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GOLDEN GLEN TOWNSHIP

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NORTH DAKOTA

2008

ZONING REGULATION

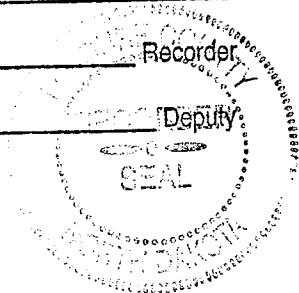
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OFFICE OF COUNTY RECORDER
LAMOURE COUNTY, N.D.

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DK Walscheid Recorder

By _____ Deputy



KC
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1 ARTICLE I INTRODUCTION

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1.1 Title

This ordinance, its regulations, and the Township Zoning Map shall be known and cited as the Golden Glen Township of LaMoure County, North Dakota Zoning Regulations.

1.2 Purpose and Intent

1.2.1 To protect public health, safety, morals, comfort, convenience, prosperity and general welfare of Golden Glen Township, North Dakota.

1.2.2 To secure safety from fire, panic, noxious fumes, and other dangers.

1.2.3 The purpose of this ordinance is to promote the health, safety and welfare of the people of Golden Glen Township. It is intended that the establishment of this ordinance will promote orderly and non-conflicting uses of land and property, protect property rights, ensure the provisions of adequate public services and promote conservation of land, water and other natural resources to assist in the realization of goals and objectives of the Golden Glen Township Comprehensive Policy Plan and subsequent amendments thereto.

1.2.4 To promote orderly development of the Township's resources including, but not limited to, land, wind, and water resources, and to prevent conflict among land uses and structures.

1.3 Authority

This zoning ordinance is developed and enacted under authority granted by Chapter 58-03 of the North Dakota Century Code (NDCC).

1.4 Jurisdiction

1.4.1 General

These regulations shall apply to the use and enjoyment of all lands within Golden Glen Township, LaMoure County, North Dakota.

1.4.2 Extraterritorial Areas

When an incorporated municipality has declared its intent in exercising its extraterritorial authority as provided by Chapter 40-47 of the North Dakota Century Code, these regulations shall not apply to the area delineated for that purpose.

1.5 Interpretation

These regulations shall be held to be minimum requirements adopted for promotion of purposes cited in Section 1.2. Whenever the requirements of these regulations are at variance

with the requirements of other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive shall govern unless otherwise specifically stated.

1.6 Severability

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

1.7 Effective Date

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

1.8 Non-restriction of farming

No regulation or restriction contained in this ordinance shall be construed to prohibit or prevent the use of land or buildings for farming or any of the normal incidents of farming.

1.9 Disclaimer

This ordinance shall not create liability on the part of Golden Glen Township, any officer or employee thereof, or the Federal Insurance Administration for any damage that results from reliance on this ordinance or any administrative decision lawfully made there under.

2 ARTICLE 2 RULES AND DEFINITIONS

2.1 Rules

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

2.1.1 Words used in present tense shall include the future.

2.1.2 Words used in singular number shall include the plural number, and the plural the singular.

2.1.3 Shall is a mandatory word and not discretionary.

2.1.4 May is a permissive word.

2.2 Definitions

The definition of specific terms used in this ordinance are:

- 2.2.8 "Animal wintering operation" means the confinement of cattle or sheep used or kept for breeding purposes in a feedlot or sheltered area at any time between October 15 and May 15 of each production cycle under circumstances in which these animals do not obtain a majority of their feed and nutrients from grazing. The term includes the weaned offspring of cattle and sheep, but it does not include (1) breeding operations of more than 1,000 animal units or (2) weaned offspring which are kept longer than 150 days and that are not retained for breeding purposes.
- 2.2.9 "Applicant" means an individual, corporation, group of individuals, partnership, joint venture, owners, or any other business entity having charge or control of one or more animal feeding operations.
- 2.2.10 "Aquifer" means a geologic formation, group of formations, or part of a formation capable of storing and yielding ground water to wells and springs.
- 2.2.11 "Building" means any structure designed or intended for shelter, housing, business, office, and accommodation of persons, animals, chattels or property.
- 2.2.12 "Building Area" means that portion of the zoning lot that can be occupied by the principal use, excluding the front, rear and side yards.
- 2.2.13 "Building Height" means vertical distance from the grade to the highest point of the roof.
- 2.2.14 "Building Line" means a line establishing the minimum distance that structures may be placed from the lot lines or highway right-of-way. For the purposes of these regulations the building line is the same as setback line.
- 2.2.15 "Building, Principal" means a building, the principal use of which is single family and multi-family dwellings, and offices, shops, stores and other uses.
- 2.2.16 "Channel" means a natural or man-made water course for conducting the flowing water.
- 2.2.17 "Closure" means taking of those actions to close and reclaim a feedlot. Closure actions may include, but are not limited to, cleaning of buildings, disposal of manure, and demolition and/or removal of all manure storage structures.
- 2.2.18 "Club or Lodge" means a private club or lodge which is a nonprofit association of persons for the purpose of gatherings and entertaining members including consumption of food and beverages.
- 2.2.19 "Commission" means the Township Zoning Commission.
- 2.2.20 "Comprehensive Plan" means a guide for management of the physical resources and development of the Township as adopted by the Zoning Commission.

- 2.2.21 "Conditional Use" means use of a special nature not automatically permitted in a zoning district and which requires review and approval of the Zoning Commission after public hearing.
- 2.2.22 "Conforming Building or Structure" means a building or structure which complies with all requirements of these regulations and other regulations adopted by the Township.
- 2.2.23 "Development" means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures, the construction of additions or alternations to buildings or structures, ditching, lagooning, dredging, filling, grading, paving, excavation and drilling operations.
- 2.2.24 "Development Plan" means a document including maps and data for physical development of an area as provided by these regulations.
- 2.2.25 "District" means a section or sections of the township for which regulations governing the use of building and premises, the building heights, size of yards, lot area, lot width and the use are uniform.
- 2.2.26 "Due process" involves two essential elements; (1) notice and (2) an opportunity for a hearing. The notice must adequately describe the potential action that might affect the person(s) being notified and it must provide the person(s) a reasonable time to respond. If the person(s) request(s) a hearing, the hearing must be fair and allow the person(s) to present relevant evidence and arguments.
- 2.2.27 "Dwelling" means any building or portion thereof, used exclusively for human habitation including single family and multiple family units but not including hotels or motels.
- 2.2.28 "Dwelling, Multiple Family" means a single building or portion thereof, containing two (2) or more dwelling units.
- 2.2.29 "Dwelling, Single Family" means a building containing one dwelling unit only.
- 2.2.30 "Earthen Manure Storage Basin" means an earthen cavity, either covered or uncovered, which, on a regular basis, receives waste discharges from an animal feeding operation and from which accumulated wastes from the basin are removed at least once a year.
- 2.2.31 "Encroachment" means any fill, building, structure or use including accessory used projecting into the required yard areas or public and private property.
- 2.2.32 "Established Residence" means any residence established by a personal presence, in a fixed and permanent dwelling with an intent to remain there.
- 2.2.33 "Establishment" means a place of business for processing, production, assembly, sales, service of goods and materials.

- 2.2.34 "Existing" means an animal unit handling facility in place on the date this ordinance is effective.
- 2.2.35 "FAA" means the Federal Aviation Administration.
- 2.2.36 "Farm" means a tract of land of not less than five acres which is devoted to agricultural activities.
- 2.2.37 "Farming" - see Agriculture (Farming, Ranching).
- 2.2.38 "Feedlot" means a parcel of land which contains a commercial operation for feeding or raising of 200 (two hundred) or more animals which is operated as a separate activity and not incidental to farming.
- 2.2.39 "Flood Plain" means lowland and relatively flat areas adjoining inland and coastal waters that are inundated by a one-hundred (100) year flood.
- 2.2.40 "Frontage" means the front part of a lot abutting a public right-of-way, or road or highway.
- 2.2.41 "Grade" means the land elevation at the horizontal intersection of the ground and the building.
- 2.2.42 "Ground Water" means water below the land surface in a geological unit in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.
- 2.2.43 "Home Occupation" means any occupation carried on in a dwelling unit by a member or members of the family and which meets these requirements:
- That the occupation is conducted within the principal building and not in an accessory building.
- That no stock-in-trade is kept or commodities sold other than those produced on the premises.
- That no more than twenty five percent (25%) of the floor area of the dwelling is devoted to such home occupation.
- 2.2.44 "Hotel or Motel" means a building in which lodging accommodations, with or without meals are provided for compensation.
- 2.2.45 "Junk or Salvage Yard" means an open area where waste or scrap material, including parts of used motor vehicles, appliances and farm implements are bought, sold, exchanged, stored, baled, parked, disassembled or handled.
- 2.2.46 "Kennel, Animal" means any premises where dogs, cats and other household pets are boarded, bred and maintained for compensation.

- 2.2.47 "Lagoon" means an impoundment made by excavation or earth fill for biological treatment of animal or other agricultural wastes. Lagoons can be aerobic, anaerobic or facultative, depending on their loading and design.
- 2.2.48 "Livestock" means any animal raised for food, raw materials or pleasure, including but not limited to, beef and dairy cattle, bison, sheep, swine, poultry and horses. Livestock also includes fur animals raised for pelts.
- 2.2.49 "Lot" means a piece, parcel, lot or area of land of continuous assemblage established by survey, plat or deed.
- 2.2.50 "Lot Lines" means the property lines bounding the lot.
- 2.2.51 "Lot Width" means the horizontal distance between the side lot lines of a lot measured at the front building setback line.
- 2.2.52 "Lot, Zoning" means a single lot, parcel, tract of land within a zoning district developed or to be developed.
- 2.2.53 "Manure" means fecal material and urine from livestock, as well as animal-housing wash water, bedding material, rainwater or snow melt that comes in contact with fecal material or urine.
- 2.2.54 "Mobile Home" means a manufactured trailer intended for family residential occupancy.
- 2.2.55 "Mobile Home Park" means a parcel of land for which a detailed plan indicating the location of lots, blocks, streets, facilities and utilities exists.
- 2.2.56 "Nonconforming Building" means any building which does not comply with any or all of these regulations.
- 2.2.57 "Nonconforming Use" means any principal use of land or building which does not comply with any or all of these regulations.
- 2.2.58 "Nursing Home or Convalescent Home" means a home for the aged or infirm which unrelated persons are accommodated for compensation.
- 2.2.59 "Occupied Structures and Facilities" mean any occupied dwelling, commercial building or publicly-used structure or facility.
- 2.2.60 "Operator" means an individual or group of individuals, a partnership, a corporation, a joint venture, or any other entity owning or controlling one or more animal feeding operations or animal wintering operations.

- 2.2.61 "Permitted Uses" means those uses, buildings or structures which comply with the provisions of specific zoning districts because of the similarities in nature and relationship to each other. Permitted uses are distinct from conditional uses that are authorized only if certain requirements of these provisions are met after a public hearing and approval by the Zoning Commission.
- 2.2.62 "Person" means any individual, firm, corporation, partnership or legal entity.
- 2.2.63 "Planned Development" means a grouping of buildings and structures on a site of five (5) or more acres in single ownership which is not limited by the yard or building height limitations but is based on a detailed development plan and recorded in the Office of the Township Code Administrator upon approval by the Zoning Commission.
- 2.2.64 "Pollution, Air" means the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is or may be injurious to human health, welfare, or property, animal, or plant life or which unreasonably interferes with the enjoyment of life or property.
- 2.2.65 "Pollution, Water" means manmade or man-induced alteration of the physical, chemical, biological integrity of any Waters of the State.
- 2.2.66 "Public Roadway or Public Way" means any dedicated and recorded right-of-way including alleys, sidewalks, streets, roads or highways.
- 2.2.67 "Regional Flood" means a flood determined by the state and Federal Emergency Management Agency which is representative of large floods known to have occurred in the Township.
- 2.2.68 "Service Station" means any building or premises where automotive fuels, automotive related services, lubricants, parts, and supplies are made available to the motorist.
- 2.2.69 "Shall" means that the requirement is mandatory, rather than optional.
- 2.2.70 "Sign" means any emblem, name, identification, description or illustration which is used for outdoor advertising having permanent location on the ground or attached to or painted on a building including bulletin boards, billboards and poster boards, but excluding real estate for sale signs, political campaign signs, public information and traffic signs.
- 2.2.71 "Site Plan" means a detailed plan for making improvements to parcel(s) of land for the purpose of building and development as provided in these regulations.
- 2.2.72 "Source-Water Protection Area" means a boundary which defines the surface and subsurface area surrounding a water well or a well field, which supplies a public water system and through which contaminants are likely to move toward and reach such water well or field.

- 2.2.83 "Zoning Commission" shall mean a body governing this document as outlined in section 7.3 of this document.

3 ARTICLE 3 GENERAL PROVISIONS

3.1 Compliance

No building or land shall hereafter be used or occupied and no building shall be erected, moved, or altered unless in conformity with these regulations.

No person, firm or corporation shall erect, construct, make structural changes or move any structure without first obtaining a Building Permit. Application for a building permit shall be made to the Township Code Administrator, who may issue said "permitted use" permit. Permits other than "permitted use" shall be brought to the Zoning Commission for action. No building permit shall be issued if the actions described in the application would constitute a violation of this ordinance.

If, for any reason, a "permitted use" building permit is initially denied by the Township Code Administrator, the applicant shall be informed within seven days of the date of application. The applicant may then request a hearing before the Zoning Commission to appeal for a reversal of such denial or may reapply after making whatever changes in the application deemed necessary by the Township Code Administrator. If, for any reason, a building permit is initially denied by the Zoning Commission, the applicant shall be informed within seven days of the date of application. The applicant may then reapply after making whatever changes in the application deemed necessary by the Zoning Commission or appeal to the Township Supervisors.

The fee for a Building Permit is listed within this document.

3.1.1 Building Height, Lot Area and Yards

- 3.1.2 No building shall exceed the height, occupy larger part of lot area, and no lot shall be created smaller than the requirements of these regulations.

3.1.3 Substandard Lots

- 3.1.4 All existing lots at the date of adoption of these regulations shall be deemed buildable unless for the reasons of land suitability, flooding and other physical limitations contrary to the purpose of these regulations.

3.2 Amendments

The Township Supervisors may, from time to time, amend, supplement or repeal any part of these regulations after a public notice and hearing.

3.3 Comprehensive Plan

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These regulations are administered and enforced to implement the Comprehensive Plan of the Township, a document adopted by the Township Supervisors as a policy guide for protection of the township's natural resources and accommodating the type of development deemed appropriate including but not limited to the following objectives.

- 3.3.1 To conserve and enhance the taxable value of land and buildings in the township.
- 3.3.2 To encourage the most appropriate use of land in the township.
- 3.3.3 To protect the character and maintain the stability of farming activities and production.
- 3.3.4 To regulate and restrict the location and intensity of use of buildings and land not related to farming.
- 3.3.5 To separate and control unavoidable nuisance producing uses to minimize the adverse impacts on the surrounding areas or uses.
- 3.3.6 To facilitate traffic movement and promote development of compatible uses.

3.4 Non-conforming Uses

The lawful use of a building or premises existing at the date of adoption of these regulations may be continued. Where a non-conforming use is discontinued for a period of more than twelve consecutive calendar months any subsequent use or occupancy of such premises shall conform to these regulations. Whenever a building is destroyed or damaged by fire or other casualty to the extent of more than sixty percent (60%) of its market value it shall not be restored unless said building shall conform to the provisions of the district in which it is located. Non-conforming uses shall not be expanded to occupy a larger area of land than existed at the date of adoption of these regulations unless approved by the Zoning Commission after a public hearing.

3.5 Land Suitability

No land shall be used for a purpose which is held unsuitable for the reason of flooding, soil limitations, inadequate drainage, incompatibility with adjoining uses or any condition likely to be harmful to the health, safety or the welfare of the people in the area. The Zoning Commission may require information and data to determine the land suitability. The Commission may consult with Federal, State and local agencies to assist in its determination.

3.6 Conditionally Permitted Uses

Where a use is classified as a conditional use under these regulations and exists at the date of adoption of these regulations, it shall be considered a permitted use. Where a use is not allowed as a conditional use or permitted use, under these regulations, and exists at the date of adoption of these regulations, it shall be considered non-conforming and shall be subject to the non-conforming buildings and use provisions.

3.7 Road and Highway Access

A permit for access and utility construction to/through township roads is required by the Zoning Commission. In granting the access permit to the township roads, the Zoning Commission may adopt rules and regulations as to the number of access points per mile, the width, construction and other features of the access to the adjoining properties. The Zoning Commission may place conditions when granting a road access permit. Farm driveways and field access points are exempt from these provisions.

3.8 Road and Highway Setbacks

All buildings, structures, tree plantings, and shelterbelts shall be placed at least 100 [one hundred] feet from center of all roads. This includes township, county, state, and federal roads [north, south, east, and west].

4 ARTICLE 4 ZONING DISTRICT BOUNDARIES AND MAP

4.1 Zoning District

In order to carry out the purposes and provisions of these regulations, the following zoning districts are hereby established.

4.1.1 A - Agricultural Zone

4.1.2 AP Airport District

4.2 Zoning District Map

4.2.1 Zoning Districts

The location and boundaries of the zoning districts are hereby established as shown on the "Zoning District Map" on file in the Office of the Township Code Administrator. The zoning district maps, together with all information shown thereon and all amendments thereto, shall be an integral part of these regulations.

4.2.2 Public Roads and Highways as Boundary

Where zoning district boundary lines are indicated as following roads and highways or extensions thereof, such boundary lines shall be construed to be the center line of said roads and highways or extension thereof unless clearly shown to the contrary.

4.2.3 Property Line as Boundary

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Where a zoning district boundary line coincides approximately but not exactly with the property line, the zoning boundary shall be construed to be the lot line at that location. All section lines, quarter section lines and quarter quarter section lines may be construed as the property lines.

4.2.4 District Description for Unsubdivided Lands

For unsubdivided property, zoning district boundaries are determined by metes and bounds description or by a legal description as deemed necessary.

4.2.5 Vacated Areas

Where a public road or highway is vacated by the official action of the Township Supervisors, the zoning district boundaries shall be extended to the center of the vacated public road or highway.

4.2.6 Zoning District Boundary Interpretation

Where any uncertainty exists as to the exact location of the zoning district boundary lines, the Township Supervisors shall determine the location of such boundary lines.

4.2.7 Certification

The official zoning map shall bear a certificate with the signature of the Zoning Commission and certification of the Township Clerk and date of adoption of the zoning map as an integral part of these regulations.

5 ARTICLE 5 ZONING DISTRICT REGULATIONS

5.1 A-1 Agricultural District

5.1.1 Purpose

The purpose of this district is to provide for preservation and protection of agricultural lands and to discourage uses incompatible with agricultural operations or detrimental to agricultural lands utilization.

5.1.2 Permitted Uses

- 5.1.2.1 All types of farming and ranching operations including dairying, livestock and poultry raising, apiaries, fur farming, and harvesting and selling crops and forest products.
- 5.1.2.2 Accessory Buildings and Structures.
- 5.1.2.3 Cemeteries.
- 5.1.2.4 Churches.
- 5.1.2.5 Grain Elevators and Accessory Structures.
- 5.1.2.6 Home Occupations.
- 5.1.2.7 Parks, Playgrounds, and Conservation/Recreation Areas.
- 5.1.2.8 Public and Private Schools.
- 5.1.2.9 Public Buildings and Facilities Including County Garages.
- 5.1.2.10 Single Family Non-farm Residential Units subject to the details in these regulations.
- 5.1.2.11 Stock Piling of Sand and Gravel for Road Construction and maintenance.
- 5.1.2.12 Utility Lines and Pipe Lines Including Substations for Transformers, Pumping Stations and Lift Stations.
- 5.1.2.13 Veterinary Clinics, Animal Hospitals and Domestic Animal Kennels not Nearer than 500 (five hundred) Feet From Any Residence Except the Residence of the Owner or Operator.

5.1.3 Conditionally Permitted Uses

- 5.1.3.1 Livestock Sales Arenas, Livestock Feedlots and Slaughterhouses as previously defined, provided that: no livestock sales arenas, feedlot or slaughterhouse shall be located within 2,640 feet of any natural surface water body that contains water on an average of more than two months of any given year;
- 5.1.3.2 Commercially Operated Air landing Strip and Accessory Buildings.
- 5.1.3.3 Feedlots, subject to these regulations.
- 5.1.3.4 Voltage Transmission Lines and Accessory Structures.
- 5.1.3.5 Manufacturing and Processing of Agricultural Products Produced in the Area.
- 5.1.3.6 Radio, TV Stations and Towers.
- 5.1.3.7 Sale and Services of Agricultural Equipment and Machinery.
- 5.1.3.8 Salvage and Junk Yards Subject to Provisions of Section 6.6.
- 5.1.3.9 Sanitary Landfills Subject to the Provisions of Section 6.5.
- 5.1.3.10 Sewage Lagoons and Wastewater Treatment Facilities.
- 5.1.3.11 Golf Courses
- 5.1.3.12 Storage of Farm Related Chemicals.
- 5.1.3.13 Mining of Sand and Gravel Subject to Provisions of Section 6.4.
- 5.1.3.14 Mobile Homes
- 5.1.3.15 Public and Non-Profit Wildlife Management Areas
- 5.1.3.16 Skeet, Trap and Rifle Ranges if not Nearer than 1,000 (one thousand) Feet from Any Residence.
- 5.1.4 Lot Area and Lot Width
 - 5.1.4.1 For non-farm residential uses the lot area shall not be less than 5 (five) acres.
 - 5.1.4.2 For non-residential uses the lot area shall not be less than 5 (five) acres.
 - 5.1.4.3 The lot width for any use in agricultural district shall not be less than 250 (two hundred fifty) feet.

5.1.5 Yard Requirements

5.1.5.1 Minimum setback of non-farm structure shall be 100 feet from any public road right-of-way and 50 feet from any lot line of any lot of record.

5.2 AP Airport District

5.2.1 Purpose

The purpose of this district to promote the growth, safety and the general welfare of the Edgeley Municipal Airport.

5.2.2 Airport District Regulations

Within this District and for matters pertaining to the regulatory authority as provided within this document, Golden Glen Township Supervisors will follow the Regulatory ordinances of the Edgeley Municipal Airport and request a recommendation by the Edgeley Airport Authority. The extent of this district is defined in Golden Glen's Comprehensive Land Use Plan.

6 ARTICLE 6 SPECIAL PROVISIONS

6.1 Additional Use Provisions, Restrictions, and Requirements

No use, whether permitted or conditional, shall be permitted if the use is deemed, by the Zoning Commission, to be dangerous, obnoxious or offensive to persons residing in the vicinity thereof, or impair the use, enjoyment or value of any property.

6.2 Off-Street Parking

6.2.1 Purpose

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

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

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

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

6.2.2 General Requirements

- 6.2.2.1 An off-street automobile parking space shall be at least 9 (nine) feet wide and 20 (twenty) feet long, exclusive of access drives or ramps.
- 6.2.2.2 All open off-street parking areas with 4 (four) or more spaces and all loading berths shall be graded to dispose of all surface water run-off but not be diverted to adjoining properties.

6.2.3 Special Requirements

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

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

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

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

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

6.3 Signs

6.3.1 Purpose

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

6.3.2 General Requirements

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

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

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

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

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

6.4 Mining of Sand, Gravel and Excavation

6.4.1 Purpose

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

6.4.2 Site Approval Requirements

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

6.4.3 Data Submission Requirements

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

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

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

6.4.4 Proximity to Existing Uses

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

6.4.5 Permit Requirements

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

6.5 Sanitary Landfills and Solid Waste Sites

6.5.1 Compliance with North Dakota State Laws and Rules

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

6.5.2 Compliance with Township Ordinances and Procedures

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

6.5.3 Township Ordinance and Procedures

The Township hereby adopts solid waste provisions, subject to the provisions of NDCC 58-03-11 to assure meeting the purposes of these regulations and the Township Comprehensive Plan.

6.5.4 Purpose

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

6.5.5 Site Approval Requirements

All solid waste sites require approval by Zoning Commission.

6.5.6 Locational Standards

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

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

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

6.5.7 Data Submission Requirements

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

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

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

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

6.5.8 Statement of Findings

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

6.6 Junk or Salvage Yards

6.6.1 Purpose

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

6.6.2 Site Approval Requirements

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

6.6.3 Locational Standards

- 6.6.3.1 No salvage or junk yard shall be located within 500 (five hundred) feet of a residential district and 200 (two hundred) feet of commercial buildings and structures.
- 6.6.3.2 No salvage or junk yard shall be located in areas which due to high water table, flooding and soil conditions may affect the quality of surface and ground water.
- 6.6.3.3 No salvage or junk yard shall be located nearer than 200 (two hundred) feet of all road and highway rights-of-way.
- 6.6.3.4 All salvage yards and operations shall be screened from the public view unless the salvage material is placed 500 (five hundred) feet away from any highway right-of-way and screened by natural vegetation, building and land form.

6.7 Utilities

6.7.1 Purpose

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

6.7.2 General Requirements

- 6.7.2.1 The utilities include but not limited to electric power, electrical transmission lines, electrical towers and substations, natural gas pipelines, the petroleum product pipelines, water and sewer lines, telephone lines and other above ground or underground communication and energy transfer lines and pipelines.
- 6.7.2.2 All new utility lines and pipelines require a permit from the Zoning Commission.
- 6.7.2.3 All new utility lines and pipelines are considered conditional uses and shall conform to the provisions of Section 8.2, Conditional Use Permits, of these regulations.
- 6.7.2.4 All pipelines, natural gas, petroleum pipelines and other energy transfer lines shall be placed deep enough in the ground so as to not interfere with or become hazardous to normal farming operations.
- 6.7.2.5 Excavation for tunneling of any pipelines under roads, farm drains, group drains and local drains shall be done by the company owning or leasing said pipelines and the cost of said excavation and damages to be born by the said company.

6.8 Public and Non-Profit Wildlife Management Areas

6.8.1 Purpose

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

6.8.2 General Requirements

6.8.2.1 All publicly owned and non-profit agency wildlife management areas established after adoption of these regulations require a conditional use permit subject to the provisions of Section 8.2.

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

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

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

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

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

6.9 Animal Feeding Operations

6.9.1 Purpose

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

6.9.2 General Provisions

6.9.2.1 Equivalent Animal Numbers

An animal unit equivalent¹ is a unitless number developed from the nutrient and volume characteristics of *manure* for a specific *livestock* type. The term *Animal units*² is used to normalize the number of animals (e.g., head) for each specific *livestock* type which produce comparable bulk quantities of *manure*. The animal unit equivalents for types of *livestock* and the numbers of *livestock* for facility size thresholds of 300 animal units (a.u.), and so forth, are listed in the following table

		Equivalent Numbers of the Livestock (hd) for Four Sizes (a.u.) of Animal Feeding Operations
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Livestock Type	Animal Unit Equivalent	300 a.u.	1,000 a.u.	2,000 a.u.	5,000 a.u.
1 horse	2.0	150 hd	500 hd	1,000 hd	2,500 hd
1 dairy cow	1.33	225	750	1,500	3,750
1 mature beef	1.0	300	1,000	2,000	5,000
1 beef feeder - finishing	1.0	300	1,000	2,000	5,000
1 beef feeder - backgrounding	0.75	400	1,333	2,667	6,667
1 mature bison	1.0	300	1,000	2,000	5,000
1 bison feeder	1.0	300	1,000	2,000	5,000
1 swine, > 55 lbs	0.4	750	2,500	5,000	12,500
1 goose or duck	0.2	1,500	5,000	10,000	25,000
1 sheep	0.1	3,000	10,000	20,000	50,000
1 swine, nursery	0.1	3,000	10,000	20,000	50,000
1 turkey	0.0182	16,500	55,000	110,000	275,000
1 chicken	0.01	30,000	100,000	200,000	500,000

6.9.1 Environmental Protection

The *operator* of a new facility for animal feeding is expected to locate, construct, operate and maintain the facility so as to minimize, reduce or abate effects of pollution on environmental resources and on public safety and health. The *operator* of an existing facility is expected to operate and maintain the facility so as to minimize, reduce or abate effects of pollution on environmental resources and on public safety and health. Each *operator* shall comply with applicable state laws and rules, including the laws and rules administered by the North Dakota Department of Health and with any permits granted by that department.

6.9.2 Enforcement

In the event of a violation of this ordinance or a judgment on a civil action by the North Dakota Department of Health, the township supervisors, after due process, can order cessation of a facility for animal feeding within a reasonable period of time and until such time as the *operator* corrects or abates the cause(s) of the violation. If the cause(s) of the violation are not remedied within a reasonable period of time as set by the Township Supervisors, the permit may be revoked.

6.9.3 Severability

If any paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

6.9.4 Setback Requirements

6.9.4.1 Water Resource Setbacks

The *cperator* of a new *animal feeding cperation* that has more than 1,000 animal units shall not locate or establish that operation:

6.9.4.2 Within a delineated source water protection area for a public water system. The source water protection areas for water supply wells include the entire wellhead protection area. For the *surface-water* intakes of public water systems, source water protection areas include all or portions of the surface water that supplies the water for the public water system, including all or portions of the surface-water=s shoreline.

6.9.4.3 (*The following provision is cptional.* Within 1,200 feet (365.6 meters) of a private ground water well which is not owned by the *cperator* or within 1,500 feet (457.1 meters) of a public ground water well which does not have a delineated source water protection area.)

6.9.4.4 (*The following provision is cptional.* Within 1,000 feet (304.7 meters) of surface water which is not included in a source water protection area.)

6.9.5 Odor Setbacks

The *cperator* of a new facility for an *animal feeding cperation* shall not locate that operation within the extra territorial zoning jurisdiction of an incorporated city.

An owner of property shall locate and establish a residence, business, church, school, public park or zone for residential use so as to provide a separation distance from any *existing animal feeding cperation*. The separation distances, or setbacks, are listed in the following table. An owner of property who is an *cperator* may locate the owner=s residence or business within the setbacks.

Setback Distances for <i>Animal Feeding Operations</i>		
Number of Animal Units	Hog Operations	Other Animal Operations
fewer than 300	none	none
300 - 1000	0.50 mi (0.805 km)	0.50 mi (0.805 km)
1001 or more	0.75 mi (1.207 km)	0.50 mi (0.805 km)
2001 or more	1.00 mi (1.609 km)	0.75 mi (1.207 km)
5001 or more	1.50 mi (2.414 km)	1.00 mi (1.609 km)

The *operator* of a new *animal feeding operation* shall locate the site of that operation from existing residences, businesses, churches, schools, public parks and areas of property that are zoned residential so as to exceed the corresponding listed setback from these places.

If notified in writing by an *operator* of a planned future expansion of an *animal feeding operation*, the township may implement the corresponding odor setback for a temporary time period not to exceed two years, after which time the setback will remain in effect only if the expansion was completed.

The township may increase or decrease a setback distance for a new *animal feeding operation* after consideration of the proposed operation's plans, if it determines that a greater or lesser setback distance is necessary or acceptable, respectively, based upon site conditions or demonstrable safety, health, environmental or public welfare concerns.

6.9.6 Conditional Uses

6.9.6.1 Permit Procedures

6.9.6.1.1 Applicability

The operator of a new livestock facility or an existing livestock facility, which meets the definition of an animal feeding operation and which is a conditional (or special) use of land as listed below, shall apply for and obtain a conditional (or special) use permit.

6.9.1.1.1 A new *animal feeding operation* that would be capable of handling, or that expands to handle, more than 1,000 animal units is a conditional (or special) use of land.

6.9.1.1.2 An *existing animal feeding operation* that expands to handle more than 1,000 animal units is a conditional (or special) use of land.

Whenever the capacity of an animal feeding operation is expanded to handle more than 2,000 or 5,000 animal units, the operator shall apply for a new conditional (or special) use permit.

6.9.1.2 Procedure.

The local unit of government may practice any or all of the provisions in the following subparagraphs in harmony with the permitting process of its general zoning regulations.

- 6.9.1.2.1 Application for a conditional use (or special use) permit shall be submitted to the local unit of government for tentative approval. The local unit of government shall notify the Department of Health that it has received such application.
- 6.9.1.2.2 The local unit of government shall notify by certified mail all property owners having property within the corresponding odor setback distance of a proposed new animal feeding operation. This notification must occur within 21 days of receiving the application. The approval process utilized by the local unit of government may include at least one advertised public hearing.
- 6.9.1.2.3 Following tentative approval or denial of the application by the local unit of government, the applicant shall be notified by letter of the decision, including conditions imposed, if any.
- 6.9.1.2.4 The applicant shall then forward its application for a conditional (or special) use permit, together with the tentative approval by the local government, to the North Dakota Department of Health.
- 6.9.1.2.5 Following a review by the Department of Health of the operator's application for a state permit, the Department of Health will notify the local unit of government of its decision.
- 6.9.1.2.6 The conditional (or special) use permit will become final following the granting of a permit by the Department of Health.
- 6.9.1.2.7 A conditional (or special) use permit granted to the operator of a new animal feeding operation shall be put into use within twenty-four (24) months, or the permit shall lapse and the operator may re-apply.

6.9.1.3 Application Requirements.

The application for a conditional use (or special use) permit to operate a facility for an animal feeding operation shall include a scaled site plan. If the facility will handle more than 1,000 animal units, the scaled site plan shall be prepared by a registered land surveyor, a civil engineer or other person having comparable experience or qualifications. The township may require any or all of the following elements, or require additional elements, in its site plan review process when needed to determine the nature and scope of the animal feeding operation.

- 6.9.1.3.1 Proposed number of animal units.
- 6.9.1.3.2 Total acreage of the site of the facility.
- 6.9.1.3.3 Existing and proposed roads and access ways within and adjacent to the site of the facility.
- 6.9.1.3.4 Surrounding land uses and ownership, if the operation will have the capacity to handle more than 1,000 animal units.
- 6.9.1.3.5 A copy of the permit application submitted by the applicant to the Department of Health.

6.9.2 Ownership Change

An operator of a facility that includes an animal feeding operation having a permit granted by this ordinance shall notify the township of the sale, or the transfer of the ownership of that operation.

6.9.3 Operating Change

An operator of a facility that includes an animal feeding operation having a permit granted by this ordinance shall notify the township of intent to include an alternate livestock type. The notice shall be given at least 120 days prior to the anticipated date of the change.

6.10 Geophysical Exploration Requirements

Any persons intending to carry out geophysical (including seismic) exploration activities in Golden Glen shall obtain a Geophysical Exploration permit at least two weeks prior to commencement of such activities. In addition, a copy of the surety bond filed with the ND Industrial Commission shall be affixed to the permit. Only the Zoning Commission may issue a Geophysical Exploration permit, it may also at its discretion suspend or revoke said permit, with or without prior notice to the permit holder or other parties. The fee for geophysical exploration shall be as follows:

Geophysical Exploration Permit.....\$50.00
Drilling Fee: first 10 holes.....\$25.00 per hole
after first 10 holes.....\$10.00 per hole

Suspension or revocation of a Geophysical Exploration Permit shall be accompanied by cessation of all activities at all sites covered by said permit, excepting those activities specifically allowed to continue, which shall be specified in written form. Notice of suspension or revocation of any Geophysical Exploration Permit shall be delivered to the permit holder or any of his agents at any site covered by the permit or at any office of the permit holder. Any damages, special meeting costs, or other costs associated with any

Geophysical Exploration Permit or exploration activities which are incurred after issuance of said permit may be assessed against the permit holder.

Geophysical exploration activities are further required to be conducted in compliance with all State and Federal laws and regulations relating thereto, including but not limited to those summarized in **Appendix I**.

7 ARTICLE 7 ADMINISTRATION AND ENFORCEMENT

7.1 Organization

Administration of this ordinance is hereby vested in three (3) offices of the Golden Glen Township:

- (1) The Township Code Administrator
- (2) The Zoning Commission
- (3) The Board of Adjustment

The Zoning Commission, a citizen body, appointed by the Township Supervisors, is hereby vested with authority and jurisdiction to administer the Zoning Ordinance, Subdivision Regulations, Building Code and Housing Code. Upon appeals or other duties of the Township Supervisors, the Zoning Commission shall assist and make recommendations to the Board of Adjustment and to the Township Supervisors on any matter related to planning for and development of the township.

7.2 The Code Administrator

The Code Administrator is a duly appointed township official authorized by the Township Supervisors and is responsible to assist and make recommendations to the Zoning Commission on any matter related to planning for and development of the township.

7.2.1 Duties and Responsibilities

The Code Administrator shall be specifically responsible for the administrative responsibilities of the Zoning Commission and Board of Adjustment (BOA).

- 7.2.1.1 Issue "Permitted Uses" permits and maintain records thereof.
- 7.2.1.2 Issue, upon approval by the Zoning Commission and the Board of Adjustment, all zoning certificates and maintain records thereof.
- 7.2.1.3 Issue, upon approval by the Zoning Commission and the Board of Adjustment, all building and repair permits
- 7.2.1.4 Issue, upon approval by Zoning Commission, all certificates of occupancy for all buildings including mobile homes and manufactured homes.
- 7.2.1.5 Maintain zoning related records and zoning district map including records of all amendments, conditional uses and variances.

7.2.1.6 Receive, file and forward to the Zoning Commission and to the Board of Adjustment all applications for zoning amendments and conditional uses.

7.2.1.7 Serve as secretary for the Zoning Commission and the Board of Adjustment.

7.3 The Zoning Commission

The Zoning Commission is hereby vested with authority and jurisdiction to administer the Township Zoning Ordinance. Upon appeals or other duties of the Township Supervisors, the Zoning Commission shall assist and make recommendations to the Board of Adjustment and to the Township Supervisors on any matter related to planning for and development of the township.

7.3.1 Membership

The Zoning Commission shall consist of no more than four (4) members. Supervisors shall appoint no more than one (1) of the three supervisors to serve; they will also appoint two (2) members at large and the airport authority shall appoint one (1) from their membership. All policy matters associated with membership, such as, membership terms, replacement of members, etc. shall be developed separate from this document by the supervisors.

7.3.2 Duties and Responsibilities

7.3.2.1 The Zoning Commission shall be specifically responsible for interpretation and enforcement of this ordinance including the issuance of building permits.

7.3.2.2 Approve all zoning certificates and maintain records thereof.

7.3.2.3 Approve all building and repair permits

7.3.2.4 Approve all certificates of occupancy for all buildings including mobile homes and manufactured homes.

7.3.2.5 Inspect all buildings, structures and use of land to determine compliance with these and other applicable regulations of the township.

7.3.2.6 Notify, in writing, the property owner or user upon finding violation of this ordinance and cite the nature of violation clearly and require compliance within a reasonable time. If the notification is not replied to or steps are not taken to correct the violations within thirty (30) days, the Zoning Commission shall make a report of the findings to the Township Attorney and Township Supervisors.

7.3.2.7 Maintain zoning related records and zoning district map including records of all amendments, conditional uses and variances.

7.3.2.8 To hear and act on all applications for amendments to zoning districts and make recommendations to the Township Supervisors for approval, denial, or approval with modification.

7.3.2.9 To hear and act on all applications for conditional uses in the manner prescribed in this ordinance districts and make recommendations to the Township Supervisors for approval or denial.

7.3.2.10 To study, examine and make recommendations to the Township Supervisors regarding the comprehensive planning for the future development of Golden Glen Township.

7.3.2.11 To hear and act on all other matters referred to by the Township Supervisors.

7.3.3 Officers

The Zoning Commission shall elect its own officers and may establish rules and procedures for all cases before it.

7.3.3.1 Notice of Hearings

The Zoning Commission shall fix a reasonable date for hearing of applications for zoning district amendments, conditional use permits and other matters before it, give public notice thereof in the official newspaper of the county at least one (1) week prior to the hearing. The notices shall state the purpose of the hearing and that the applications and supporting documents for zoning district amendments and conditional use permits are available for public inspection in the office of and/or designated place of businesses of the Code Administrator during the normal working hours.

7.3.3.2 Meetings

Meetings of the Zoning Commission shall be held at the call of its Chairperson and at such other times as the Zoning Commission may determine. All meetings shall be open to the public and any person may testify for or against a petition.

7.3.3.3 Interpretation of Regulations

All questions of interpretation of this ordinance shall be first presented to the Code Administrator, who shall forward the question to the Zoning Commission.

7.3.3.4 Building Permit Application

Any person or persons intending to construct or reconstruct or relocate a building or structure or make alteration shall, before proceeding with the work, obtain a

permit from the Zoning Commission. All mobile homes and manufactured homes are required to comply with the Manufactured Housing and Building Code and are required to obtain a permit from the Zoning Commission for placement and relocation thereof.

7.3.3.5 Each application for a building permit shall be accompanied by a legal description and a map showing the actual dimension of the lot to be built upon, the size, shape and location of the building for observing the yard requirements of this ordinance.

7.3.3.6 The application shall specify the type of the building, structure, material of which it is composed, the part or portion of the lot to be occupied by the principal building and accessory buildings and the probable building cost, together with such additional plans and specifications as may be required by the Code Administrator.

7.3.3.7 The edition of the Uniform Building code as published by the International Conference of Building Officials and adopted by the Zoning Commission, together with any amendments made hereafter are incorporated and made a part of this ordinance. In the event there is a conflict between the Uniform Building Code and the regulations, this ordinance shall supersede.

7.3.4 Building Permit

The Zoning Commission shall issue a building permit if the proposed building or structure conforms to zoning and building provision of this ordinance.

7.3.4.1 Building Permit Fees

The Code Administrator shall charge and collect a fee according to the Resolution of Fees and Schedules established by Township Supervisors.

7.3.4.2 Certificate of Occupancy

The Zoning Commission shall issue a certificate of occupancy upon inspection of the completed building, including placement of mobile homes and manufactured homes and assurance that all provisions and conditions set forth by the authority of this ordinance are met. In the event the Zoning Commission finds violations and deviations from the terms and condition of this ordinance, they shall make a report and describe the action to be taken.

7.3.4.3 Conditional Use Permit

The Code Administrator shall issue a conditional use permit upon approval of the application by the Zoning Commission in which all conditions shall be stipulated subject to the provisions of Section 8.2 of this ordinance.

7.3.4.4 Variances

The Code Administrator shall issue the appropriate permit upon approval by the Zoning Commission. The terms of the variance shall be stipulated subject to the provisions of Section 8.3 of this ordinance.

7.4 Board of Adjustment

The Board of Adjustment is vested with authority and jurisdiction to review and act upon all applications for appeal regarding the interpretation and restrictions of this ordinance. The Township Supervisors shall act as the Board of Adjustment.

7.4.1 Membership

The Township Supervisors serves as the Board of Adjustment and the terms will follow the terms of elected office.

7.4.2 Duties and Responsibilities

- 7.4.2.1 To hear and decide all appeals forwarded by the Zoning Commission.
- 7.4.2.2 To hear and decide all matters referred by the Township Supervisors.
- 7.4.2.3 To hear other matters related to the interpretation and administration of this ordinance.

7.4.3 Appeals

Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be made by any person. The appeal shall be made within sixty (60) days by filing with the Code Administrator a notice of appeal specifying the grounds thereof. The Code Administrator shall forward to the Board of Adjustment all papers constituting the record and the Zoning Commission's comments on this matter.

7.4.4 Notice of Hearings

The Board of Adjustment shall fix a reasonable time for the hearing of appeals; give public notice thereof in the official newspaper of the county at least one week prior to the hearing. The notice shall state the purpose of the hearing and that the application and supporting documents for appeal are available for public inspection in the office of the code Administrator during normal working hours.

7.4.5 Meetings

All meetings of the Board of Adjustment are open to the public and any one may testify for or against the application for appeal.

7.4.6 Authority to Reverse, Affirm Decisions

The Board of Adjustment may reverse or affirm in whole or in part, or may modify the order, requirements, decisions or determination appeal from the decision of the Zoning

Commission. The decision of the Board of Adjustment on variances and special use permits shall be final, but an appeal may be made to the Township Supervisors (unless the Township Supervisors is the Board of Adjustment) for further review and action.

7.4.7 Action for Reversal of Decisions

The concurring vote of two thirds (2 out of 3) of members of the Board of Adjustment is necessary to reverse any order, requirement, decision of determination of the Zoning Commission, or to decide in favor of the applicant on any matter upon which it is required to decide

7.5 Violations and Penalties

Any person who violates any provision of this ordinance or fails to comply with any of its requirements including the conditions for modification of use, building or structure shall upon conviction thereof forfeit not more than \$500.00 and in addition pay all cost and expenses involved in the case. Each day such violation continues shall constitute a separate offense.

7.6 Certificate of Compliance

Every application for a building permit shall be deemed to also be an application for certificate of compliance. No structure or addition thereto which is subject to the need for a building permit shall be occupied or used for any purpose until a Certificate of Compliance has been issued by the Zoning Administrator and the Tax Assessor shall be notified of the issuance of said Certificate.

8 ARTICLE 8 PROCEDURE FOR AMENDMENTS, CONDITIONAL USES AND VARIANCES

8.1 Zoning District Amendments

8.1.1 Public Hearing Notice

The Zoning Commission shall hold a public hearing, a notice of which shall be published at least one week prior to the hearing in the official newspaper of the county. The notice of hearing shall include (1) the time and place of hearing; (2) description of the property by street address for platted lands and clearly identifiable location for the unplatted lands; (3) the proposed use and requested zoning district change; and (4) time and place for public inspection of the documents in the county offices before the hearing.

8.1.2 Public Hearing

The Zoning Commission, at the hearing, shall listen to all persons who may speak in support of or in opposition to the proposal. Upon the completion of its review, the Zoning Commission shall make approve, deny or modify the petition. The Zoning Commission may require additional information before it completes its findings and recommendations.

8.1.3 Data Submission Requirements

Petitions for zoning district change and conditional uses shall be submitted with the following information:

- 8.1.3.1 Legal description of the area proposed to be rezoned, the name and addresses of all owners of property lying within such area.
- 8.1.3.2 A map showing the existing land uses and zoning district classification of the area.
- 8.1.3.3 A site plan showing buildings and uses and in the zoning district proposed to be changed and the requested zoning district classification.
- 8.1.3.4 A fee shall be paid in accordance with the schedule established by the Township Supervisors.

8.1.4 Deliberation and Decision

Following the hearing, the Zoning Commission, upon due deliberation, shall decide on the proposed amendment within thirty (30) days after the hearing. In making its finding, the Zoning Commission shall ascertain that the proposal for zoning district amendment is consistent with the Township Land Use Plan and meets all requirements of this ordinance and other regulations of the township.

8.2 Conditional Use Permits

8.2.1 Purpose

The development of this ordinance is based upon division of the township into districts, within which district the use of land and building bulk and locations of building and structures are mutually compatible and substantially harmonious. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as permitted uses in any particular district without consideration, in each case, of impact of those uses upon neighboring premises. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses.

164577**8.2.2 Public Hearing Notice**

Shall be the same as the provisions set forth for public hearing for zoning district amendment in Section 8.1.2.

8.2.3 Public Hearing

Shall be the same as the provisions set forth for public hearing for zoning district amendments in Section 8.1.2.

8.2.4 Data Submission Requirements

Shall be the same as the provisions set forth for data submission requirements for zoning district amendment in Section 8.1.3.

8.2.5 Deliberation and Decision

Shall be the same as the provisions set forth for deliberation and decisions for zoning district amendment in Section 8.1.4.

8.2.6 Standards

No application for conditional use shall be recommended for approval unless the Zoning Commission finds that all of the following conditions are present:

- 8.2.6.1 That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- 8.2.6.2 That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- 8.2.6.3 That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 8.2.6.4 That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

8.3.2 Public Hearing

The Zoning Commission at the hearing shall listen to all persons who may speak in support of or in opposition to the proposal. Upon the completion of its review, the Zoning Commission will approve, deny or modify the proposal. The Zoning Commission may require additional information before it completes its findings and decision.

8.3.3 Data Submission Requirements

Petitions for variances or special use permits shall be submitted with the following information:

8.3.3.1 Legal description of the area proposed to be rezoned, the name and addresses of all owners of property lying within such area.

8.3.3.2 A map showing the existing land uses and zoning district classification of the area.

8.3.3.3 A site plan showing the existing buildings and uses and the requested changes.

8.3.3.4 A fee shall be paid in accordance with the schedule established by the Township Supervisors.

8.3.4 Deliberation and Decision

In making it's finding, the Zoning Commission shall ascertain that the request for variance is consistent with the Township Land Use Plan and meets all requirements of this ordinance and other regulations of the township.

8.3.5 Standards

No application for variance or special use permit shall be approved unless the Zoning Commission finds that all of the following are present.

8.3.5.1 That special conditions and circumstances exist which are peculiar to the premises and which are not applicable to other premises in the same zoning district.

8.3.5.2 That literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

8.3.5.3 That the special conditions and circumstances have not resulted from actions of the applicant.

8.3.5.4 That granting the variance requested will not confer upon the applicant any special privileges that are denied by this ordinance to other premises.

8.3.6 Justification

8.3.6.1 That the reasons set forth in the application justify the granting of the variance.

8.3.6.2 The variance is the minimum, which would make possible a reasonable use of the premises.

8.3.6.3 That the granting of variance will be in harmony with the general purpose of this ordinance and will not be injurious to the surrounding premises, neighborhood or the township and will not be contrary to the land use plan and the purposes of this ordinance.

8.3.6.4 That there is practical difficulty or unnecessary hardship in use of the premises if the strict application of the regulations were to be carried out.

8.3.7 Authorized Variances

A variance shall not be granted for any yard or setback less than the yard or setback as required by this ordinance.

8.3.7.1 To reduce not by more than twenty percent (20%) the applicable requirements for lot area and lot width.

8.3.7.2 To reduce the applicable off-street parking or loading facilities by no more than fifty percent (50%) of the requirements.

8.3.7.3 To permit the use of lot of record if it is smaller than the minimum size required by this ordinance.

8.3.7.4 To permit roof alterations to provide additional windows, headroom or area for occupancy of third level.

8.3.7.5 To permit conversion of an existing building to a permitted residential use provided that it shall not conflict with the above standards cited in Sections 8.3.5 and 8.3.6.

8.4 Action of the Zoning Commission

8.4.1 Initiation of Amendment

Amendments may be proposed by the Zoning Commission or any person, firm, corporation or organization which has a freehold interest or contractual interest in a building, structure, lot, or parcel of land.

8.4.2 Application for Amendment

Application for an amendment shall be filed with the Code Administrator who shall forward all such applications to the Zoning Commission.

8.4.3 Notice of Public Hearing

Notice of hearing shall include time, place and purpose of such hearing and shall be published at least one week before the hearing in the official newspaper of the county.

8.4.4 Public Hearing

At the public hearing before the Zoning Commission, the proposed amendment is discussed. Any person may express opposition to or support for the amendment at such hearing.

8.4.5 Effect of Denial of Application

An application for an amendment to the zoning district map or conditional use permit which has been denied by the Zoning Commission shall not be made for a period of one year from the date of such denials, unless the new application is substantially different from the denied application.

9 RESOLUTION

Whereas, the Zoning Commission has approved this Township Zoning Ordinance, and recommends it adopted by the Township Supervisors;

Now and therefore, be it resolved that the Township Supervisors hereby adopts the Golden Glen Zoning Ordinance.

164577

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Matthew Mathew 2-24-09 [Signature] 2.24.09
 Township Clerk Date Chairman Date

PERMIT FEE SCHEDULE

Application for Building Permit:

Value of work to be done

0 - \$20,000

over \$20,000

Fee

no fee, no permit

\$25 + \$1 for each additional

\$1,000 in valuation

Application for Conditional Use Permit

\$50

Application for Road and Highway Access Permit

No Fee

Application for Zoning Amendment

\$50

Application for Variance

\$50

Ken Jelin made motion ~~to~~ to adopt
 zoning ordinance for Golden Glen township
 Dated July 15, 2008
 And Anderson second, motion carried.

Excerpt From official Township minutes

~~Markus Mattes~~
 Golden Glen Township clerk

April 29th 2008
 Chairman Ken Folio Opened Meeting
 from up for discussion on zoning
 document dated April 29th 2008

Roll call were handed out leave voting
 for 15 minutes 11 roll 10 NO

Approved Motion to Approve zoning by Ken Folio
 Motion was made today
 By Kenley

Second by Dave Saelen

Excerpt from official Township minutes

~~Matthew Matthews~~
 Golden Township Clerk