

**ZONING ORDINANCE
MINNEWAUKAN TOWNSHIP,
RAMSEY COUNTY, NORTH DAKOTA**

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RAMSEY COUNTY, NORTH DAKOTA**

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**ZONING RULES AND REGULATIONS
FOR MINNEWAUKAN TOWNSHIP, RAMSEY COUNTY, NORTH DAKOTA**

ARTICLE I. AUTHORITY, TITLE and PURPOSE

**SECTION ONE
INTRODUCTION**

A. AUTHORITY

These Rules and Regulations (hereinafter called "Ordinance" or "Zoning Ordinance" are adopted by the Board of Township Supervisors for Minnewaukan Township, Ramsey County, North Dakota, under the authority granted by Chapter 58-03-13 of the North Dakota Century Code.

B. TITLE

This Ordinance shall be known as the "Zoning Ordinance of Minnewaukan Township, Ramsey County, North Dakota".

C. PURPOSE AND INTENT

The purpose of this Ordinance is to promote the health and the general welfare; secure safety from fire, panic and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate adequate provisions for transportation, water, sewage, landfills, schools, parks and other public requirements. Such regulations have further been made with reasonable consideration as to the character of each district and its suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the township.

**SECTION TWO
INTERPRETATION**

The provisions of these regulations shall be held to be minimum requirements adopted for the promotion of purposes stated herein. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the Minnewaukan Township Zoning Commission shall make final determination.

**SECTION THREE
VALIDITY**

If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions.

ARTICLE II. DEFINITIONS

SECTION ONE **DEFINITIONS**

A. GENERAL

For the purpose of these regulations, certain words and terms are hereby defined as follows:

Words used in the present tense include the future; words used in the singular number include the plural, and words used in the plural include the singular; the word "building" includes the word "structure" and "structure" includes "building"; the word "shall" is mandatory and not directory. The words "used" or "occupied" shall include within their meaning, "intended, arranged or designed to be used or occupied." The word "person" shall include a corporation, partnership or other legal entity. Any terms not defined herein shall be construed as defined in the ordinary, or dictionary meaning.

B. WORDS AND PHRASES

1. **Accessory Building:** A subordinate building the use of which is customarily incidental to the main building of the main use of the premises such as garages, sheds, etc.

2. **Accessory Use:** A use subordinate to and exclusively for a purpose incidental to the principal use.

3. **Agricultural Service Establishment:** Any service establishment primarily engaged in performing animal husbandry or horticultural services, including businesses performing agricultural milling and processing, harvesting or agricultural land preparation, farm equipment sales and service, veterinary services, boarding or training of horses, and agricultural produce stands.

4. **Animal Unit:** Shall mean the unit of measure used to determine the appropriate density of mature livestock and poultry which shall be kept subject to the restrictions imposed by this Ordinance. For the purpose of this Ordinance, the following equivalents shall apply:

One dairy cow	1.4 animal unit
One head of cattle (Excluding dairy)	1.0 animal unit
One horse	1.0 animal unit
One swine or sheep	0.4 animal unit
One duck	0.2 animal unit
One turkey	0.18 animal unit
One chicken	0.1 animal unit

For animals not listed above, the number of animal units shall be defined as the average weight of the mature animal divided by 1,000 pounds.

5. **Board of Township Supervisors:** The body authorized to hear appeals on the enforcement of this Ordinance and its provisions and to grant Variances. For the purposes of this Ordinance, it is the Board of Township Supervisors for Minnewaukan Township,

Ramsey County, North Dakota.

6. **Building:** Any structure intended for shelter and use of persons, animals or property.

7. **Certificate of Compliance:** A certificate stating compliance has been made with the regulations of the Zoning District which is issued after completion of construction.

8. **Commercial Agriculture:** The use of land for primarily agricultural purposes including farming, dairying, husbandry, and the necessary accessory buildings and accessory uses for packing, treating or storing produce; provided agricultural revenues shall be the principal source of income from any operations. Where there is any uncertainty regarding the definition, a parcel shall be considered agricultural if it is considered agricultural by the Ramsey County Director of Tax Equalization.

9. **Comprehensive Plan:** Unless otherwise stated, it is the general plan for land use, housing, and transportation prepared, adopted, and maintained by the Township Board of Supervisors for Minnewaukan Township, Ramsey County, North Dakota.

10. **Concentrated Animal Feeding Operation:** Any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate, or in an area where the space per animal unit is less than six hundred square feet. The term does not include normal wintering operations for cattle. For purposes of this definition, "livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts.

11. **Conditional Use:** An exception from permitted uses within certain zoning districts provided such exceptions are stated in the Zoning Ordinance and will not be detrimental to the district and will substantially serve the public welfare.

12. **Day Care Facility:** Any facility licensed by the State of North Dakota, public or private, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home.

13. **District.** A section or sections of Minnewaukan Township for which regulations governing the use of buildings and premises, the height of buildings, the size of yards. And the intensity of use are uniform.

14. **Dwelling, Farm:** A single family dwelling located on a farm which is used or intended for use by a farmer.

15. **Dwelling, Single Family:** A detached residential unit designed for and occupied by one non-farm family.

16. **Dwelling, Multiple Family:** A residential unit designed for occupancy by two or more non-farm families.

17. **Dwelling Unit:** A residential building or portion thereof providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
18. **Efficiency Dwelling Unit:** Any one room unit having cooking facilities and used for combined living, dining and sleeping purposes.
19. **Essential Services:** Underground or overhead gas, electrical, steam, water, television, telephone, sanitary or storm sewer distributions systems, including poles, wires, pipes, conduits, cables and accessory equipment in conjunction with buildings required for the protection of the public health, safety and general welfare.
20. **Family:** An individual or two or more persons related by blood, marriage or adoption, living together, or a group of not more than five persons who need not be related by blood, marriage or adoption living together as a single housekeeping unit in a dwelling unit.
21. **Farm:** Real property used for commercial agriculture comprising at least 40 contiguous acres and which may contain other contiguous or non-contiguous acreage, all of which is owned or rented, and operated by a single family, family corporation, individual, corporation or partnership.
22. **Farming or Ranching:** Cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.
23. **Farm Building:** Any building or accessory structure other than a farm or non-farm dwelling which is used in farming operations.
24. **Feedlot:** A confined feeding, breeding, raising, or holding of one hundred (100) animal units or more of livestock, or fur bearing animals, in enclosures, yards or pens, but not including range areas normally used for pasture or crops.
25. **Garage:** A building detached or attached to a main building and generally providing for the storage of automobiles.
26. **Home for Temporary Lodging and Meals:** The accessory use of a private residence for the overnight lodging of guests for a fee, such as "bed and breakfast" uses. Such uses shall conform to all pertinent Federal, State and local regulations.
27. **Home Occupation:** A gainful occupation conducted by members of the family within the residence or accessory buildings provided that no goods or services are sold other than those produced on the premises.
28. **Kennel:** Any lot or premises where three (3) or more dogs or cats are boarded for compensation, or where dogs or cats are bred, kept or raised for commercial purposes.

29. **Landscaping Items:** Plantings, such as trees, grass, and shrubs.
30. **Lot:** A tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such open space and yards as required by this Ordinance.
31. **Manufactured Home (Mobile Home or Prebuilt Home):** a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without permanent foundation when connected to the required utilities.
32. **Manufactured/Mobile Home Park:** Any site, lot or tract of at least eight acres of land which harbors manufactured/mobile homes and any building, structure, or enclosure used or intended for use as part of the equipment of such manufactured home park.
33. **Minnewaukan Township Zoning Commission.** The Minnewaukan Township Zoning Commission.
34. **Non-Conforming Use:** Any building or tract of land lawfully occupied by a use at the time of the passage of this Ordinance or amendments thereto, which does not conform to the provisions of this Ordinance or its amendments.
35. **Planned Unit Development (Residential):** A grouping of buildings on a site of three or more acres in single ownership which is not limited by the yard or height limitations of the district but maintain the overall density or intensity of uses required, and where the owner submits a site plan of uses, arrangement distances between buildings and circulation for approval by the Minnewaukan Township Zoning Commission.
36. **Playhouse:** Any structure used primarily for children's recreation and that is accessory to a residential use.
37. **Principal Building:** the main structure on a lot or parcel of land which houses the principal use of the premises.
38. **Principal Structure of Use:** One which determines the predominant use as contrasted to accessory use of building.
39. **Poultry Lot:** A confined area of structure used intensively for raising, feeding, breeding or holding chickens, turkeys and other poultry for eventual sale or for the production of eggs.
40. **Ranching or Farming:** Cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.

41. **Salvage Yard:** A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled; including auto wrecking yards, house wrecking yards, used material yards; but not including uses occurring entirely within an enclosed building.

42. **Setback:** The distance within a property which is required between any structure or use and the adjacent right-of-way or property line of an adjoining lot.

43. **Street and Road Classifications:** All streets and roads are to be considered classified under the following categories:

- a. "Arterial Roads" are any road or highway designated as part of the Ramsey County Road System.
- b. 52nd Street NE from the intersection of 84th Avenue NE to the intersection of 87th Avenue NE and 87th Avenue NE from the intersection of Ramsey County Highway 2 to the intersection of 53rd Street NE are designated as "Collection Roads".
- c. All other improved roads on Congressional section lines are designated as "Local Roads".

44. **Structure:** Anything built, constructed or erected which requires permanent location on the ground.

45. **Variance.** The relaxation of the terms of the Zoning Regulations in relation to height, area, size and open spaces where specific physical conditions, unique to the site, would create an unreasonable hardship in the development of the site for permitted uses

46. **Warehouse:** Any building designed or used primarily for the commercial storage of goods, property and equipment of all kinds.

47. **Yard:** A space on the same lot with the principal building or structure, open, unoccupied and unobstructed by building or structures from the ground upward.

48. **Yard, Front:** The space extending between the side lot lines from the front property line to the building setback line.

49. **Yard, Rear:** A space extending between the rear line of the main building and the rear line of the lot and extending the full width of the lot. For earth sheltered buildings and buildings covered with earth berms, tile line of the building is measured from the above grade exterior surface of the building. Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines.

50. **Yard, Side:** A space between the building and the side line of the lot and extending from the front building line to the rear yard. For earth sheltered buildings and buildings covered with earth berms, the line of the building is measured from the above grade exterior surface of the building. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard, adjacent to the interior lot.

For the purposes of this Ordinance, whenever such words appear in the text with capital letters or in bold print, the specific definition is being invoked with specificity for guidance as to the intent of the Ordinance. It is not necessary for the words to be capitalized or in bold print in the Ordinance for the definitions to be invoked.

ARTICLE III. DISTRICTS AND BOUNDARIES THEREOF

SECTION ONE DISTRICTS

In order to regulate and restrict the use of land and buildings and to accomplish the purposes state herein, Minnewaukan Township, Ramsey County, North Dakota and the area beyond and adjacent to the limits thereof is hereby divided, as shown on the Zone Map, into one (1) Zone District known and designated as: A-1 AGRICULTURAL GENERAL.

SECTION TWO ZONING MAP AND BOUNDARIES OF ZONE DISTRICTS

A. ZONING MAP

The zone symbols and the boundaries of the Zone District are shown on the accompanying map and is made a part hereof, being designated as Minnewaukan Township Zoning Map. Said map and all the notations, references and other information shown thereon, are as much apart of these regulations as if the matters and information set forth by said map were fully described herein.

B. PREPARATION AND MAINTENANCE

The official zoning map shall be prepared and accurately maintained by the Inspection Officer and be displayed at all times in the office of the Inspecting Officer.

C. CERTIFICATE

The official zoning map shall bear a certificate with the signature of the Chairman and the certification of the Township Clerk and the date of adoption of these regulations. If any changes to the map are made by amendment of these regulations, such changes shall be made to the official zoning map and signed and certified upon the map or upon materials attached thereto.

D. REPLACEMENT

In the event that the official zoning map becomes damaged, lost or difficult to read or interpret because of the number or nature of the changes thereto, a new official zoning map shall be prepared by the Inspecting Officer, and shall be approved for certification by the Township Board, and signed by the Township Chairman and certified as the official zoning map by the Township Clerk.

ARTICLE IV. A-1 AGRICULTURAL DISTRICT REGULATIONS

SECTION ONE GENERAL

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the A-1, Agricultural District.

SECTION TWO USE REGULATIONS

A building or premises shall be used only for the following purposes:

- A. General farming, ranching and dairying, including any of the normal incidents of farming.
- B. Churches, provided they are set back thirty (30) feet from side lot lines and each church is situated on at least one (1) acre of ground.
- C. Dwelling, single family.
- D. Home occupations, provided that not more than twenty-five (25) percent of the dwelling is used for such purposes.
- E. Electric substations and gas regulator stations provided:
 - (1) For each electric substation where transformers are exposed there shall be an enclosing fence at least six (6) feet high.
 - (2) the height requirements may be extended provided that for each additional one (1) foot of height an additional one (1) foot of front, rear and side yard shall be required.
- F. Firestation.
- G. Police Station.
- H. Telephone exchange: without shops, garages or general administrative offices.
- I. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations: for each instance, the water and/or sanitation district shall provide plot plans showing the proposed installation and its relationship to all property. The Board shall prescribe conditions as to setbacks, etc. for each installation so as to protect all properties, underground water and mineral resources.
- J. Riding academies, public stables and dog kennels, provided:
 - (1) Riding academies and public stables are situated on at least one (1) acre of ground and manure is handled according to ND Health Department regulations.
 - (2) dog kennels are situated on at least one-half (½) acre of ground.

K. Storage of agricultural products and manure must be handled according to ND Health Department regulations.

L. Processing of agricultural products provided:

(1) All uses shall be regulated by the ND State Pollution Regulations.

(2) There are side yards of not less than fifty (50) feet.

(3) There is a rear yard of not less than fifty (50) feet.

M. Greenhouses and nurseries handling manure according to ND Health Department regulations.

N. Fish hatcheries.

O. The growing and preservation of trees, provided that storage of manure shall not be permitted nearer than one hundred fifty (150) feet to any lot line.

P. Roadside stands for seasonal sale of farm products which are produced on the farm.

Q. Radio, television and communication towers, provided they are situated on a lot which is equal in width and depth to the height of the tower.

R. Fur farming.

S. Stock raising, but not including commercial feed lots.

T. Accessory buildings and uses customarily incident to the uses permitted in this district.

U. Signs for permitted uses as required by Section 3.

SECTION THREE CONDITIONAL USES

A. **Rock crushers, concrete and asphalt mixing plants, sand and gravel pits** or any other such excavation shall be allowed provided they meet the following requirements:

(1) When the application is filed, the applicant shall provide a plan showing the land proposed for excavation. This plan shall show the existing and proposed contours of the land on at least five (5) foot contour intervals, any improvements thereon and to a distance of three hundred (300) feet in all directions from the subject.

(2) Concurrent with the above, the applicant shall also provide a plan showing the contemplated changed condition of the land due to the excavation. This plan must include the contemplated re-use of the land, what curing of the land is planned and the proposed final contours on at least five (5) foot intervals.

(3) No excavation or processing of excavated materials shall be permitted nearer than thirty (30) feet to the boundary of adjacent property nor nearer than one hundred twenty-five (125) feet to any existing residence, unless by written agreement the owners or owners of such adjacent property consent to a lesser distance and Minnewaukan Township Zoning Commission approves such lesser distance. The Commission may set a greater distance than above mentioned, when in their opinion it is justified.

(4) The Minnewaukan Township Zoning Commission shall specify the degree of slopes of banks for all excavations, the depth of and the distance from any public structures. When excavations are near or adjacent to irrigation canals or ditches the applicant shall secure a written agreement from the ditch company or from officials responsible for the canals or ditches indicating their determination as to setbacks from public rights-of-way when excavation is contemplated near such rights-of-way.

(5) Sand and gravel shall be excavated in such a manner so as to leave an average of two (2) feet of undisturbed sand or gravel, as evenly as possible, over the entire excavation tract, to provide a water bearing strata for any existing ground water, and more if the Minnewaukan Township Zoning Commission deems it necessary.

(6) After an excavation has been completed, the operator shall spread evenly over the bottom of the excavation the excess waste materials. He then shall spread evenly the topsoil to an even depth. The topsoil shall be spread last so as to produce a new surface for the purpose of growing crops, trees, shrubs, etc. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.

(7) An excavation operation shall maintain haulage road within the premises covered by the permit and such roads shall be kept in a reasonably dust-free condition when said dust would be injurious to bordering premises. The Minnewaukan Township Zoning Commission shall specify the conditions in each instance to insure this requirement. The hour of operation, unless otherwise specified by the Commission, shall be from 6:00 am to 10:00 pm, or unless a national emergency arises or special permission is granted by the Minnewaukan Township Zoning Commission.

(8) Rock crushers, concrete and asphalt mixing plants may be permitted providing the Minnewaukan Township Zoning Commission finds that the following facts prevail:

(a) The use is accessory to the sand and gravel operation and

(b) in the finished product the operator uses the product of the sand and gravel pit on which the operation is proposed. The Minnewaukan Township Zoning Commission may set out additional conditions under which these operations may be permitted and the said conditions may vary by location due to abutting land uses.

(9) The operator of any excavation shall post a bond in the form prescribed by the Minnewaukan Township Zoning Commission in a sum equal to the number of acres covered by the permit multiplied by five hundred (500) dollars, to insure full compliance with all of the terms and conditions of the permit and the rules and regulations of the Minnewaukan Township Zoning Commission pertaining to extraction and processing. The

minimum amount of such bond shall be \$1,000 and the maximum amount, \$25,000. The Minnewaukan Township Zoning Commission shall have the power and authority to provide for an alternative method of indemnifying the township in lieu of the posting of the bond herein mentioned.

(10) The operator shall furnish evidence that he is insured to the extent of not less than \$50,000 against liability for any negligent act or omission arising from the operation or maintenance of an excavation and all activities connected with or incident thereto.

B. CONCENTRATED ANIMAL FEEDING OPERATIONS:

1. Concentrated animal feeding operations means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate. The term does not include normal wintering operations for cattle. (NDCC 58-23-11.1a)
2. A regulation may not preclude the development of a concentrated feeding operation in the township. (NDCC 58-03-04)
3. A board of township supervisors may adopt regulations that establish regulations that establish different standards for the location of concentrated feeding operations based on the size of the operation and the species and type being fed. (NDCC 58-03-06)
4. Concentrated animal feeding operations are a permitted use within the A-1 Agricultural District Zone provided that the operator has obtained the required permits from the North Dakota Department of Health and the operator has filed an application with the Minnewaukan Township Zoning Commission including the following items:
 - (a) A site map of the proposed concentrated feeding operation to the Minnewaukan Township Zoning Administrator.
 - (b) A plan for addressing the disposal of animal waste. This plan should indicate (i) the expected amount of waste to be produced by the operation; and (ii) how the operation intends to dispose of the waste and the measures that the operator intends to implement to ensure that waste is not discharged into a waterway.
 - (iii) The application is to be accompanied by a fee which the Minnewaukan Township Board of Supervisors shall from time to time determine by resolution.
5. After receiving the application the Minnewaukan Township Zoning Commission shall determine if the application is complete and shall issue the permit if the application is complete.
6. **Setback Requirements for Concentrated Feeding Operations.** Concentrated feeding operations, in addition to obtaining a permit from Minnewaukan Township, must comply with the following setback requirements:

Use	Animal Units	Setback Requirements
Established Residences	Less than 300	½ mile
Established Residences	300 to 1,000	¾ mile
Established Residences	1,001 to 2,000	¾ mile
Established Residences	2,001 to 5,000	1 ½ miles

Established Residences

5,000 to 10,000

1 ½ miles

* An owner of the property who is an operator may locate the owner's residence within the setback.

C. SIGNS. A building permit must be obtained prior to installation of any commercial signs.

ARTICLE V. ADMINISTRATION

SECTION ONE

MINNEWAUKAN TOWNSHIP ZONING COMMISSION

A. Minnewaukan Township Zoning Commission is hereby established, which shall consist of three members appointed, for overlapping terms of three years, by the Chairman, subject to confirmation by the Township Board. Members of the Minnewaukan Township Zoning Commission may be removed from office by the Township Board for cause, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of the member affected.

B. Proceedings.

The Minnewaukan Township Zoning Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of these regulations. Meetings shall be held at the call of the Chairman and at such other times as the Commission may determine. The Chairman, or in his absence, Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public with public notice of administrative meetings and business to be carried on, in a newspaper of general circulation in the township, and meeting notice displayed in the Ramsey County Auditor's Office, at least one time five days prior to the meeting. The Minnewaukan Township Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, and the reasons for such actions, all of which shall be a public record and be immediately filed in the Minnewaukan Township Zoning Commission's files.

C. Hearings, Appeals, Notice.

Appeals to the Minnewaukan Township Zoning Commission concerning interpretation or administration of these regulations may be taken by any person aggrieved or by any officer or bureau of the governing body of the township affected by any decision of the inspecting officer. Such appeal shall be taken within a reasonable time, not to exceed 60 days, as provided by the rules of the Minnewaukan Township Zoning Commission, by filing with the inspecting officer and with the Minnewaukan Township Zoning Commission a notice of appeal specifying the grounds thereof. The inspecting officer shall forthwith transmit to the Minnewaukan Township Zoning Commission all papers constituting the record upon which the action appealed from was taken and his comments on the matter.

The Minnewaukan Township Zoning Commission shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as notice to the parties

interested, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

The Minnewaukan Township Zoning Commission shall decide the appeal within a reasonable time. The Minnewaukan Township Zoning Commission may reverse or affirm in whole or in part, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end, the Minnewaukan Township Zoning Commission shall have all the powers of the officer from whom the appeal is taken. Where there is practical difficulty or unnecessary hardship in the way of carrying out the strict letter of these regulations, Minnewaukan Township Zoning Commission, in passing upon an appeal may vary or modify any of the regulations or provisions of the regulations relating to the use, construction or alteration of buildings or structures or the uses of land so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

Notice of any required public hearing shall be published once a week for three (3) consecutive weeks before such public hearing in a newspaper of general circulation within the community and posted at or near as possible to the site for which a permit is sought. The notice shall state:

- (1) The location and character of the proposed variance, change or interpretation of these regulations or the map;
- (2) The time and place of the public hearing; and
- (3) That the application for the variance, change or interpretation is on file for public inspection at the office of the Clerk.

A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white background and black letters not less than one and one-half (1 ½) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from a public street or roadway and shall be posted at least ten (10) days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

D. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the inspecting officer from whom the appeal is taken, certifies to the Minnewaukan Township Zoning Commission, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceeding shall not be stayed other than by a restraining order granted by the Minnewaukan Township Zoning Commission or by a court of record on application, on notice to the administrative official from whom the appeal is.

E. Minnewaukan Township Zoning Commission Powers and Duties. The Minnewaukan Township Zoning Commission shall have the following powers and duties:

- (1) Administrative Review: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the inspecting officer in the enforcement or interpretation of these regulations.
- (2) Variances: To authorize, upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing

to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship. A variance from the terms of these regulations shall not be granted by the Minnewaukan Township Zoning Commission unless and until:

- (a) A written application for a variance is submitted, demonstrating:
 - (1) that special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district, and
 - (2) that literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by owners of other properties in the same district under the terms of these regulations, and
 - (3) That the special conditions and circumstances do not result from actions of the applicant, and
 - (4) That granting the variance requested will not confer on the applicant any special privileges that is denied by these regulations to other land, structures or buildings in the district.
- (b) Notice of public hearing shall be given as required in paragraph (c)
- c) The public hearing shall be held and any party shall be heard, either in person or by his representatives.
- (d) The Minnewaukan Township Zoning Commission shall make findings that the requirements within this section have been met by the applicant.
- (e) The Minnewaukan Township Zoning Commission shall further make findings that:
 - (1) The reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that would make possible a reasonable use of land, buildings or structures, and
 - (2) The granting of the variance will be in harmony with general purpose and intent of these regulations and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.

No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted or conditional use of lands, structures or buildings in any other district shall be considered grounds for the issuance of a variance.

In granting any variance, the Minnewaukan Township Zoning Commission may prescribe appropriate conditions and safeguards in conformity with these regulations. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations. Under no circumstances shall the Minnewaukan Township Zoning Commission grant any variance to allow a use that is not permissible under the terms of these regulations in the district involved; variances apply only to yards, signs, height, overage, or parking or loading requirements, but not to use of lands or structures.

- F. Decisions of the Minnewaukan Township Zoning Commission. The concurring vote of three members of the Minnewaukan Township Zoning Commission shall be necessary to reverse any order, requirement, decision, or determination of the inspecting officer, or to decide in favor of the applicant on any matter upon which it

is required to pass under this ordinance, or to effect any variation in the application of this ordinance. Board members fee is \$15.00 per meeting.

G. Appeals from the Decisions of the Minnewaukan Township Zoning Commission.

Any person or persons, or any board, taxpayer, department, or bureau of the township aggrieved by any decision of the Minnewaukan Township Zoning Commission may seek review by a court of record of such decision by certiorari in the manner provided by the laws of the State of North Dakota.

SECTION TWO INSPECTING OFFICER

The inspecting officers shall be the members of the Minnewaukan Township Zoning Commission and shall administer and enforce these regulations.

If the inspecting officer shall find that any provisions of these regulations is being violated, he shall notify in writing the person responsible for such violation and order corrective action. He shall order discontinuance of illegal use of land, structures or buildings; removal of illegal buildings or structures or of additions or alterations or structural changes to; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to insure compliance therewith or to prevent its violation.

SECTION THREE ADMINISTRATIVE PROCEDURE FOR INSPECTING OFFICER, MINNEWAUKAN TOWNSHIP ZONING COMMISSION

It is the intent of these regulations that all questions of interpretation and enforcement shall be first presented to one of the inspecting officers and that such questions shall be first presented to one of the inspecting officers and that such questions shall be presented to the Minnewaukan Township Zoning Commission only on appeal from the decision of that inspecting officer, and that recourse from the decisions of the Minnewaukan Township Zoning Commission shall be to the courts, as provided by law.

It is further the intent of these regulations that the duties of the Township Board of Supervisors in connection with these regulations shall not include hearing and deciding questions of interpretation or endorsement that may arise. The procedure for deciding such questions shall be as stated in this section of these regulations. Under these regulations, the Township Board of Supervisors shall have only the duty of considering and adopting or rejecting proposed amendments or the repeal of these regulations, as provided by law. The Minnewaukan Township Zoning Commission shall approve permits for conditional uses, after hearings thereon.

ARTICLE VI. GENERAL PROVISIONS, LEGISLATIVE POSITIONS

SECTION ONE AMENDMENTS

The Township Board of Supervisors may from time to time on its own motion or on petition initiate any amendment, supplement, change, modification or repeal by resolution the boundaries of districts, regulations, or restrictions herein established. If a protest petition against such change is signed by the owners of twenty (20) percent or more of the area of the lots included in such proposed change or of the area adjacent, extending one hundred fifty (150) feet from the area to be changed, excluding the width of streets, the amendment shall not become effective except by the concurring vote of three of the members of the Minnewaukan Township Zoning Commission. Such protest in writing must be filed with the Clerk prior to the time set for the public hearing on the proposed change. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the local governing body for its recommendations and report to be made in writing. Said report shall subsequently be submitted to the Minnewaukan Township Zoning Commission for its review, recommendations and report at the next regular meeting provided the Minnewaukan Township Zoning Commission has had adequate and reasonable time for review. Said report shall be submitted in writing to the Minnewaukan Township Zoning Commission for final approval or disapproval. Said reports shall contain the findings regarding the effect of the proposed amendment, supplement, change, modification or repeal upon adjacent property and upon the Comprehensive Zoning Plan.

Prior to submission of the reports and recommendations of the Minnewaukan Township Zoning Commission to the Township Board of Supervisors for enactment, the Minnewaukan Township Zoning Commission shall hold a public hearing in relation thereto, giving notice of the time and place of such hearing, as provided in this Article, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the Clerk, the sum specified in Section 7, Article VI to cover the approximate cost of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said change to be adopted by the Board. No deposit of money shall be required when any action is recommended by the local jurisdiction on its own motion or by any person or group officially designated to participate in the administration of these regulations. In the event the proposed amendment or change is denied by the Township Board of Supervisors, no new request shall be made for the same or substantially similar amendment or change within one year of said denial thereof.

SECTION TWO NON-CONFORMING USES

The lawful use of a building, structure or premises existing at the time of the adoption of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance. The total structural repairs or alterations to such a non-conforming use or structure shall not, during its life, exceed fifty (50) percent of the assessed value of the building or structure unless permanently changed to a conforming use. If a non-conforming use is discontinued for a period of twelve (12) months, any future use of the

building, structure or premises shall conform to this Ordinance.

SECTION THREE GARBAGE OR SEWAGE PLANTS PROHIBITED

No building, structure, or land shall hereafter be used or occupied to operate or maintain a plant for: (1) the treatment, purification, and disposal of liquid or solid wastes, sewage, and night soil that did not arise out of the actual use and occupancy of the building, structure, or land where such plant is located; or (2) the disposal of garbage that did not arise out of the actual use and occupancy of the building, structure, or land where such plant is located. This prohibition shall not apply to an underground sanitary sewer system provided the treatment plant is located entirely within the corporate limits of a municipality.

SECTION FOUR VIOLATIONS

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure, or land is used in violation of these regulations, the proper township authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceedings:

- (A) To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
- (B) To restrain, correct, or abate such violations;
- (C) To prevent the occupancy of the building, structure, or land; or
- (D) To prevent any illegal act, conduct, business, or use in or about such premises.

SECTION FIVE CATCH HEADS

PURPOSES OF CATCH HEADS: The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of an index and they shall be wholly disregarded by any persons, officer, court or other tribunal in construing the terms and provisions of these regulations.

SECTION SIX FEE SCHEDULE

Conditional Use Fee -----	\$25.00
Variance Fee -----	\$75.00
*Zoning Change Fee -----	\$75.00
* Plus actual cost if more than \$75.00.	

**SECTION SEVEN
ENFORCEMENT**

These regulations shall be enforced in accordance with Section 4, Article VI.

ARTICLE VII. SUPPLEMENTAL PROVISIONS

**SECTION ONE
SETBACKS**

A. Visibility at Intersections. On a corner lot or intersection, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of thirty (30) inches and eight (8) feet within a one hundred fifty (150) foot radius of the center point of the intersection of the two roadways.

B. Minimum Setbacks.

Front Yard, Buildings, Trees or Fence:	Collector Road -----	100 feet
	Local Road -----	100 feet

Rear Yard -----	20 feet
Side Yard -----	20 feet

Distance separating access points serving any parcel or lots from:

Intersections -----	300 feet
Arterial Road -----	300 feet
Collector Road -----	200 feet
Local Road -----	100 feet

C. Trees should be planted a minimum of one hundred (100) from the centerline of any Township road.

**SECTION TWO
FENCING**

- A. **Location:** All boundary line fences shall be located entirely within the private property of the person, firm or corporation constructing or causing the construction of such fence.
- B. **Construction and Maintenance:** Every fence shall be constructed in a substantial workmanlike manner and of substantial material reasonable suitable for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a public or private nuisance. Any such fence which is, or has become dangerous to the public safety, health or welfare,

is a public nuisance, and the Zoning Administrator is hereby authorized to commence proper proceedings for the abatement thereof.

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

ARTICLE VIII. LEGISLATIVE.

SECTION ONE REPEAL OF CONFLICTING REGULATIONS

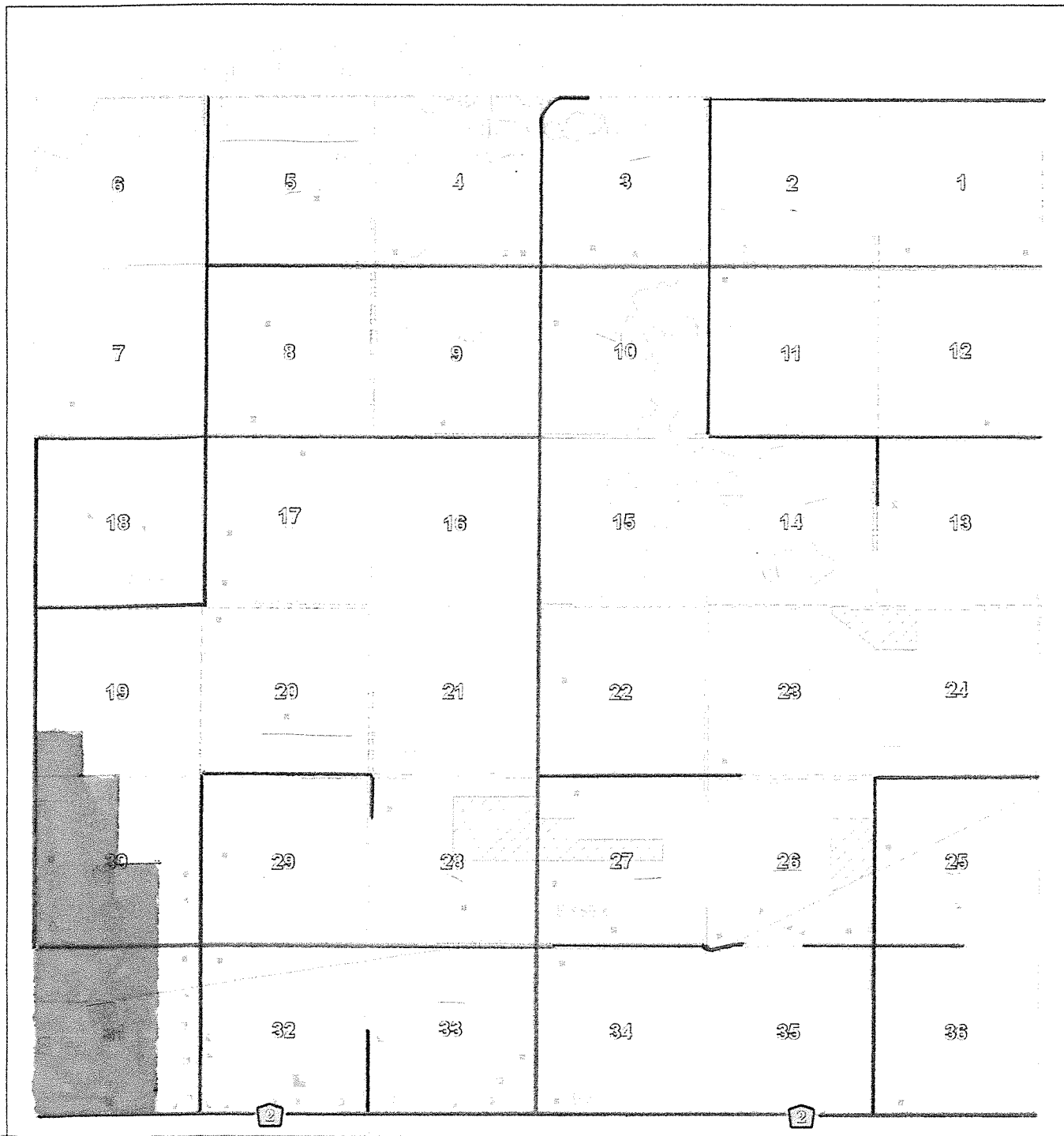
All regulations shall be in full force and effect from and after their passage, approval and publication as provided by law.

SECTION TWO ENACTMENT

These regulations shall be in full force and effect from and after their passage, approval and publication as provided by law.

ZONING DISTRICT MAP for

MINNEWAUKAN TOWNSHIP



The entire township is zoned as **"A-1 Agricultural"**. The shaded areas on the West sides of Sections 19, 30 and 31 are included within the "City of Devils Lake Extended 2-Mile Regulation Area", and are therefore under those regulations as well as the Minnewaukan Township Zoning Ordinance.

Adopted by the Minnewaukan Township Board of Supervisors on _____.

Signed: _____
Chairman, Minnewaukan Township Board
Ramsey County, North Dakota

Attest: _____
Clerk, Minnewaukan Township Board
Ramsey County, North Dakota

CERTIFICATE OF ADOPTION

MINNEWAUKAN TOWNSHIP BOARD, RAMSEY COUNTY, NORTH DAKOTA

This document adopted by the Minnewaukan Township Zoning Commission, and recommended to the Minnewaukan Township Board as the official zoning regulations. The purpose being specifically for protecting and guiding the township's physical development; to promote the general welfare; to secure safety from fire and other dangers; to protect the tax base; to encourage a distribution of population and utilization of land which will facilitate economic growth of the community and to make recommendations providing for adequate transportation, roads, water supply, drainage, sanitation, recreation, and/or other public requirements. Also, all maps, charts, or other descriptive matter accompanying this document and all other matters intended to form the whole, or a part hereof, are hereby made a part of this document the same as if set forth herein.

ADOPTED THIS 26th DAY OF February A.D. 2019
BY THE MINNEWAUKAN TOWNSHIP ZONING COMMISSION
AND RECOMMENDED TO THE MINNEWAUKAN TOWNSHIP BOARD,
RAMSEY COUNTY, NORTH DAKOTA, FOR ADOPTION.

Signed: [Signature]
Chairman, Minnewaukan Township Zoning Commission

Attest: [Signature]
Assistant Secretary, Minnewaukan Township Zoning Commission

ADOPTED THIS 19th DAY OF March A.D. 2019
BY THE MINNEWAUKAN TOWNSHIP BOARD, RAMSEY COUNTY

Signed: [Signature]
Chairman, Minnewaukan Township Board, Ramsey County

Attest: [Signature]
Assistant Secretary, Minnewaukan Township Zoning Commission

**RESOLUTION
ZONING DISTRICT ORDINANCE
MINNEWAUKAN TOWNSHIP, RAMSEY COUNTY, NORTH DAKOTA**

WHEREAS, Chapter 58-03, and other appropriate statutes of the North Dakota Century Code, empowers this Township to enact, or amend zoning and subdivision regulations, and to provide their administration, enforcement, and amendment, and

WHEREAS, the Minnewaukan Township Board of Supervisors deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the Township to enact such regulations or amendment, and

WHEREAS, the Board of Township Supervisors, pursuant to the appropriate provisions of the North Dakota Century Code has appointed a Zoning Commission to recommend the appropriate regulations and boundaries thereto, and

WHEREAS, the Zoning Commission has prepared regulations; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provisions for transportation, water, sewage, schools, parks and other public requirements, and

WHEREAS, the Zoning Commission has given reasonable consideration, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township, and

WHEREAS, the Zoning Commission has made a preliminary report and held public hearings thereon and submitted its final report to the Minnewaukan Township Board of Supervisors, and

WHEREAS, the Board of Township Supervisors has given due public notices of hearings relating to agricultural zoning, regulations and restrictions and has held such public hearings, and

WHEREAS, all requirements of Chapter 58-03 of the North Dakota Century Code with regard to the preparation and amendments of the report of the Zoning Commission, acting as the zoning commission and the subsequent action of the Board of Township Supervisors have been met;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Supervisors, Minnewaukan Township, Ramsey County, North Dakota, that the said report be hereby adopted, excepting therefrom the use of land, or buildings for farming, or any of the normal incidents of farming.

MINNEWAUKAN TOWNSHIP BOARD, RAMSEY COUNTY, NORTH DAKOTA.

Signed: _____

Chairman, Minnewaukan Township Board
Ramsey County, North Dakota

Attest: _____

Clerk, Minnewaukan Township Board
Ramsey County, North Dakota