. No exploration or drilling will take place on any section line, right-of-way or road without the consent of the county commissioners.
- b. No seismograph survey utilizing shot holes shall take place within 1,320 feet of any water wells, developed springs and/or water structures, nor shall it be closer than 1,320 feet to any buildings or other structures unless such site is approved by the landowner and, if other than the landowner, the surface operator. No method of geophysical exploration not requiring a shot hole shall take place within 660 feet of any well, building or other structure without the consent of the landowner.

- c. Roadways or section lines will only be used during dry or frozen soil conditions and then only by vehicles which will not do unreasonable damage to the roadway or section line, except when incimate conditions require emergency removal of vehicles from work sites.
- d. If snow removal, clearing, grading or any construction on public lands, right-of-ways, easements or roads is required, a plan for such activities must be submitted to the county commissioners or its designated representative for approval.
- e. Each vehicle operating in a field shall be equipped with a minimum level of fire fighting equipment consisting of a shovel and reusable fire extinguisher. The county commissioners may attach other conditions and restrictions as deemed advisable, included but not limited to temporary permit suspensions in cases where climate and physical conditions are such as to cause harm or damage to roads, bridges, pastures, crops or similar factors that could cause undue stress to the normal physical well-being within the county. The suspension time shall not be included in the one-year permit period.
- f. The operator shall not draw water from any private sources without written permission from the owner or from any public source without the written approval of the county commissioners or their designated representative.
- g. All seismic and other exploratory holes shall be plugged within thirty (30) days of being drilled. This period may be extended with approval of the county commissioners due to weather conditions. However, in such cases, no hole shall remain unplugged for more than 120 days, and in these instances the affected landowner shall be advised when the plugging will take place and by whom. The hole shall be filled with bentonite gel from the bottom to within twenty-four (24) inches of the surface, capped with cement and covered with topsoil. Clean-up of the drilling site shall be done at the time of plugging and cuttings shall be dealt with in a fashion approved by the surface operator. Plastic plugs are prohibited. In cases where an artesian flow is encountered, cement shall be used instead of a bentonite gel when filling and plugging the hole.

- h. All debris, such as explosive containers, wire, cans, survey flagging, markers, etc. shall be removed and disposed of in a fashion approved by the surface operator and in a manner consistent with state and county standards.
 - i. The permit or a photostatic copy thereof and company identification shall be available at all times on the site during any work and shall be exhibited upon demand of the landowner or tenant operator, county or state official, or respective surface owner.
4. Conditions to be Met Following Geophysical Exploration Work
- a. Within thirty (30) days following any calendar month in which geophysical exploration is begun by any person, such person shall file with the county commission and shall send to the owner or occupier of any land upon which work is begun, a record showing the township, range, section, and quarter section in the county in which such work was performed and the date upon which such work was commenced.
 - b. Upon written request by the owner or occupier of the land upon which work has occurred, any person who has performed work shall send to such landowner or occupier a record showing the date and a legal description of the worksite sufficiently exact to permit location and identification of the site. This shall include the actual shot point location and the amount of explosive charge, if any, in each drill hole. The request must be based upon a written complaint of the property owner or occupier that physical damage to such property has occurred or is reasonably believed to have occurred by reason of the work. The written complaint shall designate the name and address of the complaining person and shall state the approximate date of the alleged damage. The required record of operations in response to the written demand therefore shall be supplied within ten (10) days from the date on which such written demand is received.
 - c. Within sixty (60) days of completion of all work done under a permit, the permittee shall submit to the county commissioners or their designee

a written statement stating that all clean-up activities and other work have been satisfactorily performed and that all agreements have been met. Failure to file such statements, or to perform such work satisfactorily, or to fulfill agreements, or to conform with any other section of this ordinance shall make the permittee subject to the following penalties.

5. Penalties

- a. Failure to comply with the above or in the event of any damage to the public, may result in the suspension of the seismographic permit and the withholding of any future permits to the party(ies) responsible for said failure to comply or damages caused. In such cases of alleged violations(s) and permit withdrawal, the county commission shall notify that person, by the most effective written means, of the permit revocation. Upon notification, the person engaging a geophysical exploration may, within fifteen (15) days, request a hearing before the board of county commissioners, at its next regular or special meeting, on the matter. The board of county commissioners shall either affirm, modify or deny the permit revocation.
- b. Any person violating any provision of Chapter 38-08.1 of the North Dakota Century Code is guilty of a Class B misdemeanor and is subject to penalties prescribed therein.
- c. If any damages to property result from geophysical exploration or related activities, the county commissioners, their designee or affected landowner may notify the State Industrial Commission of said damages.

B. Oil and Gas Drilling

1. Permit Procedure

- a. No corporation, partnership, association, individual, agent or other business entity however organized, may commence drilling of a well for oil or gas in Emmons County without first filing a Notice of Intention to Drill for Oil or Gas and obtaining an Oil and Gas Drilling Permit from the County Auditor.

The purpose of said permit is to assure satisfaction that drilling and drilling-related activities by said applicant will not result in undue damage or injury to county or township roads and bridges, right-of-ways, easements, structures, and other property, real or personal, public or private within said county.

- b. The fee for said permit shall be \$500 and shall be effective for one well.

2. Conditions to be Met Prior to Issuance of Permit

Applicant shall submit to the County Commissioners or its designee a completed Notice of Intention to Engage in Geophysical Exploration which shall include:

- a. Attachment of all non-confidential information supplied to and required by the Industrial Commission, including copies of any permit(s) by the Industrial Commission.
- b. Application for such permit shall be made using an approved form which shall include at a minimum: the name and address of the company drilling the well, the name and address of the lease owner, the name and address of the agent for process of service for the lease owner, the name of the fee owner, the acres in the lease, the location of the proposed well, the estimated depth of the well and the estimated date when the drilling company will begin setting up the drilling structure.

- c. A map drawn to scale and a legal description which show exact location of the proposed well and the approximate date on which the drilling activity will take place.
- d. Identification of the general type, size and number of vehicles to be used and the maximum gross weight for each vehicle.
- e. A description of all county roads anticipated to be traveled and approximate dates when roads will be used.

3. Conditions to be Met During Seismographic Operations

- a. No exploration or drilling will take place on any section line, right-of-way or road without the consent of the county commissioners.
- b. The permittee shall notify the county auditor as soon as practicable of the exact date when equipment will begin to be hauled to the drilling site. Such notification shall be made at least seven (7) days prior to commencement of hauling activities.
- c. Roadways or section lines will only be used during dry or frozen soil conditions and then only by vehicles which will not do unreasonable damage to the roadway or section line, except when incimate conditions require emergency removal of vehicles from work sites.
- d. If snow removal, clearing, grading or any construction on public lands, right-of-ways, easements or roads is required, a plan for such activities must be submitted to the county commissioners or its designated representative for approval.
- e. Each vehicle operating in a field shall be equipped with a minimum level of fire fighting equipment consisting of a shovel and reusable fire extinguisher. The county commissioners may attach other conditions and restrictions as deemed advisable.

f. The operator shall not draw water from any private sources without written permission from the owner or from any public source without the written approval of the county commissioners or their designated representative.

4. Conditions to be Met Following Geophysical Exploration Work

- a. The permittee shall immediately notify the county auditor of any accidents or events which may represent an environmental threat to the area surrounding the drilling site.
- b. The permittee shall notify the land use administrator or county auditor as soon as practicable of the exact date when equipment will be hauled from the drilling site. Such notification shall be given at least seven (7) days prior to commencement of hauling activities.

5. Penalties

- a. Failure to comply with the above or any state regulations, or in the event of any damage to the public, may result in the suspension of the drilling permit.

C. Work Camps

- 1. Written evidence of approval of the work camp plans by the State Department of Health shall be submitted to the Planning Commission.
- 2. An affidavit of acceptance of the responsibility for removal of the buildings and for the restoration of the site upon completion of the project shall be submitted to the Planning Commission.
- 3. A schedule for dismantling the work camp shall be submitted and approved prior to installation of the work camp.

4. Mobile homes used in a work camp may be occupied only by persons affiliated with the particular project.
5. The applicant shall provide any other information the Planning Commission deems necessary.
6. Upon completion of the project, the developer or contractor shall be responsible for the removal of all mobile homes and other temporary structures and return the area to its preconstruction state.

D. Special Events

1. The applicant shall supply any reasonable information required by the Board of County Commissioners.
2. Duration of permits shall not exceed twenty-one (21) days.

E. Construction Sheds and Offices

1. The applicant shall supply any reasonable information required by the Board of County Commissioners.
2. Duration of permits shall not exceed two (2) years.

ARTICLE VIII

Subdivisions

- A. Location: Subdivisions may be permitted in any district.
- B. Data Requirements for Major Subdivision
 - 1. Preliminary Plat
 - a. Location map, drawn to scale, showing:
 - i. Name and location of development
 - ii. Surrounding zoning, uses, and ownership
 - b. Sketch plan, drawn to scale, showing:
 - i. Topography
 - ii. Proposed layout of streets, easements and lots
 - iii. Soils types
 - c. General subdivision information, including:
 - i. Topography
 - ii. Proposed layout of streets, easements and lots
 - iii. Proposed protective covenants
 - iv. Proposed utilities and other improvements
 - 2. Final Plat
 - a. All maps and information required of the preliminary plat
 - b. Proof of a performance bond, in an amount set by the County Board of Commissioners, being posted with the County Auditor
 - c. Any other information required by the Planning Commission or County Commissions including at a minimum but not limited to:
 - i. Tract boundary lines, right-of-way lines of streets, easements, and others; property lines of residential lots and other sites with accurate dimensions, bearings of deflection angles, and radii, arcs, or central angles of all curves.

- ii. Name and right-of-way width of each street or other right-of-ways.
- iii. Location, dimensions, and purpose of any easement.
- iv. Number to identify each lot or site.
- v. Purpose of which sites, other than residential lots are dedicated or reserved.
- vi. Minimum building setback lines on all lots and other sites.
- vii. Location and description of monuments.
- viii. Names of record owners of adjoining unplatted land.
- ix. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- x. Certification by a licensed land surveyor.
- xi. Certification of title.
- xii. Statement by the owner dedicating streets, right-of-ways and any sites for public use.
- xiii. Title, scale, North arrow and date.
- xiv. Cross sections and profiles of streets showing grades.
- xv. Protective covenants in form for recordings that are not on the plat and attached thereto.
- xvi. Other data such as other certificates, affidavits, endorsements, or deductions as may be required by the Zoning Commission in the enforcement of these regulations.

C. Data Requirements for Minor Subdivisions

- 1. Plat map showing
 - a. Location of development
 - b. Surrounding zoning, uses and ownership
 - c. Location, size, setbacks and use of each lot
- 2. Any other information required by the Planning Commission or County Commissioners.

D. Design Standards

1. Streets

- a. The arrangements, character, extent, width, grade and location of all streets shall conform to road standards of Emmons County. Design will consider relation to: existing and planned streets, topographic conditions, public convenience and safety, and relation to the proposed uses of the land to be served.
- b. The arrangement of streets in the subdivision shall either:
 - i. Provide for the continuation of existing principal streets in the surrounding areas; or
 - ii. Conform to a plan for the neighborhood approved or adopted by the Planning and Zoning Commission to meet a particular situation where topographical or other conditions make continuance of existing streets impractical.
- c. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- d. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning and Zoning Commission may require: marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- e. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty degrees.
- f. Standards for rights-of way and roadways shall be:

<u>Classification</u>	<u>Right-of-Way Width</u>	<u>Roadway Width</u>	<u>Minimum Grade</u>	<u>Maximum Grade</u>
Arterial	80'	42'	0.4%	6%
Collector	66'	30'	0.4%	7%
Marginal Access	50'	24'	0.4%	8%

- g. Block lengths
 - i. Maximum length: 1,320 feet
 - ii. Minimum length: 300 feet
 - iii. Cul-de-sacs and deadend streets should not exceed 660 feet and turn-arounds of at least 66 feet in diameter should be provided.
- h. Street names should not duplicate street names in other subdivisions.

2. Easements

- a. Easements across lots or centered on rear or side lot lines shall be provided for utilities, such easements to be not less than ten feet. The centerline of such easement may coincide with lot lines.
- b. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

3. Regulations for:

- a. Residential uses in subdivisions shall conform to the same minimum lot size, setback, building, intensity, height, fence, parking and sign regulations as listed in Article IX for R Districts.
- b. Commercial and industrial uses in subdivisions shall conform to the regulations of the district in which the subdivision is located, as listed in Article IX.

4. Required Improvements

- a. Additional improvements, such as the inclusion, location and design specifications for other improvements, such as curbs and gutters, storm and wastewater lines, pavement depth, alleys and sidewalks which may be required by the Planning Commission must meet with the approval of the Planning Commission.

- b. Other requirements, such as dedication of land for parks, playgrounds or schools, the number and location of access points, frontage roads or acceleration/deceleration lanes may be required by the Planning Commission.

ARTICLE IX

District Regulations

A. Minimum lot size

1. In A, RA and I Districts

- a. Width shall be 330 feet
- b. Area shall be five (5) acres

2. In R and C Districts

- a. For uses served by both public water and sewer:
 - i. 6,000 square feet of area for one-family dwellings and commercial uses, additional 3,000 square feet for each additional living unit per dwelling.
 - ii. 50 feet of width for one-family dwelling and commercial uses, 25 additional feet of width for each additional living unit per dwelling.
 - iii. Setback requirements
 - (a) Front-yard setbacks: Minimum forty (40) feet from all frontages.
 - (b) Side-yard setbacks: Minimum ten (10) feet from each side lot line.
 - (c) Rear-yard setbacks: Minimum thirty (30) feet from rear lot line.
- b. For uses not served by public water or public sewer
 - i. 43,650 square feet
 - ii. One hundred (100) feet of width for one-family dwelling, one hundred fifty (150) feet for two-family dwellings and commercial uses.
 - iii. Setback requirements
 - (a) Front-yard setbacks: Minimum forty (40) feet from all frontages.

- (b) Side-yard setbacks: Minimum fifteen (15) feet from each side lot line.
 - (c) Rear-yard setbacks: Minimum fifty (50) feet from rear lot line.
 - iv. Dwellings with three or more living units are not permitted.
3. Minimum front, side or rear setbacks from lot lines in any district may be less than those stated if existing adjacent similar uses are less than the required minimum, in which case the minimum setback shall be the average setback of existing adjacent and surrounding uses.
4. Minimum lot sizes for special and conditional uses shall be determined by the Planning Commission.
- 1. In RA, A and R Districts**
- a. **125 feet along all primary highways**
 - b. **125 feet along all secondary highways**
 - c. **125 feet along all major roads**
 - d. **100 feet along all minor county and township roads**
 - c. **250' radius at all intersections**
- 2. In C and I Districts**
- a. **200 feet along all primary highways**
 - b. **200 feet along all secondary highways**
 - c. **125 feet along all major roads**
 - d. **100 feet along all minor county and township roads**
 - e. **250' radius at all intersections**
3. Minimum setbacks from centerlines may be determined by computing the average setback of existing adjacent uses if such uses exist.
4. Minimum setbacks for special and conditional uses shall be determined by the Planning Commission.

C. Maximum Building Intensity

1. 50 percent on residential lots
2. 60 percent on commercial and industrial lots
3. To be determined by Planning Commission for special and conditional uses.

D. Maximum Height of Structures

1. None for industrial structures
2. 50 feet for commercial structures
3. 35 feet for residential structures
4. 25 feet for accessory structures
5. To be determined by the Planning Commission for special and conditional uses
6. Structures for agricultural purposes including grain elevators, transmission facilities, windmills and wind generators are exempt from height restrictions.

E. Fences

1. None shall be in sight lines
2. None shall be more than six feet (average) in height except where a greater height may be deemed necessary by the Planning Commission for safety, noise reduction or other purposes that would promote the public good.

3. None shall restrict visual access to water areas.
4. Fence height and type for special and conditional uses may be determined by the Planning Commission.
5. Agricultural uses are exempt from fence restrictions.

F. Parking

1. In RA, R and residential subdivision, 1.5 off-street parking spaces per living unit shall be provided.
2. In commercial, industrial, special use and conditions use areas, off-street parking must be adequate, as determined by the Planning Commission.
3. Agricultural uses are exempt from parking regulations.

G. Signs

1. All signs shall conform with the regulations contained in Chapter 24-17 of the NDCC where applicable.
2. Signs outside the jurisdiction of 24-17 shall be subject to the following:
 - a. None in sight line
 - b. Signs shall be incidental to the permitted use and shall be located on the same lot as said use.
 - c. Signs shall be maintained in a good state of repair. Broken signs or signs on vacant buildings may be ordered repaired or removed by the Planning Commission.
 - d. Sizes and types of signs shall be limited to:
 - i. One (1) square foot non-illuminated, non-animated home occupation sign in R District and on all residential use areas, including residential subdivisions and non-farm residences in RA District.

- ii. 100 (one hundred) square foot non-animated sign which may be illuminated but not flashing for each conforming commercial use in RA District.
 - iii. 200 (two hundred) square foot signs in I and C Districts.
- e. Heights and Number of Signs
- i. More than one sign per use may be permitted, but total square footage shall not exceed the maximum allowable.
 - ii. In R and RA districts height shall be limited to 25 feet.
 - iii. In C and I districts heights shall not exceed 35 feet except when attached to the building.
- f. Exempted from height, size, type and number of sign regulations are:
- i. Signs required by law or authorized for a public purpose
 - ii. Nameplates and addresses
 - iii. Cornerstones and historical markers
 - iv. Building name signs
 - v. Decorations
 - vi. Window displays of actual merchandise
 - vii. Real estate "For Sale:, rental or lease" signs
 - viii. Informational and directional signs
 - ix. Danger or warning signs of a cautionary nature
 - x. Traffic signs

ARTICLE X

X. Policies

A. Filing Petitions

1. Application for any petition under this ordinance shall be made with the Land Use Administrator, and all applicable fees paid. Information included with the application shall be sufficiently complete to show compliance, or non-compliance, with any and all portions of this ordinance.
2. The Land Use Administrator then shall place the application on the agenda of the next meeting of the appropriate commission--either the County Board of Commissioners or the County Planning Commission--for review or for setting a date for review or for a public hearing.

B. Duties of the Planning Commission

1. Conduct public hearings and make recommendations to the County Board of Commissioners, on all applications for zoning amendments, conditional uses, variances and major subdivisions.
2. Make any other recommendations referred to it by the County Board of Commissioners.

C. Duties of the County Board of Commissioners

1. Act upon, either affirm, reject or modify, recommendations made by the Planning Commission on any application it has reviewed.
2. Review and affirm, reject or modify any application for a permitted use in compliance with regulations of the district, special temporary conditional uses, and minor subdivisions in compliance with all regulations of the appropriate district.

3. Conduct separate public hearings on any action it has taken in cases where a filing for separate hearing has been filed, pursuant to NDCC 11-33-10.
4. Provide for enforcement of this ordinance.

D. Policies

1. Major Subdivisions

- a. Following application by the petitioner, the Land Use Administrator shall place on the agenda of the next County Planning Commission consideration of the preliminary plat.
- b. The County Planning Commission shall conditionally approve, disapprove or modify the preliminary plat and send its recommendations to the County Board of Commissioners to consider at its next regularly scheduled meeting.
- c. The County Board of Commissioners shall review the preliminary plat, recommend that the Planning Commission should agree to schedule, or not schedule a public hearing on a final plat, establish the amount required for a performance bond, if any, and include any other recommendations or modifications.
- d. The applicant, within 90 days of approval of the preliminary plat by the County Board of Commissioners, shall, unless an extension is granted by the Planning Commission, apply for a public hearing on the final plat. Failure to do so shall render all previous approvals of the preliminary plat null and void.
- e. As soon as is reasonable and practical, the Planning Commission shall schedule and conduct a public hearing on the final plat and pass its recommendations on to the County Board of Commissioners.
- f. The County Board of Commissioners, after it has received the recommendation of the Planning Commission, may approve said final plat with any modifications it deems advisable.
- g. Failure to begin development of the approved subdivision, representing substantial investment, within one-year of plat approval shall invalidate said plat approval.

2. Public hearings (additional policies for all petitions requiring public hearings, including zoning amendments, conditional uses, variances and major subdivisions).
 - a. Following payment of all fees by the petitioner, the Planning Commission shall, at its next regularly scheduled meeting, set a date for the public hearing.
 - b. The Land Use Administrator shall notify the applicant and all adjoining landowners of the date, time, place and purpose of said hearing.
 - c. The Land Use Administrator shall cause to have published for two successive weeks in the official county newspaper notification of said hearing and the times during which the proposal will be available for public inspection and copying. Notification by registered mail shall also be sent to the chairman of the board of township supervisors in which any proposed plat or zoning amendment is located and to all adjoining landowners.
 - d. Following the public hearing, during which the applicant and public shall be given the opportunity to speak in favor or against the proposal, the Planning Commission shall pass on its recommendations to the County Board of Commissioners.
 - e. Following the receiving of the Planning Commission's recommendations, the County Board of Commissioners shall either affirm, deny or modify the proposal.
 - f. Upon adoption of any resolution or amendment, the County Auditor shall file a certified copy thereof with the Register of Deeds and the Auditor shall cause notice of same to be published for two consecutive weeks in the official county newspaper.
 - g. Any person aggrieved by any provision of a resolution adopted hereunder, or any amendments thereto, may, within 30 days of the first publication, petition in writing to the County Auditor for a separate hearing before the Board of County Commissioners, which shall be held between seven and 30 days from the time of filing.
 - h. If no petition for a separate hearing is filed, the resolution or amendment shall take effect upon expiration of the time for filing said petition.

3. Applications not requiring public hearing (including permitted uses in compliance with district regulations, special temporary conditional uses and minor subdivisions in compliance with district regulations).
 - a. Following filing and payment of applicable fees, the County Auditor shall place consideration of the request on the next regular meeting agenda for the Board of County Commissioners.
 - b. Following consideration of the request, the County Board of Commissioners may approve, deny or modify the request, or it may send the request to the County Planning Commission for recommendations.

4. Voting and Procedures

- a. A quorum for any body considering any provision under this ordinance shall be a majority of its membership.
- b. A majority vote of the quorum is required for any action or recommendation under this ordinance. A tie vote shall be considered the same as denial of any motion.
- c. Failure to provide all information required by this ordinance, information needed to demonstrate compliance with the ordinance, or as required by the Planning Commission or the County Board of Commissioners shall be sufficient grounds to deny any request or to continue considerations, and continuance on such grounds shall not affect any time limits for a final decision required by this or any other ordinance, or by any laws of the federal or state government.
- d. Any application which has been denied may not be re-submitted for a period of at least six (6) months unless it has been substantially altered. All permit fees shall apply to any re-submitted applications, whether it has been substantially altered or not.
- e. Upon final approval of a plat, the subdivider shall record the plat in the office of the County Register of Deeds.

5. Violations and Remedies (except as otherwise stated)

- a. As specified in 11-33 of the NDCC.

- b. In addition, the County Commissioners may revoke any permit issued under this ordinance if a violation occurs or if any damage occurs as a result of a permitted activity.
6. Appeals may be made to the district court.
7. Fees shall be credited to the general fund and shall be charged as follows (except as may be otherwise stated in this ordinance):
- a. Permitted use: \$5
 - b. Special temporary conditional use: \$25
 - c. Minor subdivisions: \$25
 - d. Conditional uses: \$50
 - e. Variances: \$50
 - f. Zoning amendments: \$100
 - g. Major subdivisions: \$100

ARTICLE XI

Definitions

- A. For the purpose of this resolution certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and plural shall include the singular; the word "building" shall include the word "structure" and "premises" and the word "shall" is mandatory and not directory.
1. ACCESSORY BUILDINGS: A subordinate building. The use of which is customarily incidental to that of principal building on the same lot.
 2. AGRICULTURAL USE: See Use, Agricultural
 3. AGRICULTURE DISTRICT: Shall include any lands or areas so designed by the Board of County Commissioners under authority of this resolution.
 4. ALLEY: A public way which affords only secondary access to abutting property.
 5. AMENDMENT: Any change, revision, or modification of the text of this Ordinance or the District Zoning Map (including zoning boundaries).
 6. APPLICANT: See Petitioner.
 7. ARTERIAL: See Road, Arterial.
 8. AUTO WRECKING: See "Junk Yard."
 9. BOARD OF COMMISSIONERS: Board of County Commissioners of Emmons County, North Dakota.
 10. BUFFER: Any feature, man-made or natural, which would serve to lessen or negate any conflict or potential conflict between uses.

11. BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.
12. BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between the eaves and ridge of gable, hip and gambrel roofs.
13. BUILDING LINE: A line established, in general parallel to the front street line beyond which no part of a building shall project, except as otherwise provided by this resolution.
14. COLLECTOR: See Road, Collector.
15. COMMERCIAL DISTRICT: The area designated by the Board of County Commissioners on the District Zoning Map which provides for the grouping of retail merchandising, light industry and services activities.
16. COMMERCIAL USE: See Use, Commercial.
17. CONDITIONAL USE: Any use to which the Planning and Zoning Commission shall attach specific conditions, and which require a special permit.
18. DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
19. DISTRICT: The areas of Emmons County for which the regulations governing the use of land and the use, density, bulk, height, and location of structures and buildings are uniform.
20. DWELLING: Any building or portion thereof which is designed and used exclusively for residential purposes.

21. EASEMENT: A vested or acquired right to use land, other than as a tenant, for a specific purpose; such right held by someone other than the owner who holds title to the land.
22. FAMILY: One or more persons occupying the premises as a single house-keeping unit.
23. FARM: A single tract of land or contiguous tracts of at least 40 acres which is used for the growing of the usual farm products such as vegetables, fruit trees and grain, and their storage on the areas, as well as for raising thereon the usual farm poultry and farm animals such as, horses, cattle, sheep, and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the commercial feeding of garbage or offal to swine or other animals.
24. FEEDLOT: Any livestock feeding, handling, or holding facility in which forage is not grown and where either more than 200 animal units are held or less than six hundred (600) square feet of space is available per animal unit.
25. FILLING STATION: Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
26. FRONTAGE: All the property on one side of the street or highway between two (2) intersecting streets or highways (crossing or terminating) measured along the line of the street or highway, or if the street or highway is dead-ended, then all of the property abutting on one side between an intersecting street or highway and the dead-end of the street or highway.

27. FRONTAGE OR SERVICE ROAD: Minor streets which are parallel to and adjacent to arterial streets and highways, which provide access to abutting properties and protection from through traffic.
28. GEOPHYSICAL EXPLORATION: Any method of obtaining petroleum related geophysical surveys.
29. HEIGHT: See Building, Height of.
30. HIGHWAY, PRIMARY: A street or highway used primarily for fast or heavy traffic. In Emmons County, primary highways are U.S. 83 and SR 1804.
31. HIGHWAY, SECONDARY: A street or highway, also for fast or heavy traffic but to a lesser extent, which provides primary access between cities, between other highways, or between cities and highway. In Emmons County, secondary highways are SR 34, SR 13 and SR 11.
32. HISTORICAL MONUMENTS AND/OR STRUCTURES: Any structure or building associated with an outstanding person, event, or period of history.
33. HOBBY LIVESTOCK: Any animal, normally associated with farming, ranching, or as work animals, kept by the owner of the land where said animals are maintained for the sole personal use, enjoyment or education of the owner or his family.
34. HOME OCCUPATIONS: Any occupation or profession carried on by members of a family residing on the premises, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

35. HOTEL: A building in which lodging with or without meals, is provided and offered to the public for compensation and which is open to transient guests. Hotels include motels and automobile courts, but do not include group dwelling as defined herein.

36. IMPROVEMENTS: Street grading and surfacing with or without curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets, trees and other improvements as required by this Ordinance.
37. INDUSTRIAL DISTRICT: Any I-Industrial District.
38. INDUSTRIAL USE: See Use, Industrial.
39. JUNK YARD: The use of more than 200 square feet of the area of any lot whether inside or outside a building, or the use of any portion of that half of any lot that adjoins any street, for the storage, keeping or abandonment of junk, including scrap metals, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.
40. KENNEL: Any building or lot on which three (3) or more dogs and cats at least four (4) months of age are kept, boarded or trained whether in special buildings or runways or not.
41. LAND USE ADMINISTRATOR: The officer appointed by the Planning Commission to administer the zoning affairs of Emmons County. Unless otherwise specified by the Board of County Commissioners, the County Auditor shall act as the Land Use Administrator.
42. LIVESTOCK AUCTION YARD: An enclosure or structure designed or used for holding livestock for purpose of sale, or transfer by auction, consignment, or other means.
43. LOT: A tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open space as are herein required.

44. LOT, COVERAGE: The total area of buildings expressed as a percentage of total lot, plot, or tract.
45. LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.
46. LOT, FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.
47. LOT, WIDTH: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the rear of the required front yard.
48. LOT, REAR: The lot line generally opposite or parallel to the front street line.
49. MAJOR RURAL ROAD: See Road, Major Rural.
50. MANUFACTURE: Any method of processing, developing, fabricating, assembling, either raw materials, semi-finished materials, or parts thereof into a semi-finished or finished product.
51. MARGINAL ACCESS ROAD: See Road, Marginal Access.
52. MINERAL EXPLORATION OPERATIONS: Any operation involved in the search, exploration, or prospecting of any substance or mineral which may involve the penetration of the land surface by digging, drilling or excavating.
53. MINOR ROADS: See Roads, Minor County and Township.

54. MOBILE HOME: A structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.
55. MULTI-FAMILY DWELLING: A residential building designed for occupancy of two or more families, with the number of families in residence not exceeding the number of dwelling units provided.
56. NON-CONFORMING USE: Any building or tract of land lawfully occupied by a use, at the time of the passage of this Ordinance or amendments thereto, which does not conform with the provisions of this Ordinance or amendments thereto.
57. OFF-STREET PARKING SPACE: An off-street area for the parking of one (1) motor vehicle having all-weather surface, a width of not less than ten (10) feet and a length of not less than twenty (20) feet, and shall have an easy access to a street or alley by a driveway having all-weather surface.
58. OWNER: Shall mean any person who alone, jointly or severally with others:
- a) shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
 - b) shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent as an executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance, and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
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59. PARKING SPACE: See Off-Street Parking Space.
60. PERMIT: A written document issued by a designated representative of Emmons County government which grants permission to perform an act or service.

61. PERMITTED USE: Any use which complies with the requirements of a zoning district.
 62. PERSON: Shall mean and include any individual, firm, corporation, association, or partnership.
 63. PETITIONER: Same as applicant; any person making an application or formal request relating to this Ordinance.
 64. PLANNING COMMISSION: The Planning Commission of the County of Emmons, North Dakota.
 65. PLAT: Any map, plan, or chart of a tract of land or subdivision indicating the location and boundaries of individual properties.
 66. PRIMARY HIGHWAYS: See Highway, Primary.
 67. RECREATION DISTRICT: The areas designated by the Board of County Commissioners to the District Zoning Map which provide for general or specific recreational use.
 68. RECREATION VEHICLE: A vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy and is designated for vacation or recreation purposes but not a residential use.
 69. RECREATION VEHICLE PARK: A tract of land, designed and utilized, and operated on a fee or other basis as a place for the temporary parking of occupied recreation vehicles.
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70. REPAIR: Shall mean to restore to good condition.
 71. RESIDENTIAL DISTRICT: The area designated by the Board of County Commissioners on the Zoning District Map for development of residential dwelling units.

72. RIGHT OF WAY: The area, either public or private, over which the right of passage exists. The right of way shall not be considered as land area when computing lot size.
73. ROAD: A way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land place, or however other designated.
74. ROAD, ARTERIAL: All primary highways, secondary highways and other roads so designated by the County Board of Commissioners.
75. ROAD, COLLECTOR: All section line roads, major rural roads and other roads so designated by the County Board of Commissioners.
76. ROAD, FRONTAGE: See Frontage.
77. ROAD, MAJOR RURAL: Non-highway designated roads intended, or which might in the future, provide a way for traffic between developed areas, highways, or other major roads, including, but not limited to, all non-highway T.A.S. designated roads and any other roads so designated by the County Board of Commissioners.
78. ROADS, MARGINAL ACCESS: Non F.A.S. designated roads provided access to a limited number of uses.
79. ROADS, MINOR COUNTY AND TOWNSHIP: Roads with neither F.A.S. nor F.A.P. designation, unless otherwise designated by the Board of County Commissioners.
80. ROAD, PRIMARY HIGHWAY: See Highway, Primary.
81. ROAD, SECONDARY HIGHWAY: See Highway, Secondary.
82. RUBBISH: Shall mean combustible and non-combustible materials, except garbage, and the terms shall include the residue from the burning of wood, coke, and other combustible materials, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, glass, crockery and dust.

83. SALVAGE YARD: A place where used parts of automobiles or other equipment are collected and processed for resale.
84. SECONDARY HIGHWAY: See Highway, Secondary.
85. SETBACK: The line within a property defining the required minimum distances between any structure or use and the adjacent right of way or property line of any lot.
86. SIGHT LINE: An area of unobstructed vision at a street intersection defined by lines of sight between points at a given distance from the intersecting street right of way lines.
87. SIGN: Any device or display of letters, words, models, banners, flags, pennants, symbols or other representations which are in the nature of an announcement or advertisement or calls attention to a product, service, organization, person or event. The word "sign" does not include the flag, pennant, or insignia of any nation, state, city or other political unit.
88. SPECIAL EVENTS: Commercial, recreational, religious or educational activity which takes place in an area not normally designed or used for said activity and which takes place for a specified length of time, generally no more than 21 days.
89. SPECIAL TEMPORARY CONDITIONAL USE: Any conditional use which will take place only over a pre-specified length of time.
90. STREET: See Road.
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91. STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

92. SUBDIVISION: The division of land into two or more lots for the purpose, immediate or future, of sale or lease for building development, and any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights of way, whether public or private, for access to or from any such lot, tract, or parcel, and the creation of new or enlarged parks, playgrounds, plazas, or open spaces.
93. SUBDIVISION, MAJOR: Any subdivision that is not minor. A major subdivision shall be any subdivision that includes any public improvements, any subdivision not requiring public improvements that creates three (3) or more residential lots, two (2) or more commercial lots, one (1) or more industrial lots, or any combination of the above involving two (2) or more lots. The division of Agricultural (A) District or Recreational (RA) District land into lots of five (5) or more acres where no new public improvements are created shall be considered a minor subdivision.
94. SUBDIVISION, MINOR: Any subdivision that is not major.
95. SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either: (1) Before the improvement or repair is started, or (2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
97. TEMPORARY PERMITS: Permits issued by the Emmons County Board of Commissioners for certain uses before operation of said uses are allowed in Emmons County.

98. TOURIST AND TRAILER CAMP: An area containing one (1) or more structures designed or intended primarily for automobile transients or provided spaces where two (2) or more tents can be erected.
99. USE: The specific purpose for which land or a building is used.
100. USE, AGRICULTURAL: Pertaining to the use (activity), not necessarily the zoning classification (i.e., any activity relating to normal farming or ranching, regardless of the zoning classification).
101. USE, COMMERCIAL: Pertaining to the use (activity), not necessarily the zoning classification (i.e., any activity relating to retail merchandising, light industry, wholesale and service activities such as those commercial uses listed as permitted in a commercial district, regardless of the district in which such activity is located).
102. USE, INDUSTRIAL: Pertaining to the use (activity), not necessarily the zoning classification (i.e., any activity relating to the development, processing or refinement of resources and products such as those industrial uses listed as permitted in an industrial district, regardless of the district in which such activity is located).
103. USE, RESIDENTIAL: Pertaining to the use (activity), not necessarily the zoning classification (i.e., any activity relating to residential dwellings and accessory buildings for the sole use of families or individuals, regardless of the district in which such activity is located.)
104. VARIANCE: A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open space. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the

presence of nonconformities in the zoning district or uses in an adjoining zoning district.

105. WORK CAMP: A mobile home park designed and intended for the temporary residence of construction employees of a developer, contractor, or sub-contractor intended for use during the construction period of the project.
 106. YARD: A space on the same lot with the principle building or structure, open, unoccupied, and unobstructed by buildings or structures from the ground upward.
 107. YARD, FRONT: A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entrance-way.
 108. YARD, REAR: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot and the rear of the main building or any projection other than steps. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.
 109. YARD, SIDE: A yard extending from the front lot line to the rear yard line, and being the minimum horizontal distance between the side lot and the side of the main building or any projections thereof.
 110. ZONING DISTRICT MAP: The map showing the zoning districts of Emmons County officially adopted by the Board of County Commissioners.
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B. Interpretation of Definitions

1. Words or phrases used in this Ordinance that may be considered similar but which appear in different forms shall not be considered mutually inclusive unless otherwise stated.

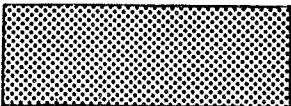
2. Words or phrases not defined herein shall be considered as meaning the same as their common usage unless otherwise defined by the Planning Commission or the Board of County Commissioners.

ZONING DISTRICTS

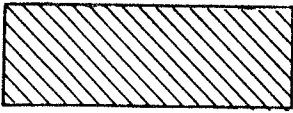
The purpose for the zoning map is to provide a simple reference to the location of districts, but official designation and description of boundaries for individual zoning districts is contained in the narrative description which follows the map.



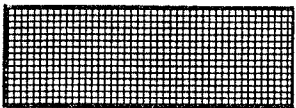
AGRICULTURAL (A)



RECREATIONAL (RC)



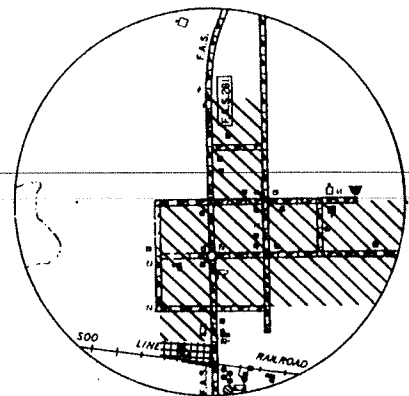
RESIDENTIAL (R)



COMMERCIAL (C)

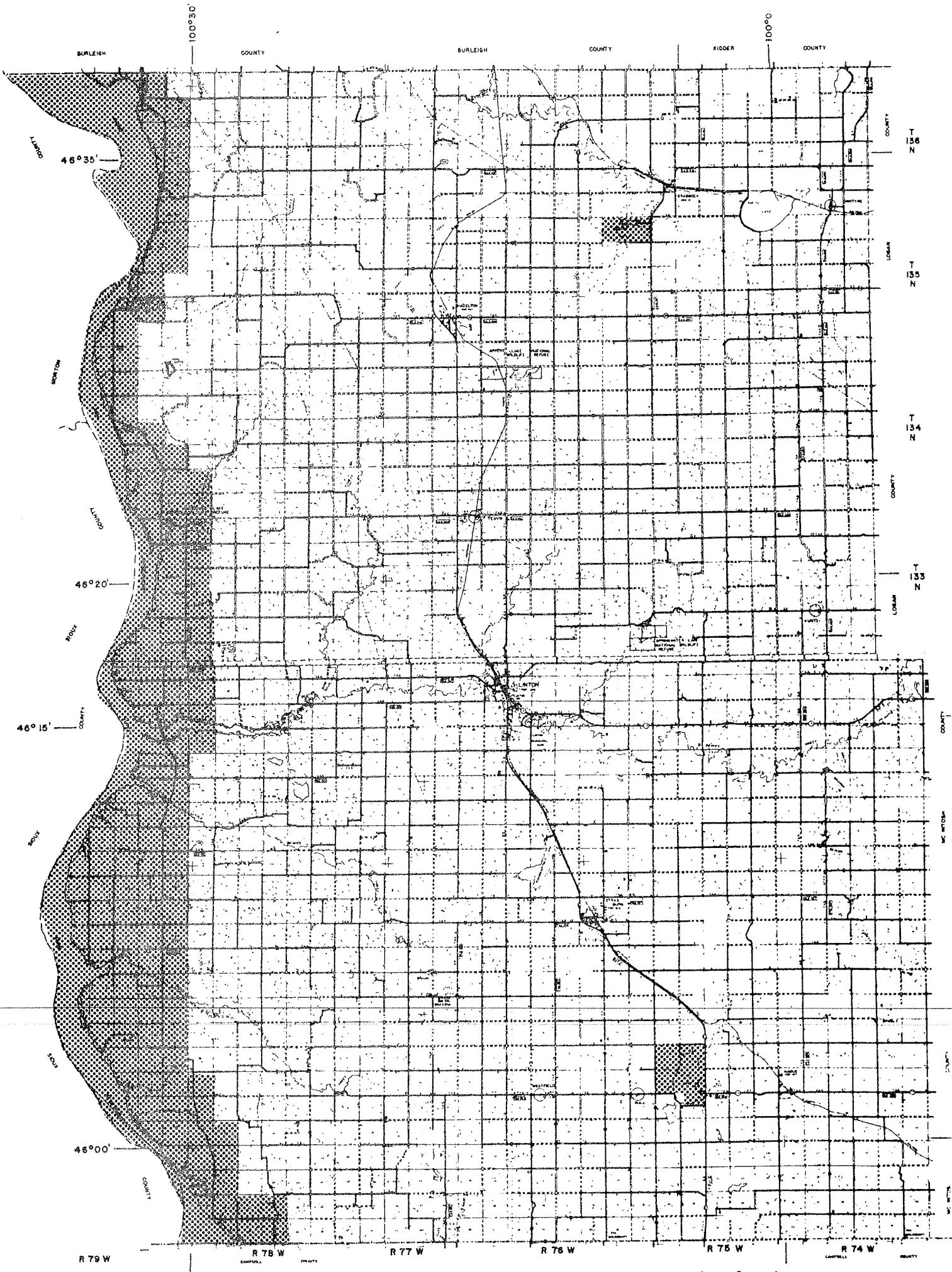


INDUSTRIAL (I)



KINTYRE

SEC. 35, T. 136 N., R. 74 W.



The following areas of Emmons County shall be classified as "Recreational District" zoning:

In Range 75 West (R. 75 W.): Sections 4, 5, in T. 135 N.; Sections 28, 29, 32, 33 in T. 130 N.; the north half (N $\frac{1}{2}$) of Section 4 in T. 129 N.

In Range 78 West (R. 78 W.): Sections 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32 in T. 136 N.; Sections 5, 6, 7, 8, 18, 19 in T. 135 N.; Sections 18, 19, 20, 28, 29, 30, 31, 32, 33 in T. 134 N.; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33 in T. 133 N.; Sections 6, 7, 18, 19 in T. 132 N.; Section 31 in T. 130 N.; Sections 6, 7, 8, 17, 18, 19, 20, 27, 28, 29, 30, 31, 32, 33, 34 in T. 129 N.

All property within Emmons County in R. 79 W.

The following areas of Emmons County shall be classified as "Residential District" zoning:

In Range 74 West (R. 74 W), Township 136 North (T. 136 N), Section 35, Blocks 10, 15, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 36 in the area known as Kintyre, North Dakota in Kintyre Township.

The following areas of Emmons County shall be classified as "Commercial District" zoning:

In Range 74 West (R 74 W), Township 136 North (T. 136 N), Section 36, Blocks 34 and 35 in the area know as Kintyre, North Dakota in Kintyre Township.

The following areas of Emmons County shall be classified as "Industrial District" zoning:

None specified.

The following areas of Emmons County shall be classified as "Agricultural District" zoning:

All other properties not otherwise designated and within the zoning jurisdiction of Emmons County.

ORDINANCE NO. 91-6-1

AN ORDINANCE TO AMEND ARTICLE IV, PAGE 11
AND PAGE 60 OF THE EMMONS COUNTY ZONING
ORDINANCE, PERTAINING TO COMMERCIAL DISTRICTS.

BE IT ORDAINED BY THE EMMONS COUNTY ZONING BOARD, EMMONS
COUNTY, NORTH DAKOTA:

Section 1. Amendment: Article IV of the Emmons County
Zoning Ordinance, page 11, is hereby amended and re-enacted
to include the following:

14. Advertising Signs and Billboards.

Section 2. Amendment: Page 60 of the Emmons County Zoning
Ordinance, is hereby amended and re-enacted to include the
following under area classified as "Commercial District" zoning:

1,000 feet on either side of U.S. Highway 83 Right
of Way extending $1\frac{1}{2}$ miles North and $1\frac{1}{2}$ miles South
of the city limits of the City of Linton, North Dakota.

1,000 feet on either side of U.S. Highway 83 Right
of Way extending $1\frac{1}{2}$ miles North and $1\frac{1}{2}$ miles South
of the city limits of the City of Hazelton, North Dakota.

1,000 feet on either side of U.S. Highway 83 Right
of Way, extending $1\frac{1}{2}$ miles North and $1\frac{1}{2}$ miles
South, where it intersects with Main Street,
of the City of Strasburg, North Dakota.

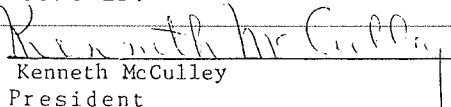
Section 3. Penalty. In the event that any person violates
any provision of this ordinance, they are guilty of a Class
B misdemeanor and will be subject to a fine not to exceed
\$500.00, thirty (30) days in jail or both fine and imprisonment.

Section 4. Repeal. All ordinances or parts of ordinances
in conflict with this ordinance are hereby repealed.

Section 5. Taking Effect. This ordinance shall be in
full force and effect from and after its final passage and
adoption.

Approved by the Emmons County Zoning Board, Emmons County,
North Dakota, this 4th day of June, 1991.

APPROVED:


Kenneth McCulley
President

ATTEST:


Anna Mary Dockter
Secretary

First Reading: 5-7-91
Second Reading: 6-4-91
Published: 6-11-91

