

**INDEX TO ZONING RULES AND REGULATIONS
FOR PROSPECT TOWNSHIP, RAMSEY COUNTY, NORTH DAKOTA**

SECTION ONE Section 1, Page 1

INTRODUCTION Section 1, Page 1

A. AUTHORITY Section 1, Page 1

B. TITLE Section 1, Page 1

C. PURPOSE AND INTENT Section 1, Page 1

D. SEVERABILITY Section 1, Page 2

E. EFFECTIVE DATE Section 1, Page 3

F. DEFINITIONS Section 1, Page 3

SECTION TWO Section 2, Page 1

A. JURISDICTION Section 2, Page 1

B. AMENDMENTS Section 2, Page 1

C. NON-CONFORMING USES Section 2, Page 1

D. LAND SUITABILITY Section 2, Page 1

E. PERMITTED USES/CONDITIONALLY
PERMITTED USES Section 2, Page 1

F. VARIANCE PROCEDURES Section 2, Page 3

G. GENERAL PROHIBITION AGAINST
ACTIONS CONTRARY TO ORDINANCE Section 2, Page 3

H. GARBAGE OR SEWAGE PLANTS PROHIBITED Section 2, Page 4

SECTION THREE Section 3, Page 1

ADMINISTRATION AND ENFORCEMENT Section 3, Page 1

A. BOARD OF TOWNSHIP SUPERVISORS Section 3, Page 1

B. ZONING ADMINISTRATOR Section 3, Page 1

C.	<u>APPEALS</u>	. . . . .	Section 3, Page 1
D.	<u>BUILDING PERMIT</u>	. . . . .	Section 3, Page 2
E.	<u>CERTIFICATE OF COMPLIANCE</u>	. . . . .	Section 3, Page 2
F.	<u>VIOLATIONS AND PENALTIES</u>	. . . . .	Section 3, Page 3
SECTION FOUR			Section 4, Page 1
ZONING MAP			Section 4, Page 1
A.	<u>ZONING DISTRICT MAP</u>	. . . . .	Section 4, Page 1
SECTION FIVE			Section 5, Page 1
ZONING DISTRICTS			Section 5, Page 1
SECTION SIX			Section 6, Page 1
ZONING			Section 6, Page 1
A.	<u>OPEN SPACE AND AGRICULTURAL CONSERVATION DISTRICT ["OAg"]</u>	. . . . .	Section 6, Page 1
1.	Permitted Uses:	. . . . .	Section 6, Page 1
2.	Conditional Uses:	. . . . .	Section 6, Page 1
3.	Area and Density Requirements:		Section 6, Page 2
4.	Building Height/Size Limits:		Section 6, Page 2
5.	Setback Requirements:	. . . . .	Section 6, Page 2
6.	Concentrated Feeding Operations:	. . . . .	Section 6, Page 4
B.	<u>AGRICULTURAL PRESERVATION/URBAN EXPANSION DISTRICT ["OAgU"]</u>	. . . . .	Section 6, Page 6
1.	Permitted Uses:	. . . . .	Section 6, Page 6
2.	Conditional Uses:	. . . . .	Section 6, Page 6
3.	Area and Density Requirements:		Section 6, Page 7
4.	Building Height/Size Limits:		Section 6, Page 7

5. Setback Requirements: Section 6, Page 8

C. SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT ["R1"] Section 6, Page 11

1. Permitted Uses: Section 6, Page 11

2. Conditional Uses: Section 6, Page 11

3. Area and Density Requirements: Section 6, Page 12

4. Building Height/Size Limits: Section 6, Page 12

5. Setback Requirements: Section 6, Page 13

SECTION SEVEN Section 7, Page 1

SUPPLEMENTARY STANDARDS APPLICABLE TO DESIGNATED DISTRICTS Section 7, Page 1

A. Visibility at Intersections in Residential Districts [R1; R2; R3; and R4]: Section 7, Page 1

B. Fences, Walls and Hedges in all Districts [see also, Section SEVEN (J)]: Section 7, Page 1

C. Irregular Setbacks in all Districts: Section 7, Page 1

D. Road Setbacks in all Districts if the District does not state different standards: Section 7, Page 1

E. Yard Encroachments in all Districts: Section 7, Page 2

F. Signs in Residential Districts [R1; R2; R3; and R4]: Section 7, Page 3

G. Signs in Commercial [CN; CG] and Agricultural Districts [OAg; OAgU]: Section 7, Page 3

H. Essential Services in all Districts: Section 7, Page 4

I. Limitation of Principal and Accessory Buildings on One Lot in

- all Residential Districts: Section 7, Page 6
- J. Fences in all Districts: Section 7, Page 6
- K. Radio, communications, and television television towers and accessory buildings in all Districts: Section 7, Page 7

Editor's Comments:

- (1) Prospect Township Ordinance #_____ was finally enacted on _____, which is noted on each page of this document. It is contemplated that as changes are made, appropriate reference to the applicable page(s) containing amended language will be referenced similarly so that the document can be continuously updated without the need for complete publication. For instance, if a future Board of Supervisors desired to expand upon Section One(C) by adding a subsection 6 [see Section 1, Page__], the bottom of only that page would contain the following additional hypothetical language: Subsection 6 included by Prospect Township Ordinance #_____ enacted October 14, 2009.
- (2) The index will be changed as necessary to reflect the appropriate page changes.
- (3) The Prospect Township Ordinance has been developed so that individual chapters can be re-paginated when necessary without requiring the need for re-publication of the entire document.

ZONING RULES AND REGULATIONS

FOR PROSPECT TOWNSHIP, RAMSEY COUNTY, NORTH DAKOTA

SECTION ONE

INTRODUCTION

A. AUTHORITY

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

B. TITLE

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

C. PURPOSE AND INTENT

The purpose of this Ordinance is to promote the health, safety, morals, or the general welfare, or to secure the orderly development of approaches to municipalities.

In accordance with N.D.C.C. § 58-03-11, the Board of Township Supervisors for Prospect Township, Ramsey County, North Dakota, takes the following general positions with respect to all real property under its jurisdiction, pursuant to law;

1. Nothing herein is intended to prohibit, nor does it prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming or ranching. For purposes of enforcing this Ordinance, "farming or ranching" means 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.
2. Under N.D.C.C. § 58-03-11(3), a board of township supervisors may regulate the nature and scope of concentrated feeding operations permissible in the township; however, if a regulation would impose a

substantial economic burden on a concentrated feeding operation in existence before the effective date of the regulation, the board of township supervisors shall declare that the regulation is ineffective with respect to any concentrated feeding operation in existence before the effective date of the regulation. As of the effective date of this Ordinance, the following concentrated feeding operations will not be subject to this Ordinance:

3. Under N.D.C.C. § 58-03-11(4), a regulation may not preclude the development of a concentrated feeding operation in the township. A regulation addressing the development of a concentrated feeding operation in the township may set reasonable standards, based on the size of the operation, to govern its location. For purposes of this Ordinance, "concentrated feeding operation" 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, or in an area where the space per animal unit is less than six hundred square feet [55.74 square meters]. The term does not include normal wintering operations for cattle. For purposes of this section, "livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts.
4. Nothing herein is intended, nor shall it be construed to, prohibit, through regulation, the reasonable diversification or expansion of a farming or ranching operation.
5. To the extent any portion of this Ordinance conflicts with the four (4) general positions expressed above, the Ordinance shall not apply to said situation.

D. SEVERABILITY

If any part of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

E. EFFECTIVE DATE

This Ordinance shall be effective after a public hearing and adoption by resolution of the Board of Township Supervisors for Prospect Township, Ramsey County, North Dakota.

F. DEFINITIONS

For the purposes of this Ordinance, certain words or phrases used herein are defined as follows:

1. **Accessory Building:** A subordinate building the use of which is customarily incidental to the main building or the main use of the premises such as garages, sheds, etc. The maximum square footage of an accessory building is 800 square feet. The maximum height of an accessory building is twenty-one (21') feet.
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	about 7 cows = 10 units
One head of cattle, excluding the above	1.0 animal unit	
One horse	1.0 animal unit	
One swine or One sheep	.4 animal unit	2.5 sheep or swine = 1 unit

One duck	.02 animal unit	50 ducks = 1 animal unit
One turkey	.018 animal unit	about 55 turkeys = 1 unit
One chicken	.01 animal unit	100 chickens = 1 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. **Automobile and Truck Body Repair Shop:** A place where the primal purpose is to repair frames and/or vehicle bodies.
6. **Automotive Repair Shop:** A place where the following services for vehicles may be carried out - sale of engine fuels; general mechanical repair and engine rebuilding; specialty automotive services such as radiator service and repair.
7. **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 Prospect Township, North Dakota.
8. **Building:** Any structure intended for shelter and use of persons, animals or property.
9. **Certificate of Compliance:** A certificate stating compliance has been made with the regulations of the Zoning District which is issued after completion of construction.
10. **Club or Lodge:** A non-profit association of persons who are bona fide members paying annual dues, with the use of the premises being restricted to members and their guests.
11. **Commercial Agriculture:** The use of land for primarily agricultural purposes including farming, dairying, pasturage, horticulture, floriculture, animal and poultry 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 Cass County Director of Tax Equalization.

12. **Comprehensive Plan:** Unless otherwise stated, it is the general plan for land use, housing, transportation and community facilities prepared, adopted, and maintained by the Township Board of Supervisors for Prospect Township, Ramsey County, North Dakota.
13. **Concentrated 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 [55.74 square meters]. 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.
14. **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.
15. **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.
16. **Dwelling, Farm:** A single family dwelling located on a farm which is used or intended for use by a farmer.
17. **Dwelling, Single Family:** A detached residential unit designed for and occupied by one non-farm family.
18. **Dwelling, Multiple Family:** A residential unit designed for occupancy by two or more non-farm families.

19. **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.
20. **Efficiency Dwelling Unit:** Any one room unit having cooking facilities and used for combined living, dining and sleeping purposes.
21. **Essential Services:** Underground or overhead gas, electrical, steam, water, television, telephone, sanitary or storm sewer distribution 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.
22. **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.
23. **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.
24. **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.
25. **Farm Building:** Any building or accessory structure other than a farm or non-farm dwelling which is used in farming operations.
26. **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.

27. **Garage:** A building detached or attached to a main building and generally providing for the storage of automobiles.
28. **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.
29. **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.
30. **Hotel (Motel):** Any commercial building containing nine or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.
31. **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.
32. **Landscaping Items:** Plantings, such as trees, grass, and shrubs.
33. **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.
34. **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 Of, 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.
35. **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.

36. **Neighborhood Commercial Establishments:** Establishments such as small retail business and personal service stores which provide services and products to the immediate residential neighborhood in which they are located. Such establishments should not be of a type that will generate an influx of consumers from outside areas. Such establishments must be arranged and designed to be functional and harmonious with the surrounding neighborhood. Retail businesses [such as general merchandise, food, liquor, and hardware stores, eating and drinking establishments, and drugstores], commercial businesses [such as professional offices, branch banks], and personal service businesses [such as barbers and beauty shops], and businesses with similar character, are deemed appropriate Neighborhood Commercial Establishments provided that: (1) as to each establishment, no more than four (4) employees works on site at any one time; (2) each Lot contains no more than four (4) separate businesses in a single Building; and (3) each business has no more than 2400 square feet of area.
37. **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.
38. **Nursing Home (Rest and Convalescent Homes):** A health care institution licensed to serve aged or infirm persons who require nursing care and related assistance. Types of nursing care provided in a nursing home include giving medications, applying dressings and bandages and providing bedside care and other physician prescribed treatments which require the technical knowledge, skill and judgment possessed by professional nurses.
39. **Parking Space:** A space adequate for parking an automobile with room for opening doors on both sides, together with unimpeded access to a public street or alley and maneuvering room.
40. **Playhouse:** Any structure used primarily for children's recreation and that is accessory to a residential use.
41. **Principal Building:** The main structure on a lot or parcel of land which houses the principal use of the premises.

42. **Principal Structure or Use:** One which determines the predominant use as contrasted to accessory use or building.
43. **Poultry Lot:** A confined area or structure used intensively for raising, feeding, breeding or holding chickens, turkeys and other poultry for eventual sale or for the production of eggs.
44. **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.
45. **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.
46. **Service Station (Gas Station):** A place where gasoline, kerosene or any other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles. This definition includes greasing and oiling and the sale of automobile accessories on the premises. It also includes minor repairs, replacement of parts and motor services for vehicles.
47. **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.
48. **Street Classification:** All streets and roads are to be considered classified under the following categories:
- a. "Arterial Roads" are those which are intended to be used primarily for fast or heavy traffic.
 - b. "Collector Roads" are those which are intended to carry traffic from local roads to the major system of arterial streets and highways, including principal entrance streets of a residential development and streets for circulation within such a development.

- c. "Local Roads" are all roads not classified as Arterials or Collectors which are used to provide access to abutting properties.
 - d. The Prospect Board of Supervisors may specifically classify any public road within Prospect Township, but in the absence of such specific designation, the following classifications shall exist:
 - a. Any road, highway, or street designated as part of either the state highway system or the county road system shall be deemed to be "Arterial Roads;" and
 - b. All congressional section lines [811d all public roads in existence pursuant to N.D.C.C. Chap. 24-07] not designated as "Arterial Roads" shall be deemed to be "Collector Roads."
49. **Structure:** Anything built, constructed or erected which requires permanent location on the ground.
50. **Variance:** A relaxation of the terms of the Zoning Ordinance to provide relief for a property owner when an undue hardship or some peculiar difficulty is imposed by this Zoning Ordinance. Variance is limited to height, bulk, density and yard requirements which are peculiar to a property and are not the result of the action of the property owner, where a literal enforcement of the Ordinance would result in unnecessary and undue hardship.
51. **Warehouse:** Any building designed or used primarily for the commercial storage of goods, property and equipment of all kinds.
52. **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.
53. **Yard, Front:** The space extending between side lot lines from the front property line to the building setback line.
54. **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.

55. **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 comer-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. 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 in the Ordinance for the definitions to be invoked.

SECTION TWO
GENERAL PROVISIONS

A. JURISDICTION

The jurisdiction of this Ordinance shall include an lands within the boundaries of Prospect Township, except areas within the corporate or extraterritorial zoning jurisdictional limits of incorporated cities.

B. AMENDMENTS

The Board of Township Supervisors may from time to time on their own motion, or on petition or on recommendation of the Zoning Commission, amend, supplement or repeal provisions of this Ordinance after a public hearing.

C. 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.

D. LAND SUITABILITY

1. No land shall be used for seasonal or permanent uses if it has inadequate drainage, soil limitations, or other conditions likely to be harmful to the health and safety of the users of the area or harmful to the objectives of Prospect Township, Ramsey County, North Dakota as expressed in this Ordinance.
2. Where uncertainty exists as to the suitability of the land for on-site sewage disposal, the Board of Township Supervisors may request a study of the soil conditions or other pertinent conditions.

E. PERMITTED USES/CONDITIONALLY PERMITTED USES

This Zoning Ordinance contemplates the identification of Zoning Districts. The primary Zoning Districts generally

relate to agricultural land usages [Open Space and Agricultural Conservation District {"OAg"} and Agricultural Preservation/Urban Expansion District {"OAgU"}], residential land usages [Single and Two Family Residential District {"R1"}].

This Zoning Ordinance identifies Permitted Uses within each identified District requiring no additional zoning action by the Board of Township Supervisors in the event of a proper application for a building permit, or any other application seeking township authorization.

As to each identified District there also exists a list of Conditional Uses. Upon proper application for a building permit, or any other application seeking township authorization for any use described as being a Conditional Use, the Zoning Administrator will identify all additional conditions in writing which will allow for such Conditional Use because (a) such additional conditions will overcome any detriment to the District, and (b) such additional conditions will substantially serve the public welfare. Such Conditional Use, as supplemented by the additional written conditions identified by the Zoning Administrator, are still subject to the approval of the Board of Township Supervisors under the following general standards:

1. No application for a Conditional Use shall be granted by the Board of Township Supervisors unless all the following conditions are present:
 - a. that the uses, values and enjoyment of the other property in the area shall in no foreseeable manner, be impaired or diminished by the Conditional Use;
 - b. that the Conditional Use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
 - c. that the Conditional Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the District;
 - d. that adequate utilities, access roads, drainage and other necessary site improvements have been made or are being provided;

- e. that the Conditional Use shall conform to all applicable regulations of the District in which it is located.

F. VARIANCE PROCEDURES

- 1. The Board of Township Supervisors shall hear and decide on Variance from the terms of this Ordinance as will not be contrary to the public interest and where tile literal enforcement of this Ordinance would result in practical difficulty or unnecessary hardship to a property owner. The Board of Township Supervisors shall base its decision for Variance from this Ordinance upon the evidence presented to it and shall determine that an the following conditions are present:
 - a. that the purpose of the Variance is not based on a desire for economic or material gain;
 - b. that the alleged difficulty or hardship is caused by this Ordinance and not created by any person presently having an interest in the property;
 - c. that the Variance will not be detrimental to the public welfare or injurious to other properties in the vicinity;
 - d. that the Variance shall not be contrary to tile intent and purpose of this Ordinance.

G. GENERAL PROHIBITION AGAINST ACTIONS CONTRARY TO ORDINANCE

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless done in conformity with all of the provisions of this Ordinance.

If the building, structure, or land was being lawfully used or occupied before this Ordinance was passed or amended, but such use of building, structure, or land would be prohibited, regulated, or restricted under the terms of this Ordinance, or future amendments, such Non- conforming Use may continue until the non-conformities are removed. However, no non-conformities or Non-conforming Use may be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses not permitted in tile District. Nothing herein shall be construed as (a) prohibiting ordinary repairs

or replacement of non-bearing walls, fixtures, wiring, or plumbing, (b) prohibiting the strengthening or restoring to a safe condition any building or part thereof declared unsafe by any official charged with protecting the public safety if so ordered, or (c) otherwise maintaining such non-conforming property.

When a Non-conforming Use has been discontinued for one (1) year, the Non-conforming Use may not be resumed. If a non-conforming property is removed or destroyed [50% or more of the original replacement cost at the time of destruction], the non-conforming property may not be replaced or repaired except in conformity with this Zoning Ordinance.

H. 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 THREE

ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this Ordinance is hereby vested in the Board of Township Supervisors of Prospect Township, Ramsey County, North Dakota, and the Zoning Administrator.

A. BOARD OF TOWNSHIP SUPERVISORS

All amendments to the text of the Zoning Ordinance and the Zoning District Map, all Conditional Use permits, and all Variances shall be approved or disapproved by the Board of Township Supervisors following a public hearing and with consideration given to the recommendations of the Zoning Administrator. The Board of Township Supervisors shall appoint the Zoning Administrator.

B. ZONING ADMINISTRATOR

1. The Zoning Administrator receives and files all permit applications, petitions for amendment to the Zoning Ordinance and the Zoning District Map, issues building permits, Certificates of Compliance, makes inspections, and maintains records.
2. The Zoning Administrator shall report all complaints to the Board of Township Supervisors.
3. The Zoning Administrator shall report all zoning violations to the Board of Township Supervisors for appropriate action.
4. The Zoning Administrator shall identify additional necessary conditions in writing in the event of an application for a Conditional Use permit [or for Variance] and shall make recommendations to the Board of Township Supervisors upon said matters. The Zoning Administrator may recommend approval, denial, or modification of the application.

C. APPEALS

1. Any person, firm, or corporation aggrieved by the actions or recommendations of the Zoning Administrator, may appeal to the Board of Township Supervisors. The Zoning Administrator shall transmit to the Board of

Township Supervisors all records on which the action or recommendation was based.

D. BUILDING PERMIT

1. It shall be unlawful for any person to commence excavation for or construction of any building or structure, or structural changes in any existing building or structure without first obtaining a building permit.

No building permit shall be issued for any excavation or construction of any building or structure, or structural changes in any existing building or structure without full compliance with the Prospect Township Floodplain Ordinance.

2. The fee for a building permit shall be set by the Board of Township Supervisors.
3. Any permit issued pursuant to these provisions shall expire 12 months from the date of issuance.
4. All applications for building permits shall be accompanied by a statement of the proposed location of construction or alteration, its purpose, and it shall be accompanied by a plat, in duplicate, drawn to approximate scale, showing the actual dimensions of the recorded lot to be built upon, all existing buildings upon said lot, the size of the building to be erected, its dimensions, type of construction, and such information as may be necessary to provide for the enforcement of this ordinance. The Zoning Administrator shall consider the building permit application with the information attached thereto and may request more information relative thereto. If minimum requirements of this Ordinance are met, a building permit will be issued. If requirements are not met, the Zoning Administrator may counsel the applicant on how to meet the minimum requirements or the applicant may request a hearing to petition for a Variance, a Conditional Use, or amendment to the Zoning Ordinance or Zoning District Map.

E. CERTIFICATE OF COMPLIANCE

1. Following an new construction, alterations, or structural modifications to existing buildings, no building or structure shall be occupied until a "Certificate of Compliance" shall have been issued for determining the conformity of said building, alterations or structural

modifications with the requirements of this Ordinance and for the specifications upon which the building permit was issued.

F. VIOLATIONS AND PENALTIES

1. Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints shall be filed with the Zoning Administrator who shall investigate such violation and report to the Board of Township Supervisors for appropriate action.
2. 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 this Ordinance, the Board of Township Supervisors, in addition to other remedies provided by law, may institute any appropriate action or proceeding:
 - a. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
 - b. To restrain, correct, or abate such violation;
 - 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 FOUR

ZONING MAP

A. ZONING DISTRICT MAP

The location and boundaries of the zoning districts are hereby established as shown on the map entitled "Zoning District Map", on file in the office of the Zoning Administrator. The Zoning Administrator shall regularly update the Zoning District Map to show any changes in the Zoning District boundary lines resulting from amendments to the Ordinance.

1. LOCATION OF DISTRICT BOUNDARIES

The following rules shall apply with respect to the boundaries of the Zoning Districts as shown on the Zoning District Map:

- a. where the Zoning District boundary lines are indicated as following highway, road, or railroad right-of-way, such boundary lines shall be construed to be tile center line of said right-of-way unless clearly shown to be contrary.
- b. where uncertainty exists as to the exact location of the Zoning District boundary line, the Board of Township Supervisors shall determine the location of such boundary lines.

SECTION FIVE

ZONING DISTRICTS

For the purposes of this Ordinance, all lands under the jurisdiction of the Board of Township Supervisors for Prospect Township, Ramsey County, North Dakota, is divided into the following Zoning Districts:

Prospect Township Zoning Districts		
Description of District	Abbreviation for District used in Ordinance	Primary Ordinance Section
Open Space and Agricultural Conservation District	OAg	Section 6(A)
Agricultural Preservation/Urban Expansion District	OAgU	Section 6(B)
Residential District	RD	Section 6(C)

SECTION SIX

ZONING DISTRICTS RELATED TO AGRICULTURAL LAND USAGES

A. OPEN SPACE AND AGRICULTURAL CONSERVATION DISTRICT ["OAq"]

The predominant use of land within this District is agriculture and undeveloped land. It is the purpose of this zoning district to maintain these uses, to limit development upon flood prone land, and to provide for future expansion of various cities.

1. Permitted Uses: All Permitted Uses set forth in Table SIX(A) (1 & 2) plus the following:

1. Grain and crop farming, nurseries, greenhouses and roadside stands for the sale of products which are grown on the premises.
2. Golf courses, but not including miniature golf courses.
3. Public parks, facilities and playgrounds.
4. Farm drainage and irrigation systems.
5. Designated historical sites.
6. Accessory Use.
7. Farm Buildings.

2. Conditional Uses: All Conditional Uses set forth in Table SIX(A) (1 & 2) plus the following:

1. Utility lines and public service facilities.
2. Single family dwellings or Manufactured Home [no more than two Dwelling Units within any contiguous 40 acre tract].
3. Airports.
4. Churches and related facilities.
5. Cemeteries and crematoriums.
6. Public schools.
7. Radio and television towers and accessory buildings.
8. Temporary structures incidental to construction work but not extending beyond the period of such work.

3. Area and Density Requirements: All Area and Density Requirements set forth in Table SIX(A) (3 & 4 & 5) plus the following:
 1. The minimum lot size shall be ten (10) acres.
 2. No more than two (2) Dwelling Units within any contiguous 40 acre tract within the same section of land.

4. Buildings Height/Size Limits: All Building Height/Size Requirements set forth in Table SIX(A) (3 & 4 & 5) plus the following:
 - a. For residential uses, the maximum height of structures shall be two and one-half (2½) stories or 35 feet [but never more than 40 feet above the flood plain].

5. Setback Requirements: All Setback Requirements set forth in Table SIX(A) (3 & 4 & 5) plus the following:
 - a. The minimum setback from road and highway rights-of-way shall be 75 feet.
 - b. There shall be a minimum side and rear yard of 10 feet with no building line closer than 20 feet to another structure on an adjacent lot.

Table SIX(A) (1 & 2)		
Permitted Uses and Conditional Uses for		
Open Space and Agricultural Conservation District ["OAg"]		
Description of Use [Based on Definitions in Section ONE]	Permitted Use in District [yes or no]	Conditional Use in District [yes or no]
3. Agricultural Service Establishment	no	no
5. Automobile and Truck Body Repair Shop	no	no
6. Automotive Repair Shop	no	no
10. Club or Lodge	no	no
11. Commercial Agriculture	yes	n/a

Table SIX(A) (1 & 2) Permitted Uses and Conditional Uses for Open Space and Agricultural Conservation District ["OAg"]		
13. Concentrated feeding operation	yes*	n/a
15. Day Care Facility	no	no
16. Dwelling, Farm	yes	n/a
17. Dwelling, Single Family	no	yes
18. Dwelling, Multiple Family	no	no
21. Essential Services	yes	n/a
23. Farm	yes	n/a
24. Farming or Ranching	yes	n/a
26. Feedlot	yes	n/a
28. Home for Temporary Lodging and Meals	no	yes
29. Home Occupation	yes	n/a
30. Hotel (Motel)	no	no
31 Kennel	yes	n/a
36. Neighborhood Commercial Establishments	no	no
38. Nursing Home (Rest and Convalescent Homes)	no	no
44. Poultry Lot	yes	n/a
45. Ranching or Farming	yes	n/a
46. Salvage Yard	no	no
47. Service Station (Gas Station)	no	no
52. Warehouse	no	no

*subject to Section 6 A's requirements.

1. A site map of the proposed concentrated feeding operation to the Township Zoning Administrator.
 2. A plan for addressing the disposal of animal waste. This plan should indicate (1) the expected amount of waste to be produced by the operation; and (2) 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.
 3. The application is to be accompanied by a fee which the Board of Supervisors shall from time to time determine by resolution.
- b. After receiving the application the Zoning Administrator shall determine if the application is complete and shall issue the permit if the application is complete.
- c. Setback Requirements for Concentrated Feeding Operations. Concentrated feeding operations, in addition to obtaining a permit from the township, must comply with the following setback requirements:

TABLE SIX(C) Setback Requirements for Concentrated Feeding Operations		
Use	Animal Units	Setback Requirements
Established Residences	Less than 300	½ Mile
	300 to 1,000	½ Mile
	1001 to 2000	½ mile
	2001 to 5000	1 mile
	5001 to 10,000	1 ½ Mile
Churches, businesses, Commercially Zoned Areas, Recreational Areas, Schools	Less than 300	½ Mile
	300 to 5000	1 Mile

TABLE SIX(C) Setback Requirements for Concentrated Feeding Operations		
	More Than 5,001	1½ Miles
Incorporated City Limits and Unincorporated Platted Limits	Less than 300	½ Mile
	300 to 5,000	2 Miles
	More Than 5,000	3 Miles

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

B. AGRICULTURAL PRESERVATION/URBAN EXPANSION DISTRICT [OAgU]

The Agricultural Preservation/Urban Expansion District ["OAgU"] is intended to minimize the amount of agricultural land lost to urbanization in areas near municipalities by allowing existing rural residential areas to develop at a higher density than residential uses in the OAg District. This can be accomplished by: 1) encouraging developments in areas adjacent to existing municipalities until urban facilities from those neighboring municipalities are extended to such areas; and 2) by allowing existing rural subdivisions near municipalities to develop at a higher density even though extensions of urban facilities are not expected.

1. Permitted Uses: All Permitted Uses set forth in Table S.IX(B) (1 & 2) plus the following:
 - a. Grain and crop farming, nurseries, greenhouses and roadside stands for the sale of products which are grown on the premises.
 - b. Golf courses, but not including miniature golf courses.
 - c. Public parks, facilities and playgrounds.
 - d. Farm drainage and irrigation systems.
 - e. Designated historical sites.
 - f. Accessory Use.
 - g. Farm Buildings.
 - h. Single Family Dwelling.

2. Conditional Uses: All Conditional Uses set forth in Table SIX(B) (1 & 2) plus the following:

- a. Utility lines and public service facilities.
 - b. Single Family Dwellings, Multiple Family Dwelling, or Manufactured Home.
 - c. Airports.
 - d. Churches and related facilities.
 - e. Cemeteries and crematoriums.
 - f. Public schools.
 - g. Radio, communications, and television towers and accessory buildings.
 - h. Temporary structures incidental to construction work but not extending beyond the period of such work.
 - i. Energy systems associated with residential uses such as solar collectors and wind generators.
3. Area and Density Requirements: All Area and Density Requirements set forth in Table SIX(B) (3 & 4 & 5) plus the following:
- a. When the lot will be connected to an adequate sewer and water supply, the minimum lot size shall be 12,000 square feet for Single Family Dwelling; and 12,000 square feet, plus, 3,000 square feet for each Dwelling Unit over one in each structure; and non-residential uses shall have no minimum lot size except when specially provided for in this Ordinance.
 - b. When the lot is connected to a private sewer and water system, the minimum lot size shall be 100,000 square feet for single family dwellings or commercial uses with under 5 employees working at the same time; and 100,000 square feet plus 15,000 square feet for each dwelling unit over one in each structure; and such size as may be recommended by the Ramsey County Sanitarian for all other uses.
 - c. Lot Width: For Single Family Dwellings the minimum lot width shall be one hundred (100) feet. For uses other than Single-family Dwellings, the minimum lot width shall be one hundred twenty (120) feet.
 - d. Depth: Minimum depth shall be 120 feet.

4. Building Height/Size Limits: All Building Height/Size Requirements set forth in Table SIX(B) (3 & 4 & 5) plus the following:
 - a. For residential uses, the maximum height of structures shall be two and one-half (2½) stories or 35 feet [but never more than 40 feet above the flood plain].

5. Setback Requirements: All Setback Requirements set forth in Table SIX(B) (3 & 4 & 5) plus the following:
 - a. The minimum setback from road and highway rights-of-way shall be 75 feet.
 - b. There shall be a minimum side and rear yard of 10 feet with no building line closer than 20 feet to another structure on an adjacent lot.

Table SIX(B) (1 & 2)		
Permitted Uses and Conditional Uses for		
Agricultural Preservation/Urban Expansion District ["OAgU"]		
Descriptions of Use [Based on Definitions in Section ONE]	Permitted Use in District [yes or no]	Conditional Use in District [yes or no]
3. Agricultural Service Establishment	no	no
5. Automobile and Truck Body Repair Shop	no	no
6. Automotive Repair Shop	no	no
10. Club or Lodge	no	no
11. Commercial Agriculture	yes	n/a
13. Concentrated feeding operation	no	yes*
15. Day Care Facility	no	no
16. Dwelling, Farm	yes	n/a
17. Dwelling, Single Family	yes	n/a
18. Dwelling, Multiple Family	no	yes
21. Essential Services	yes	n/a

Table SIX(B) (1 & 2) Permitted Uses and Conditional Uses for Agricultural Preservation/Urban Expansion District ["OAgU"]		
23. Farm	yes	n/a
24. Farming or Ranching	yes	n/a
26. Feedlot	no	yes
28. Home for Temporary Lodging and Meals	no	yes
29. Home Occupation	yes	n/a
30. Hotel (Motel)	no	no
31. Kennel	yes	n/a
36. Neighborhood Commercial Establishments	no	yes
38. Nursing Home (Rest and Convalescent Homes)	no	no
44. Poultry Lot	no	yes
45. Ranching or Farming	yes	n/a
46. Salvage Yard	no	no
47. Service Station (Gas Station)	no	no
52. Warehouse	no	no

*Concentrated feeding operations receiving a conditional use permit must comply with the setback requirements in Table Six(C).

Table SIX(B) (3 & 4 & 5) Minimum Lot Size, Yard Requirements, Spacing Requirements, and Access Points for Agricultural Preservation/Urban Expansion District ["OAgU"]	
Lot Size	See above
Yard Requirements:	

**Table SIX(B) (3 & 4 & 5)
Minimum Lot Size, Yard Requirements,
Spacing Requirements, and Access Points for
Agricultural Preservation/Urban Expansion District ["OAgU"]**

Special Requirements	Animal Units may not exceed two (2) units per acre density provided: (a) that the residential use area be separated from the area to be used as an animal enclosure by a fence, and that the entire animal enclosure area be fenced to prevent escape and subsequent damage to adjacent property; (b) that no structure intended for housing said animals shall be closer than 200 feet from any lot line; (c) that all manure and other animal wastes be removed and disposed of properly on a regular basis; and (d) that the number of animals units permitted shall be based on the size of the portion of the parcel to be used as an animal enclosure, and that animal enclosure area shall not be less than 40,000 square feet. Section SEVEN requirements incorporated by reference.
----------------------	--

C. SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT ["R1"]

The Single and Two Family Residential District ["R1"] is intended to encourage the establishment and preservation of low density residential neighborhoods characterized primarily by Single Family Dwellings. It is further to provide for certain other uses such as educational, religious and recreational activities compatible with residential areas and to reserve undeveloped lands for similar types of residential development. Since these developments are intended to be residential and at densities compatible with urban development, all development must take place within established subdivisions as approved by Cass County or the contiguous municipality if authorized by law. No permits will

be issued for any non-agricultural use unless the parcel is platted pursuant to law.

1. Permitted Uses: All Permitted Uses set forth in Table SIX(C) (1 & 2) plus the following:
 - a. Grain and crop farming, nurseries, greenhouses and roadside stands for the sale of products which are grown on the premises.
 - b. Golf courses, but not including miniature golf courses.
 - c. Public parks, facilities and playgrounds.
 - d. Farm drainage and irrigation systems.
 - e. Designated historical sites.
 - f. Accessory Use.
 - g. Farm Buildings [limited to those reasonably necessary for Farm or Ranch].
 - h. Energy systems associated with residential uses such as solar collectors and wind generators.

2. Conditional Uses: All Conditional Uses set forth in Table SIX(C) (1 & 2) plus the following:
 - a. Utility lines and public service facilities.
 - b. Single family dwellings or Manufactured Home.
 - c. Airports.
 - d. Churches and related facilities.
 - e. Cemeteries and crematoriums.
 - f. Public schools.
 - g. Radio, communications, and television towers and accessory buildings.
 - h. Temporary structures incidental to construction work but not extending beyond the period of such work.

3. Area and Density Requirements: All Area and Density Requirements set forth in Table SIX(C) (3, 4 & 5) plus the following:
 - a. When the lot will be connected to an adequate sewer and water supply, the minimum lot size shall be 12,000 square feet for Single Family Dwelling; and 12,000 square feet, plus 3,000 square feet for each Dwelling Unit over one in each structure; and non-residential uses shall have no minimum lot size except when specially provided for in this Ordinance.

- b. When the lot is connected to a private sewer and water system, the minimum lot size shall be 100,000 square feet for single family dwellings or commercial uses with under 5 employees working at the same time; and 100,000 square feet plus 15,000 square feet for each dwelling unit over one in each structure; and such size as may be recommended by the Cass County Sanitarian for all other uses.
 - c. Lot Width: For Single Family Dwellings the minimum lot width shall be one hundred (100) feet. For uses other than Single-family Dwellings, the minimum lot width shall be one hundred twenty (120) feet.
 - d. Depth: Minimum depth shall be 120 feet.
 - e. Buildings may not cover more than 25% of the Lot area.
 - f. Accessory Buildings shall be equal to or less than the ground floor area of the main Building(s).
4. Building Height/Size Limits: All Building Height/Size Requirements set forth in Table SIX(C) (3, 4 & 5) plus the following:
- a. For residential uses, the maximum height of structures shall be two and one-half (2½) stories or 35 feet [but never more than 40 feet above the flood plain].
5. Setback Requirements: All Setback Requirements set forth in Table SIX(C) (3, 4 & 5) plus the following:
- a. The minimum setback from road and highway rights-of-way shall be 75 feet.
 - b. No building line shall be closer than 20 feet to another structure on an adjacent lot.

**Table SIX(C) (1 & 2)
Permitted Uses and Conditional Uses for
Single and Two Family Residential District ["R1"]**

Description of Use [Based on Definitions in Section ONE]	Permitted Use in District [yes or no]	Conditional Use in District [yes or no]
3. Agricultural Service Establishment	no	no
5. Automobile and Truck Body Repair Shop	no	no
6. Automotive Repair Shop	no	no
10. Club or Lodge	no	no
11. Commercial Agriculture	yes	n/a
13. Concentrated feeding operation	no	yes*
15. Day Care Facility	no	no
16. Dwelling, Farm	yes	n/a
17. Dwelling, Single Family	yes	n/a
18. Dwelling, Multiple Family	yes	n/a
21. Essential Services	yes	n/a
23. Farm	yes	n/a
24. Farming or Ranching	yes	n/a
26. Feedlot	no	yes
28. Home for Temporary Lodging and Meals	yes	n/a
29. Home Occupation	yes	n/a
30. Hotel (Motel)	no	no
31. Kennel	yes	n/a
36. Neighborhood Commercial Establishments	no	yes
38. Nursing Home (Rest and Convalescent Homes)	no	no

Table SIX(C) (1 & 2) Permitted Uses and Conditional Uses for Single and Two Family Residential District ["R1"]		
44. Poultry Lot	no	yes
45. Ranching or Farming	yes	n/a
46. Salvage Yard	no	no
47. Service Station (Gas Station)	no	no
52. Warehouse	no	no

*Concentrated feeding operations receiving a conditional use permit must comply with the setback requirements in Table Six(C).

Table SIX(C) (3, 4 & 5) Minimum Lot Size, Yard Requirements, Spacing Requirements, and Access Points for Single and Two Family Residential District ["R1"]	
Lot Size	See above
Yard Requirements:	
Front Yard	Road Type: Setback [from centerline]: Arterial Road 175 feet Collector Road 125 feet Local Road 75 feet
Rear Yard	25% of lot depth. As to a Single Family Dwelling, the minimum is 25 feet and the maximum required is 50 feet. For any other main building, the minimum is 50 feet and the maximum required is 100 feet.
Side Yard	12% of lot width on each side. As to a Single Family Dwelling, the minimum is 8 feet and the maximum required is 12 feet. For any other main building, the minimum is 10 feet and the maximum required is 24 feet.

Table SIX(C) (3, 4 & 5)
Minimum Lot Size, Yard Requirements,
Spacing Requirements, and Access Points for
Single and Two Family Residential District ["R1"]

Distance Separating access points serving any parcel or lots from:	
Local Road	100 feet
Collector Road	200 feet
Arterial Road	300 feet
Intersections	300 feet
Special Requirements	Accessory Buildings have a minimum set-back of 5 feet. Section OAgU requirements incorporated by reference.

SECTION SEVEN

SUPPLEMENTARY STANDARDS APPLICABLE TO DESIGNATED DISTRICTS

The following Supplementary Standards apply to each identified District when appropriately referenced:

A. Visibility at Intersections in Residential Districts [R1]:

On a comer lot, 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 thirty-three (33') foot radius of the point from the intersection of the two roadways.

B. Fences, Walls and Hedges in all Districts [see also, Section SEVEN (K)]:

No fence, wall or hedge 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 where it will interfere with traffic or pedestrian visibility from a driveway or alley to a public way. The regulations shall apply unless demonstrated to the Zoning Administrator that the fence, wall or hedge provides an unobstructed view so as not to create a safety hazard.

C. Irregular Setbacks in all Districts:

Where a uniform setback does not exist, the required setback shall be no less than the average of the setback of the two (2) adjacent Principal Buildings, or if there is only one (1) adjacent Principal Building, the setback of said main Building shall govern. but in no case shall a setback greater than seventy-five (75) feet be required.

D. Road Setbacks in all Districts if the District does not state different standards:

1. The front yard setback requirements as stated herein for the various zoning Districts shall be applied from nearest the center line of the right-of-way as related to the functional classification indicated by the Township Road Plan.

ROAD TYPE	SETBACKS
Arterial	175 feet
Collector	125 feet
Local Road	75 feet

2. Where structures on contiguous lots existing at the time of adoption of this Ordinance have a different setback from that required, the front yard setback of a new structure may approximate the prevailing setback in the immediate vicinity. The Zoning Administrator shall determine the necessary front yard requirements in such cases.

E. Yard Encroachments in all Districts:

Every part of a yard or court shall be open and unobstructed by any building or structure, from its lowest point upward, except as follows:

1. Accessory structures, as governed by the Ordinance, are permitted in rear yards.
2. Awnings, balconies, sills, cornices, buttresses, and eaves may project not more than five (5) feet over or half the distance of the required side yard, whichever is less.
3. Walks, steps for negotiating ground slopes, retaining walls, hedges and natural growth, fences, paved terraces and paved areas.
4. Structures used ornamentally or for gardening or for private recreation purposes, and structures for essential services, all accessory to and customarily incidental to the principal use) are permitted in yards and courts. Solar energy systems not included in the floor area of the building are permitted in side yard's, provided that a side yard strip three (3) feet in width adjoining the side line of the lot shall be unobstructed by any structure or feature, except a fence or retaining wall.
5. Uncovered porches may not extend more than three (3) feet into any required side yard.
6. Open work fire balconies and fire escapes may extend not more than three (3) feet into a required yard or court.

7. Chimneys and flues may extend not more than two (2) feet into a required yard or court.
8. Front yard encroachments -add-on entryways to existing residential dwellings may encroach into a front yard of 25 feet or less not more than a distance of five (5) feet and shall not exceed fifty (50) square feet in total size.

F. Signs in Residential Districts [R1]:

The following signs shall be permitted in residential Districts provided they are illuminated only by the reflector method and so erected that the light source is not visible from outside the premises.

1. Signs traditionally associated with the permitted uses.
2. Signs not exceeding two (2) square feet in area and bearing only property numbers, post office box numbers, and names of occupants of premises.
3. Signs as permitted for home occupations.
4. Flags and insignias of any government or governmental agency except when displayed in connection with a commercial promotion.
5. An advertising sign in connection with a lawfully maintained non-conforming use or conditional use.
6. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
7. A sign advertising only the sale, rental or lease of the building or premises.
8. Temporary signs connected with political elections.

G. Signs in Commercial [CN; CG] and Agricultural Districts [Oag; OaqU]:

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

2. All commercial signs erected or placed in Prospect Township located adjacent to the State of North Dakota's highway or interstate right-of-ways shall be located on property zoned CN or CO, and shall obtain approval from the North Dakota State Highway Department prior to permit consideration from Prospect Township.
3. The foundation base and posts of all signs must be on private property.
4. No part of any sign or projection may protrude over the public right-of-way within six (6) feet of the actual or proposed shoulder or curb line. Signs, marquees, awnings and similar projections may project over the right-of-way a maximum of six (6) feet provided no part is within six (6) feet of the shoulder or curb line and that it is over eight (8) feet above the sidewalk or the average grade at property line when no sidewalk is in place. If the street is widened, the sign shall be moved back at the owner's expense to maintain the six (6) foot distance of the shoulder or curb regulation.
5. All sources of artificial light other than street lights shall be fixed, directed or designed so as not to measurably increase the amount of light to any abutting residential lot.
6. No sign can be of a height so that if it falls it will project over halfway across a street right-of-way.
7. For home occupation use it is permissible to have one sign, not to exceed two square feet, non-illuminated, and mounted flat against the wall of the principal building.

H. Essential Services in all Districts:

1. Permitted Essential Services: Essential services extending from the system to serve en route parcel(s) of land abutting a public right-of-way or easement are not subject to yard or setback regulations, zoning certificates, other than the approval of the owner.
2. Essential Services Buildings and Structures: Buildings and structures to house essential service facilities shall be allowed as a Conditional Use as permitted by District regulations. This section shall be considered a Variance to permit a lot area less than the minimum required for the District in which such Building

structure is located. In consideration of an application for a conditional use, the Zoning Commission shall find:

- a. That the landscape treatment is in keeping with the neighborhood and provides screening where appropriate.
 - b. That the installation is secure from the public and does not create a potential public hazard.
 - c. That the building is of an architectural style in keeping with the neighborhood.
 - d. That access and parking is adequately provided.
 - e. That the proposed maintenance program of the building, structure, and grounds is in keeping with the neighborhood.
3. Essential Service Transmission Services: The applicant for such a Conditional Use shall conform to the following procedures and standards:
- a. Essential service such as high voltage (250KV or less) electrical power or bulk gas or fuel being transferred from station to station and not intended for en route consumption nor located within highway and street right-of-ways shall follow the following procedure:
 1. The owner shall file with the Zoning Administrator such maps indicating the locations, alignment, and type of service proposed as shall be requested.
 2. The Zoning Administrator shall hold a public hearing.
 3. It is not intended that the Zoning Administrator shall request maps or filings for ordinary service extensions which would delay by virtue of such filings or Township Board considerations the services public utilities must immediately provide to customers.

4. No filing or application shall be necessary under this section to maintain, reconstruct or relocate existing lines or facilities where the general line and conformation thereof remains essentially the same unless said construction is within the traveled roadway. In such case, the permit shall be obtained from the Zoning Administrator. Emergency work otherwise requiring filing or application shall be accomplished provided such filing or application is made as soon thereafter as possible.
5. Essential services shall be located and constructed at such places and in such manner that they will not segment land of anyone farm, and will not interfere with the conduct of agriculture by limiting or interfering with the access to fields or the effectiveness and efficiency of the farmer and farm equipment including crop spraying aircraft.

I. Limitation of Principal and Accessory Buildings on One Lot in all Residential Districts:

Not more than one (1) Principal Building shall be located on a Lot in the R1, R2, R3, and R4 Districts.

J. Fences in all Districts:

1. 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.
2. Construction and Maintenance: Every fence shall be constructed in a substantial workmanlike manner and of substantial material reasonably 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.

3. Barbed wire fences shall not be permitted, used or constructed except in commercial Districts when made a condition by action of the Board of Township Supervisors or as hereafter set forth.
4. Residential District Fences: all residential fences shall be placed within the property being fenced and:
 - a. Fences along side property lines shall not be more than eight (8) feet in height from the rear lot line to a point on such side property line which would be intersected by the front wall line of the existing principal structure on the lot.
 - b. Fences along any rear property line, which is also the side or rear property line of an abutting lot shall not exceed eight (8) feet in height.
 - c. All posts or similar supporting instruments used in the construction offences shall be faced inward toward the property being fenced.
5. Commercial District Fences: all commercial fences shall be placed within the property being fenced and:
 - a. Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven (7) feet above the ground.
6. Special Purpose Fences: Fences for special purposes and fences differing in construction, height, or length may be permitted by the Zoning Administrator in any District in Prospect 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.

K. Radio, communications, and television towers and accessory buildings in all Districts:

Proposed radio, communications, and television transmission towers, including station offices and studios, are still subject to the following conditions:

1. Transmitter towers: The following ratios of distances shall apply to all freestanding and guyed radio, communications, and television transmitter towers:

The number of levels of guys along the height of the tower	Ratio of the height of the tower to the distance from the base to the property line
2 or less	1.1
3	3.2
4	2.1
5	5.2
6 or more	3.1

When guyed towers are used, an anchor points from the guys must be on the same property as the tower. All towers must meet the requirements of the North Dakota Uniform Building and Mechanical Codes and amendments thereafter. For the purpose of protecting public safety and welfare, additional standards may be suggested by the Zoning Administrator as a condition attached to any permit issued. If the applicant does not consent to the additional conditions suggested by the Zoning Administrator, the application must be submitted to the Board of Township Supervisors for approval of the application.

2. Station Offices: Radio or television station offices when located on the same property and used in conjunction with radio, communications, or television transmitter towers.
3. Studios: Studios seating less than 100 persons, when located on the same property and used in conjunction with radio, communications, or television towers.