

ECKLUND TOWNSHIP ZONING ORDINANCE

RESOLUTION ADOPTING PROPOSED ORDINANCE

INTRODUCTION

WHEREAS, it is recognized that there is a need to control the use of land and real estate in Ecklund Township in order to promote the health, safety, morals and general welfare throughout the Township, by means of a Comprehensive Land Use Plan which is in part carried out by the provisions of this Ordinance. It is the intent of this Ordinance to provide regulations, standards, and guides for the Township's development which will:

- A. Protect the right of persons now using the real estate for agricultural purposes and related purposes from depreciation through non-agricultural uses.
- B. Prevent uses of the land which restrict or prohibit modern techniques of farming and irrigation.
- C. Conserve the value of the property.
- D. Maintain the productivity of the land.
- E. Encourage the most appropriate use of the land.
- F. Preserve the agricultural nature and character of the Township.
- G. Prohibit all littering on roadsides and etc.

This Ordinance shall be known as and may be referred to as the Ecklund Township Zoning Ordinance.

NOW, THEREFORE, be it resolved by the Board of Township Supervisors of Ecklund Township, Burleigh County, North Dakota, more particularly described as Township 142 N Range 79 W, Township 142 N Range 80 W, as follows: **see note page 2*

That a single A-Agricultural District, encompassing the entire Ecklund Township, is hereby established to provide a District that will allow suitable areas in the Township to be retained exclusively for agricultural use; to prevent scattered and uncontrolled non-farm development; to accomplish the purposes set forth in the introduction to this Resolution; to secure the greatest economy in governmental expenditures for the persons owning property in the Township; to discourage any use which will depreciate the value of agricultural land, reduce productive capacity, or interfere with the development and employment of modern techniques of

** E Half of twp 142 N Range 80 W (Sections 12, 13, 14, 15, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35)*
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farming and irrigation.

DEFINITIONS

A-Agricultural District ----- A District in which the predominant use of land is for general agricultural uses.

Agriculture ----- The actual engaging in farming of the land or engaging in the raising of livestock or other similar operations normally associated with farming and ranching, by a farmer, with not less than 50% of his annual gross income being gained thereby; the term "farmer" means an individual who normally devotes the major portion of his time to the activities of producing products of the soil, poultry, livestock, or dairy farming in such product's unmanufactured state and who normally receive not less than 50% of his annual gross income from any one or more of the foregoing activities, and the term also includes individual who is retired because of illness or age and who at the time of retirement owned and occupied, as a farmer, the premises.

Commercial ----- The engaging in a trade, business, or other activity, the purpose of which is to make a profit thereby.

Farm to Market Road ----- That part of the road system of Burleigh County designated as Farm to Market Roads by the Burleigh County Board of Commissioners.

Non-Conforming Use ----- The use of a building or other structure or of a tract of land which does not conform to the use or regulations of this Ordinance, either at the effective date of this Ordinance, or as a result of subsequent amendments which may be incorporated into this Ordinance.

Residential Subdivision ----- A development of single or multiple unit dwellings, the purpose of which is to provide housing for persons engaged in non-agricultural activities.

USES PERMITTED

The following uses shall be permitted within the A-Agricultural District:

1. Agriculture, including the construction, maintenance, and use of farm dwellings and related agricultural buildings on 160 acres or more.

CONDITIONAL USES

The following uses may be allowed according to the exclusive discretion of the members of the ECKLUND Township Board of Supervisors, who may allow the following agricultural conditional uses after issuance of a permit:

1. Non-agricultural single and multiple-family dwellings, including mobile homes.
2. Hospitals, convalescent or nursing homes.
3. Commercial outdoor recreation areas.
4. Organized group camps or group camp grounds.
5. Local power distribution lines, providing that such power distribution lines are constructed and operated on quarter section lines or parallel to within 250 feet of existing section lines, except where such lines are within one mile of their final destination.
6. Water supply facilities and essential public utility and service structures.
7. Golf clubs, country clubs, and structures related to such activities.
8. Commercial livestock, hog, and poultry feeding operations.
9. Commercial dog kennels.
10. Commercial radio or television transmitting stations and towers.
11. Residential subdivisions.
12. Oil wells. coal mines. and facilities for the extraction of

13. Airports.
14. Advertising signs and billboards.
15. Parks, recreational and wildlife conservation areas.
16. Animal hospitals.
17. Churches.
18. Fire stations and governmental buildings.
19. Schools.
20. Sand and gravel extraction.
21. Railroad line trackage.
22. Large public gatherings, of 50 persons or more.

The above is intended to be but a partial list of the possible conditional uses within the Township. It is the express intent of this Ordinance that any use not specifically allowed under this Ordinance shall only be allowed upon the issuance of a conditional use permit. The Ecklund Township Board of Supervisors shall have full authority and discretion in the issuance of such conditional use permits, provided that said Board shall consider each such application for a conditional use permit individually upon its merits, and further, that said Board, when considering all such applications, shall be guided and shall follow the intent of this Ordinance and the Comprehensive Plan for the zoning of Ecklund Township. Should an application be denied, the Board shall state, in writing, the reasons for such denial. The Board shall have the authority to conduct, or have conducted, such investigations concerning the impact of any proposed conditional use, as it sees fit.

SETBACKS

All structures shall be of a design to provide the following building setbacks from the center-line of highways when ~~lots front and have direct~~ access to:



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Residential Buildings:

<u>Primary Highway</u>	<u>Secondary Highway</u>	<u>Farm-to-Market Road</u>	<u>Rural Road</u>
250 feet	250 feet	250 feet	250 feet

Commercial Buildings:

<u>Primary Highway</u>	<u>Secondary Highway</u>	<u>Farm-to-Market Road</u>	<u>Rural Road</u>
300 feet	300 feet	300 feet	300 feet

All shelterbelts, and all solid type fences of a height of 6 feet or more, sufficient to cause an accumulation of snow, shall be placed at least 100 feet from the center line of all roads within the Township.

The Ecklund Township Board of Supervisors shall have the power to grant a variance from the requirements of the above setbacks. Any person so desiring such a variance shall make an application therefore to the Board. A fee of Five Hundred Dollars (\$500.00) shall be charged for each meeting called by the Board for the purpose of considering an application for such a variance. Such fee shall be due and payable, irregardless of whether or not a variance is, in fact, granted. Should such an application be denied, the Board shall state, in writing, the reasons for such denial.

NON-CONFORMING USES

Definition ----- Any lawful use of the land or buildings existing at the date of the enactment of this Ordinance, and which would not be permitted as a new use under the provisions of this Ordinance, is hereby declared to be a non-conforming use, and not in violation of this Ordinance at the date of the enactment of such Ordinance. Provided, however, a non-conforming use shall be subject to, and the owner shall comply with the following regulations:

1. Expansion of a non-conforming use is not permitted outside the original building or beyond the limits of the specified land.
2. No building used for a non-conforming use shall be enlarged, extended, reconstructed, or structurally altered unless the use is changed

which complies with the provisions of this Ordinance.

3. If any building in which there is a non-conforming use is damaged by fire, flood, explosion, wind, war, or other catastrophe, in an amount equal to or greater than 50% of its assessed valuation, it shall not be again used or reconstructed to be used for any use except one complying with the provisions of this Ordinance.

4. If any building in which there is a non-conforming use is moved any distance whatsoever, the building thereafter shall be used only in compliance with the provisions of this Ordinance.

5. A non-conforming use may be continued in accordance with the provisions of this section, but it shall not be changed to any other use except one which would be permitted as a new use under the provisions of this Ordinance.

6. If, for any reason, a non-conforming use of land ceases for a continuous period of more than two years, the land shall thereafter not be used except in compliance with the provisions of this Ordinance.

7. If, for any reason, a non-conforming use of a building ceases for a continuous period of more than two years, the building shall thereafter not be used except in compliance with the provisions of this Ordinance.

FEES

The following fees shall be charged by the Ecklund Township Board of Supervisors prior to the issuance of any conditional use permit according to the provisions of this Ordinance:

A. \$500.00 shall be charged for each meeting of the Ecklund Township Board of Supervisors called for the purpose of considering the question of whether or not to grant a conditional use permit. Such fee shall be due and payable irregardless of whether such a conditional use permit is, in fact, granted.

B. A fee of 1/10 of 1% of the estimated construction costs of all proposed buildings or facilities, constructed under a conditional use



permit, shall be charged by the Township for each permit which is granted provided that the extraction of sand, gravel, and other minerals shall be specifically excluded from the necessity of payment of such 1/10 of 1% fee.

ENFORCEMENT AND PENALTIES FOR VIOLATION

It shall be the duty of the Ecklund Township Board of Supervisors to administer and enforce the provisions of this Zoning Ordinance. Should any use arise which is in violation of the provisions of this Ordinance, the Ecklund Township Board of Supervisors shall have the power to employ the provisions of Section 58-03-14 of the North Dakota Century Code.

Dated this 8th day of April, 2003

ECKLUND TOWNSHIP BOARD OF SUPERVISORS

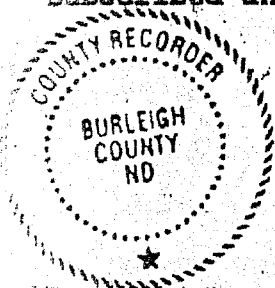
By: Donald Lorch
Supervisor

John O. Sitzer
Pres. Supervisor

Barbara Hobbs
Supervisor

Attest: Beverly Gorden
Clerk

Subscribed and sworn to before me this 8th day of Apr



Kenneth J. [Signature]
Notary Public
My Commission Expires: April 26, 2005

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Charles Landeis, Deputy