

**ZONING ORDINANCE
AND SUBDIVISION REGULATIONS
OF
WILLIAMS COUNTY, NORTH DAKOTA**

**AUGUST, 1987
AMENDED, 2003-05**

**Prepared by
WILLISTON PLANNING DEPARTMENT
Under the Supervision of
WILLIAMS COUNTY PLANNING COMMISSION
WILLISTON, NORTH DAKOTA**

The Williams County Zoning Ordinance and Subdivision Regulations were approved by the Williams County Planning Commission on June 10, 1987.

WILLIAMS COUNTY PLANNING COMMISSION

Howard Ross, Jr. – Chairman, Member at Large

Betty Christopherson – Vice Chairman, Member at Large

Julian Gunlikson, County Rep.

Charell Schillo, Member at Large

Melford Gugvangen, County Rep.

Duane Hausteveit, Member at Large

Chet Fossum, County Seat Rep.

Arnold Larson, Member at Large

Barbara Ruzynski, County Seat Rep.

The Williams County Zoning Ordinance and Subdivision Regulations were adopted by the Williams County Commission on July 7, 1987.

WILLIAMS COUNTY COMMISSION

Julian Gunlikson – Chairman

Melford Gudvangen

Ray Atol

Marlene Eide

Emil Skurdal

WILLIAMS COUNTY PLANNING COORDINATOR

Larry M. Weil

Publication Dates: July 12 & 19, 1987

Effective Date: August 18, 1987

1st Amended Date: July 10, 2003

2nd Amended Date: November 10, 2005

➤ Commercial Animal Feedlot – Any livestock feeding, handling or holding operation or feed yard where animals are concentrated in an area (1) which is not normally used for pasture, or (2) where the space per animal unit is less than 600 square feet, or (3) where 200 head or more of livestock are kept for the purpose of resale or slaughter.

Commercial, Sand, Gravel or Scoria Operation – The lease, sale or rental of land for the purpose of opening a sand, gravel and/or scoria pit and the processing of the material of said pit for sale or resale (or use by a political subdivision). The provisions of this Ordinance regarding commercial sand, gravel, and/or scoria operations do not apply to a farmer's incidental use of his private operation.

Conditional Use – Any use to which the Board of County Commissioners shall set specific conditions, all of which must be met prior to approval of said use in the district.

Conditional Use Permit – A zoning permit issued by the Williams County Commission.

County – The Board of County Commissioners of Williams County.

County Highways and/or Roads – Any and all roads over which the Board of Commissioners has authority and for which said Commissioners provide maintenance.

Development – The performance of any building, extraction or excavation operation, the making of any material change in the use of a building, structure of land, or the division of land into two or more parcels.

Disposal Site – Any landfill disposal approved by the Williams County Commission and permitted by the North Dakota State Health Department.

District – The areas of Williams County for which the regulations governing the use of land and the use, density, bulk, height and location of structures and buildings are uniform.

Drilling Permit – A permit issued by the State Industrial Commission.

Dwelling – Any building, or portion thereof intended or used for residential purposes.

Dwelling, Single Family – A detached residential unit other than a mobile home, designed for and occupied by one family only.

Dwelling, Two Family – A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, Multiple Family – A residential building designed for or occupied by three or more families.

Easement – A vested or acquired right to use land, other than as a tenant, for a specific purpose held by someone other than the owner who holds title to the land.

Extraterritorial Jurisdiction – The authority granted by 40-47 North Dakota Century Code to cities to exercise their zoning and subdivision authority to areas one-half mile or one-mile adjacent to the City Limits.

F. NONCONFORMING USES

The lawful existence or use of a structure or a parcel of land present at the time of adoption or amendment of this Ordinance may be continued although such use or existence does not conform with the provisions of this Ordinance.

It is the intent of this Ordinance that while such nonconformities may be continued in their present state, they shall not be permitted to expand. The total structural repairs or alterations in a nonconforming structure shall not, during its life, exceed 50 percent of the assessed value of the structure unless permanently changed to a conforming use. If a nonconforming use is discontinued for a period of more than 24 months, any future use of that land or structure shall be made to be in conformity with this Ordinance.

➤ G. CONDITIONALLY PERMITTED USES

The development and administration of this Ordinance is based on the division of Williams County into districts within which the uses of land and buildings are mutually compatible. However, there are certain uses which, because of their unique characteristics, cannot be classified as unrestricted permitted uses in any particular district or districts without consideration in each case of the impact of those uses upon adjoining lands or public facilities. Such uses, nevertheless, may be necessary or desirable in a particular district provided that due consideration is given to location, development and operation of such uses.

- l. No conditional use permit shall be granted by the County Commission unless the applicant shall have met all of the following criteria;
 - a. The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.
 - b. The conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.
 - c. The conditional use shall not impede the normal and orderly development of the surrounding property.
 - d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided.
 - e. Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.
 - f. The conditional use shall conform to all applicable regulations of the district within which it is located.

2. The County Planning Commission shall review and may recommend to the County Commission conditions and restrictions upon the establishment, location, construction and operation of the proposed use in order to promote and protect public health, safety and general welfare. Prior to Planning Commission recommendations being submitted to the County Commission, the township shall have the opportunity to make comments and recommendations. The Planning Commission recommendation shall include township comments and recommendations. In all cases in which conditional uses are granted, the County Commission shall prior to issuance of a certificate of compliance, require evidence of compliance with these provisions and with the conditions set forth.
3. The County Commission, finding that the conditions or restrictions set forth are not being complied with, may revoke the conditional use permit after a Public Hearing.
4. In any case where a conditional use permit has not been instituted within one year of the date of approval, the permit shall be null and void.
5. Any use, for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use of the building or premises shall be in conformity with these regulations.

H. TEMPORARY USES

In order to provide for occasional large public gatherings in areas of the County where public or private gathering facilities are limited, the Board of County Commissioners may grant temporary permits for the following occasional uses:

1. Bazaars, carnivals, or fairs.
2. Musical events.
3. Racing events.
4. Revivals.
5. Rodeos.
6. Parking lots for special events.
7. Public gatherings for a single-purpose event.
8. Temporary buildings or storage yard for equipment and material incidental and necessary for the period of the event.

SECTION III
1st Amendment, 7-10-03
DISTRICT REGULATIONS

A. ESTABLISHMENT OF DISTRICTS

For the purpose of these regulations, the County of Williams is divided into the following zoning districts:

- A - Agricultural District
- R - Residential District
- P - Public District
- C - Commercial District
- I - Industrial District

B. ZONING MAP

The location and boundaries of the zoning districts are hereby established as shown on the maps prepared or approved by the townships entitled "Zoning District Map" on file in the Office of the County Auditor. The County Zoning Administrator shall regularly update the map to show any changes in the zoning district boundary lines resulting from amendments.

1. Location of District Boundaries

The following rules shall apply to the boundaries of the zoning districts on the Zoning District Map:

- a. Where zoning district boundary lines follow streets, highways, roads, railroad rights-of-ways, extensions thereof, such boundary lines shall be the centerlines of said streets, highways, roads, railroad rights-of-way unless clearly shown to the contrary.
- b. Where any uncertainty exists as to the exact location of zoning district lines, the County Commissioners shall determine the location of such boundary lines.

➤ C. A-AGRICULTURAL DISTRICT

- 1. Purpose. The purpose of this district is to encourage preservation and protection of agricultural lands and to discourage uses incompatible with agricultural operations or detrimental to agricultural lands. Activities which do not meet the minimum dimensional requirement for the district are not viewed as agricultural in nature. Cultural and historical features are identified as an integral part of the landscape and in harmony with agricultural uses. Any uses which might jeopardize the significance of these cultural or historical features will be discouraged.

This district is also intended to allow development of mineral resources including oil and gas, coal, potash, sand, gravel, scoria, and the like in a manner that does not adversely impact the natural environment and adjoining land uses.

2. Minimum Dimensional Requirement. The minimum area for this district shall be ten (10) acres.
3. Permitted Uses. The following shall be permitted:
 - a. Usual buildings, structures and operations incidental to the operation of a farm or ranch.
 - b. Truck gardening, nurseries, greenhouse and roadside stands offering for sale only those farm products which have been grown on the premises.
 - c. Single family residences, including mobile homes.
 - d. Home Occupations as an accessory use.
 - e. Churches and related facilities.
 - f. Cemeteries, provided that a minimum buffer strip of 200 feet is provided around the entire site.
 - g. Grain Elevators and storage facilities.
 - h. Public and parochial schools, and other public facilities.
 - i. Public and private conservation areas.
 - j. Parks and open space.
 - k. Cultural and historical features and facilities.
4. Conditional Permitted Uses. The following shall be considered for conditionally permitted uses:
 - a. Commercial Feed Lots.
 - b. Manufacturing and processing of agricultural resources and products.
 - c. Sanitary landfills and sewage lagoons provided that the plans and sites have been approved by the ND State Health Department.