

- (d) Upon completion of the operation, the operator shall file with the Register of Deeds the actual location of testing.

3.5 RA - Agricultural District

3.5.1 Intent:


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), 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.

3.5.2 Permitted Uses:

1. All types of farming and ranching operations including dairying, livestock, and poultry raising, apiaries, and fur farming;
2. Truck gardening, nurseries, greenhouse, 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. All uses permitted on the RC District.

3.5.3 Conditionally Permitted Uses:

1. Single family, non-farm residential units on lots of five (5) acres or more, depending on soil characteristics, unless said lots are part of an existing recorded plat;
2. Mobile homes on lots for sale, rent, or lease;
3. Public and parochial schools;
4. Churches and related facilities;
5. Cemeteries;
6. Commercial grain elevators and accessory structures;
7. Feed lots;
8. Livestock auction yards;
9. Sewage lagoons and sediment ponds that comply with the State Health standards;


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10. Sanitary landfills and hazardous waste sites that comply with State Health standards;
 11. Facilities for the manufacturing and/or processing of agricultural products indigenous to Grant County;
 12. Railroad tracks and spurs;
 13. Airports;
 14. Radio, television, and telephone transmission and receiving towers and/or facilities;
 15. Governmental administrative, maintenance, and research facilities;
 16. Electric transmission facilities and water, gas, oil, and coal slurry transmission pipelines under the condition stipulated in Clause 7, Section 3.4.3;
 17. Oil and gas production sites which include well service, water and product hauling, and site maintenance;
 18. Oil and gas gathering line systems:

The applicant shall provide the following information to obtain a permit:

- (a) 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;
 - (b) An identification of pipeline origin, destination, size, minimum burial depth, road crossing methods and product;
 - (c) 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;
 - (d) An indication of the steps that will be used to reclaim and revegetate the right-of-way;
 - (e) The name and telephone number of the senior engineer with the project.
19. Subsurface mineral mining and surface extraction other than coal, gas, and oil.

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. The applicant for a permit shall submit the following:

- (a) Written evidence of a reclamation agreement with the surface owner;
- (b) 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;
- (c) 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;
-  (d) 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;
- (e) Posting a performance bond for reclamation of each contiguous 20-acre site with the County Auditor in the amount of not less than \$10,000, if not already posted with the state.

3.5.4 Temporarily Permitted Uses:


1. Coal exploration provided the conditions stipulated in Clause 2, Section 3.4.4.

3.6 R - Residential District

3.6.1 Intent:

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; and to protect the value of property.

3.6.2 Permitted Uses:

-  1. Agriculture;
2. Single family dwelling units;
3. Churches, schools, and related facilities;
4. Public parks, playgrounds, and other public recreational facilities;
5. Public libraries, museums, and community centers;

- ~~2.~~ Raising of game animals, fowl, or fish;
- 3. Animal hospitals and/or clinics;
- 4. Grain elevators and accessory structures.

3.8 C - Commercial District

3.8.1 Intent:

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.

3.8.2 Permitted Uses:

1. Agriculture;
2. Dry cleaning, pressing, tailor shops, and laundromats;
3. Electrical and plumbing shops;
4. Lumber yards;
5. Professional offices including banks, insurance, real estate, medical clinics, newspaper, 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;
14. Bus stations and taxi shelters;
15. All uses permitted in RC and RA Districts except those listed as prohibited in Section 3.8.4.

3.8.3 Conditionally Permitted Uses:

1. Light manufacturing activities which do not require yard storage;
2. Construction equipment sales;
3. Garages;
4. Parking lots and/or facilities;
5. All uses permitted in R Districts.

3.8.4 Prohibited Uses:

1. Hunting, fishing, and trapping;
2. Raising of game animals, fowl, or fish;
3. Mobile homes.

3.9 I - Industrial Districts

3.9.1 Intent:

It is the purpose of this Ordinance and this District to provide for the development of the mineral and agricultural resources of Grant 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.

3.9.2 Permitted Uses:

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

11. Rock, sand or gravel excavation, crushing, or handling;
12. All uses permitted in RC, RA, and C Districts except those listed as prohibited in Section 3.9.4.

3.9.3 Conditionally Permitted Uses:

1. Liquid, gas bulk, and explosives storage;
- ~~2.~~ Sewage lagoons and sediment ponds in compliance with State Health standards;
- ~~3.~~ Sanitary landfills and hazardous waste sites in compliance with State Health standards;
- ~~4.~~ Stockyards and feedlots;
5. Electric transmission facilities, water, gas, oil, and coal slurry transmission pipelines under the conditions stipulated in Clause 7, Section 3.4.3;
6. Oil or gas gathering line systems under the stipulations in Clause 18, Section 3.5.3;
7. Electric power plants, coal gasification plants, coal liquefaction plants, oil refineries, and petrochemical plants in accordance with the following regulations:
 - (a) The applicant shall provide the summary portion of the application for an Energy Conversion Facility permit submitted to the North Dakota Public Service Commission for said Energy Conversion Facility as required under Chapter 49-22 of the NDCC;
 - (b) The applicant shall submit all materials which constitute a ruling by the North Dakota Public Service Commission on said Energy Conversion Facility, including appropriate scale maps of the site.
8. All uses permitted in R Districts;
9. Coal mining:

These provisions shall not apply to the excavation of coal for private, non-commercial uses or excavations which disturb less than two (2) acres of land per year. The applicant shall meet the following requirements:

- (a) Copies of all nonconfidential information that was submitted to the Public Service Commission (PSC) concerning site operations, locations, and ownership patterns;
- (b) A copy of all information submitted to the North Dakota PSC concerning site reclamation;

IV. SPECIAL PROVISIONS



4.1 Sewage Disposal


Certain soil types in Grant County have severe limitations for soil absorption disposal systems (septic tanks) as is indicated in the maps and tables of the Soil Conservation Service Survey of Grant County Soils. Said soils shall be avoided when designing a septic tank system. If said soils cannot be avoided, proof that adequate precautionary steps shall be taken shall be provided the Planning and Zoning Commission.

4.1.1 All soil absorption systems shall adhere to the following restrictions:

1. Soil absorption systems shall be located at a point lower than elevation grade of any nearby water well or spring;
2. Soil absorption systems shall not be located within fifteen (15) feet of a dwelling, within one hundred (100) feet of a private water supply, or within one hundred fifty (150) feet of a public water supply, stream, river, lake, reservoir, or other water area;
3. No part of a seepage pit or drain field shall be located closer than thirty (30) feet to any property line nor closer than one hundred fifty (150) feet to any lake or drainage ditch.

4.1.2 A soil absorption system shall not be constructed on any lot smaller than one (1) acre (43,560 square feet) in soils with slight limitations; not on any lot smaller than two (2) acres (80,000 square feet) in soils with severe sewage disposal limitations.

4.2 Highway Access



Access to county or state highways shall be limited to a spacing of one access point per quarter mile; landowners shall provide for a frontage road or deed to the nearest quarter mile access point. A landowner or developer establishing a frontage road shall be responsible for construction, maintenance, and snow removal on said road.

4.3 Highway Setbacks

All buildings, structures, and high density shelter belts in all districts except PUD shall adhere to the following public road or highway setback minimum requirements:

1. Three hundred (300) feet from the center line of state and county highways, major roads, and major arterial streets or roads;

5.1.1 Authority:

The Grant County Board of County Commissioners is authorized to regulate the use of property through the use of zoning and has final responsibility for the preparation of this Ordinance, the County Zoning Map and administration thereof, under Section 11-33-01 of the NDCC.

5.1.2 Duties:

1. Appoint the Planning and Zoning Commission;
2. Appoint the Zoning Director;
3. Review the Zoning Ordinance and Zoning Map prepared by the Planning and Zoning Commission, incorporate public reaction to said Ordinance and Map, and adopt or revise said Ordinance and Map;
4. Make a final ruling on all zoning amendments and on all permit and variance requests which have been appealed;
5. Direct the actions and duties of the Planning and Zoning Commission and Zoning Director.

5.2 Grant County Planning/Zoning Commission

5.2.1 Authority:

The Grant County Planning/Zoning Commission was created by the Grant County Board of County Commissioners in accordance with the North Dakota Century Code, Chapter 11-33.

5.2.2 Duties:

1. Establish and administer rules and procedures for conducting the zoning affairs of Grant County.
2. Approve or deny applications and permits, as authorized by the Board of County Commissioners;
3. Conduct hearings on conditional and temporary uses and set conditions for certain uses, as authorized by the County Commission;
4. Establish requirements and procedures necessary for submission of applications, as authorized by the County Commission;
5. Conduct hearings on zoning amendments;
6. See to the publication of notice of zoning hearings and posting of the notice of zoning amendments on the affected site;

7. Establish bonding, fee schedules, and accounting thereof. Said bonding, schedules, and accounting shall be subject to the approval of the Board of County Commissioners.

5.3 Board of Adjustment

5.3.1 Authority:

The Board of County Commissioners shall act as a Board of Adjustment.

5.3.2 Duties:

1. The Board shall hear appeals from any person, party, firm, or organization aggrieved by the actions or decisions of the Planning Commission;
2. The Board shall authorize a variance from the terms of this Ordinance when the literal enforcement of the provisions of this Ordinance would result in unnecessary hardship and said variance will not be contrary to the public interest;

Application for a variance shall include:

- (a) The special conditions and circumstances which are unique to the land or structure and not applicable to other land or structures in the same District;
- (b) The special conditions and circumstances which are a result of the actions of the applicant;
- (c) The literal interpretation of those portions of the Ordinance which would deprive the applicant of rights commonly enjoyed by other properties in the District;
- (d) Information that the granting of the variance will not confer any special privilege on the applicant that is denied by the Ordinance to others in the same District.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said District.

5.4 Zoning Director

5.4.1 Authority:

The Board of County Commissioners shall appoint a Zoning Director to carry out the directives and duties as assigned by the Planning and

Zoning Commission. Said Director shall be responsible directly to the Planning and Zoning Commission.

5.4.2 Duties of the Zoning Director:

1. Attend all hearings;
2. Maintain updated copies of the Ordinance and District Zoning Map;
3. Keep copies of all records;
4. Post notice of amendment hearings of affected site;
5. Make inspection of land and/or structures to determine compliance with the provisions of this Ordinance;
6. Carry out any other duties assigned by the Planning and Zoning Commission;
7. Grant building permits;
8. Prepare materials and opinions on all applications submitted to the Planning and Zoning Commission.




5.5 Permits, Procedures, and Fees

Permits are required for nonagricultural uses and conditionally permitted uses in Agricultural Districts in accordance with this Ordinance, and said permits shall be received by the applicant before physical action on the use may be taken. A fee is required for all permits; said fee shall be paid to the County Auditor; all fee payments shall be deposited in the county general fund.

5.5.1 Building Permits

A building permit is required whenever outside dimensions are altered before the construction of any nonagricultural building or structure or addition thereto in any District before excavation for said building, structure, or addition can commence. To receive a building permit, an application shall be submitted to the Zoning Director which shall include:

1. Description of the nature or function of the building, structure, or addition;
2. Description of the size, principal construction materials used, and cost of the building, structure, or addition;
3. A legal description of the property and a plot map of a reasonable scale which shows the size of building or




structure, its position on the lot, and surrounding yard dimensions.

4. Must demonstrate compliance with district requirements and permitted uses.

A fee shall be paid for the building permit and shall equal:

1. 1/1000 of the estimated cost; not to exceed \$50.00 for residential structures;
2. 1/1000 of the estimated cost; not to exceed \$100.00 for commercial structures;
3. 1/1000 of the estimated cost; not to exceed \$150.00 for industrial structures.



5.5.2 Conditional Use Permit

A conditional use permit may be granted by the Zoning Director following a ruling by the Planning and Zoning Commission on the application submitted. The application shall include:

1. A description of the nature and function of the use, building or structure;
2. A description of the size, design, materials, and costs in the building, structure, equipment, or procedure;
3. A legal description of the lot or lots and a plot map of reasonable scale which shows the size of the structures, open space areas, and yard dimensions of the area(s) to be disturbed by the use;
4. An explanation of why said use or structure should be allowed at the proposed location, its compatibility with the surrounding land uses, the nature of the conflicts or problems which may arise, and possible solutions to the potential conflicts;
5. Any other information that is required under the district ordinances or that the Planning and Zoning Commission deems necessary.

A public hearing on the conditional use permit request shall be held following proper notice pursuant to Section 11-33-08 of NDCC. The notice shall include a description of the action and location in sufficient detail for concerned parties to determine the actions' impact.

A fee shall be paid in the amount of \$15.00 plus the costs of advertising for the hearing.