

ZONING REGULATIONS

FOR THE TOWNSHIP OF ARNEGARD

MCKENZIE COUNTY, NORTH DAKOTA

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PREAMBLE

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWNSHIP OF ARNEGARD, MCKENZIE COUNTY, NORTH DAKOTA. TOWNSHIP 150, RANGE 100, 5TH P.M.

The following describes the intent of these zoning regulations:

Promote the health, safety, morals, and general welfare of the township people and the orderly development of lands within the township;

Preserve and maintain agricultural lands for farm use;

Encourage non-farm growth to locate within existing communities or Community service districts;

Promote a healthy and visually attractive environment;

Promote the development of utility corridors which utilize the least productive agricultural land;

Regulate development in the drainage basin so as to reduce flood damage and protect and maintain stream flows;

Discourage development or activity which exceeds the carrying capacity of the land, air or water resources;

Discourage any development which places an excessive financial burden on the township or county government;

Discourage or regulate any activity within the township which may be detrimental to the health, well-being, peace-of-mind, or financial status of township residents.

These regulations are hereby adopted effective this 5th day of January 2012.

 /S/ Lynn Hovde
Chairman, Arnegard Township Supervisors

 /S/ Milton Hanson
Planning and Zoning Commissioner

 /S/ Marlene Olson
Clerk, Arnegard Township

 /S/ Kirk Olson
Supervisor, Arnegard Township

 /S/ Bryan L Bjornstad
Planning and Zoning Commissioner

 /S/ Don Sherlock
Supervisor, Arnegard Township

 /S/ Sharon Leiseth
Treasurer, Arnegard Township

First Reading: December, 12 2011

Second Reading: January 5, 2012

Adopted: January 5, 2012

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1 INTRODUCTION

1.1 TITLE: This ordinance shall be known as the “ZONING REGULATIONS OF ARNEGARD TOWNSHIP.”

1.2 PURPOSE: The purpose of this ordinance is to preserve and promote the health, safety, public convenience, agricultural use of the land, general prosperity, and the general welfare and orderly development of Arnegard Township and its residents.

1.3 AUTHORITY: These regulations are adopted under the authority granted by Chapter 58-03 N.D.C.C., as well as other state and federal laws and statutes.

1.4 REPEAL: All other ordinances or regulation or parts thereof of Arnegard Township in conflict with these regulations are hereby repealed.

1.5 SEVERABILITY: In the event that any particular section, paragraph, clause or provision of this Ordinance should be declared invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions of this Ordinance shall be in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

1.6 EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval by the Board of Township Supervisors for Arnegard Township in McKenzie County, North Dakota.

2 GENERAL PROVISIONS

2.1 JURISDICTION: The jurisdiction of this ordinance shall include all unincorporated areas of Arnegard Township in McKenzie County, North Dakota. Provisions contained herein are applicable to all individuals, persons, governmental or nongovernmental agencies, and independent contractors residing or entering in Arnegard Township, or whose agent or employees reside in or enter Arnegard Township.

2.2 COMPLIANCE: Except as hereinafter provided, no building, structure or land shall be used, occupied, erected, constructed, moved, reconstructed, or structurally altered except in conformity with all of the regulations for the district in which it is located.

2.3 FARMING OR RANCHING: These regulations shall not be applied for the purpose of preventing or prohibiting the use of land or buildings for farming or ranching or any of the normal incidents of farming or ranching, provided the principal income of the operators is derived from agriculture.

IN ANY CASE WHERE AN AGRICULTURAL USE MAY INTERFERE DIRECTLY WITH REGULAR ROAD MAINTENANCE, THESE REGULATIONS SHALL APPLY REGARDLESS OF THE USE OF THE AREA IN QUESTION.

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2.4 INTERPRETATION: In the interpretation and application of this ordinance, (i.e., regulations), the provisions of this ordinance shall be held to be the minimum requirements. Where this ordinance imposes a greater restriction than existing law, the provisions of this ordinance shall govern.

2.5 NON-CONFORMING USES:

2.5.1 Lawful, non-conforming uses of land or buildings existing at the date of adoption of these regulations may continue, provided no structural alterations except for normal maintenance are performed, and such non-conforming uses shall not be extended to occupy a greater area of land than occupied at the time of adoption. A change in zoning district, amendment to the ordinance, or conditional use permit may be requested of the Township Zoning Commission for such changes.

2.5.2 No land, building, or structure where a non-conforming use has been discontinued for a period of one (1) year, or has changed to a permitted use, shall again be devoted to a non-conforming use.

2.5.3 A non-conforming structure destroyed or damaged in the amount of less than fifty (50) percent of its fair market value may be reconstructed within one (1) year of such casualty. If damaged more than fifty (50) percent of the fair market value, such structure shall be reconstructed in conformance to these regulations.

2.5.4 The provisions of this Section shall not be made applicable to conditional uses, or any use made non-conforming by a change of district regulations.

2.6 SANITARY REGULATIONS:

All agricultural, residential, business, or industrial structures or activity shall conform to the North Dakota health regulations, District Health regulations as related to wells, irrigation, and septic and/or sanitary systems, or if such regulations are deemed to not be applicable, to regulations and plans arrived at through a mutually agreeable manner between the Zoning Commission and the other parties involved.

2.7 FLOOD AND/OR DRAINAGE CONTROL AND MAINTENANCE:

No actions of any individual, corporation, foundation, institution, firm, bureau, partnership, company, association or agency shall engage in any agreement, that will limit, the rights or duties of the Township Zoning Commission or township supervisors to maintain, repair, manage, or promote natural drainage channels to prevent, alleviate any flooding that affects the township or its residents, federal, state, township, and municipal right of ways.

2.8 CONSTRUCTION OF RIGHT OF WAY APPROACHES:

2.8.1 Approach placement or improvement shall be determined by the county engineer of McKenzie County.

2.8.2 Each application shall be determined on its own merits. Should such approach be constructed, it shall be done in such a manner as to not impede natural water drainage flow, and any needed

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culverts shall be the responsibility of the operator, and not the township. Improvements shall be approved before construction begins.

2.9 ROADS:

The condition and upkeep of the roads in Arnegard Township is under the control of Arnegard Township Board.

2.9.1 A separate road maintenance agreement for access roads, and for township, county or other public roadways, stating responsibility for maintenance or reconstruction on roads which are used as ingress and egress routes by the person(s) or business(es) developing the property shall be presented to the Board prior to commencement of such activities.

3 DISTRICTS AND BOUNDARIES

3.1 ESTABLISHMENT OF DISTRICT(S):

In order to effectively carry out the provisions of these regulations, the land covered by the jurisdiction of these regulations (i.e., Arnegard Township) shall be zoned agricultural. Arnegard Township reserves the right to amend these regulations at a future time to include some, or all, of the following districts and to enact such regulations as may be necessary and appropriate to further the intentions of this ordinance:

- Agricultural District 'AG'**
- Rural Commercial District 'RC'**
- Rural Residential District 'RR'**

3.1.1 Minimum District size shall be 20 acres.

3.2 ZONING MAP:

The location and boundaries of the zoning districts are hereby established as shown on the map entitled ARNEGARD TOWNSHIP ZONING MAP, which shall be attached to this ordinance, and is hereby made a part of the regulations.

3.3 INTERPRETATION OF BOUNDARIES:

3.3.1 Where the district boundary lines on the ZONING DISTRICT MAP are indicated to follow highway, road, or railroad rights-of-way, such boundary lines shall be construed to be the centerline of said rights-of-way unless clearly shown to the contrary.

3.3.2 Where any uncertainty exists as to the exact location of the zoning district boundary line, the Zoning Commission shall determine the location of such boundary lines. Costs incurred for said determinations shall be paid by the requesting parties or from Township General Fund monies if no specific parties originated the request, or if equitable determination for assessment of fees cannot be determined.

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3.3.3 Any Incorporated Municipality within the township having established zoning ordinances shall take precedence over township zoning.

4. ADMINISTRATION AND ENFORCEMENT

4.1 TOWNSHIP PLANNING AND ZONING COMMISSION: Membership of the Commission shall consist of three members of the Township Board, and two residents of the City of Arnegard as appointed by township chairman. Duties of the Commission shall include:

4.1.1 Establishment of rules, regulations, and procedures for the purpose of administering the zoning ordinance.

4.1.2 Assist the zoning administrator in conducting inspections of buildings or other regulated activities, and administering the zoning ordinance.

4.1.3 Hear and decide appeals where it is adjudged by the applicant that an error in judgment has been made by the zoning administrator.

4.1.4 Review and study from time to time, the provisions of the regulations.

4.1.5 The Planning and Zoning Commission shall serve as an advisor to the Township Board. The Township Board shall have final adjudication of all Planning and Zoning Commission decisions.

4.2 APPEALS: Any person aggrieved by the provisions of these regulations, or by any order of determination of the zoning administrator; may, within sixty (60) days of such action, petition for a hearing to the Township Planning and Zoning Commission. Such appeal shall be in writing and shall specify in detail the grounds for the appeal.

4.2.1 Appeals shall be filed with the zoning administrator.

4.2.2 Within thirty (30) days of filing, the Township Planning and Zoning Commission shall fix a date for a hearing.

4.2.3 Notice in writing, by certified mail, shall be given to the petitioner at least five (5) days prior to the date of the hearing.

4.2.4 Within fifteen (15) days after the hearing, the Planning and Zoning Commission shall take action, and shall mail by certified mail, a copy of its order to the petitioner.

4.3 VARIANCES: As used in this ordinance, a variance is authorized only for height, area, or size of structures or yards. No variance shall be issued that would provide a change in zoning district.

NO VARIANCE SHALL BE AUTHORIZED UNLESS THE PLANNING AND ZONING COMMISSION FINDS CAUSE THAT **ALL** OF THE FOLLOWING CONDITIONS EXIST:

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4.3.1 That there are exceptional and extraordinary circumstances applying to the property in question, or to the intended use of the property that do not apply generally to other properties, class, or use in the same zoning district.

4.3.2 That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district, and in the vicinity.

4.3.3 That the authorization of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the regulations, nor the public interest.

4.3.4 The owner cannot otherwise obtain a reasonable return on this property.

4.3.5 The hardship is not self-created.

4.3.6 The variance request is the minimum necessary to permit a reasonable use of the land.

4.4 CONDITIONALLY PERMITTED USES: No permit pertaining to the conditional use of land or buildings shall be issued unless:

4.4.1 An application for a conditional use permit has been submitted to the Planning and Zoning Commission for review, and necessary fees paid to township.

4.4.2 The Planning and Zoning Commission has held a public hearing.

4.4.3 The Planning and Zoning Commission has made written findings certifying compliance with rules governing conditional uses, and that where applicable, satisfactory provision for the following has been made:

4.4.4 Entrance and exit to property with references to access, public safety, traffic flow, and convenience.

4.4.5 Parking and loading requirements and required open space and yards of the specific use.

4.4.6 General compatibility with the surrounding property with due consideration for noise, order or other adverse effects.

4.4.7 Any other applicable circumstances that may need further attention, including, but not limited to: sewer, water, fire, police, and other matters of concern in specific applications.

4.4.8 Conditional use permits shall be subject to review, and may be canceled according to the terms specified in the permit. . The permit, if not utilized within the prescribed time frame, shall expire automatically as specified in the permit.

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4.5 ZONING ADMINISTRATOR: A Zoning Administrator shall be appointed by the Planning and Zoning Commission. Co-Administrators may be established, or they may appoint a designee to execute specific aspects of their duties. Duties of the Zoning Administrator shall include:

- 4.5.1 Issuance of all permits, and maintains regulations and permits.
- 4.5.2 Conduct inspection of all buildings, and other activities included under the restrictions, guidelines, or regulations of this ordinance.
- 4.5.3 Transmit to the Planning and Zoning Commission all applications for appeals, variances, or conditional use permits, and all applications for amendments to the Board of Township Supervisors.

4.6 BUILDING PERMITS: No substantial structure [greater than one hundred twenty (120) square feet] for residential or commercial purposes including accessory uses shall be built, altered, or moved, until a permit has been obtained from the zoning administrator.

- 4.6.1 No permit shall be required for maintenance or repair of any building which does not alter the plan or size of the structure.
- 4.6.2 No building permit shall be required for agricultural use.
- 4.6.3 No building permit shall be issued until the Zoning Administrator has approved in writing an approach permit for access to the lot upon which the permit is requested, and that the approach planned for access to the property for which a permit is sought conforms to Township standards.
- 4.6.4 The State Building Code, Electrical Code, and Plumbing Code as established under N.D.C.C. shall be the Building Codes of Arnegard Township for regulating and governing the conditions and maintenance of property, buildings, and structures.

4.7 SURETY BONDS: Any conditional use permit (for a project exceeding \$500,000.) will not be issued without an adequate surety bond that ensures the property will be returned to a condition agreeable to the involved parties. The amount of the surety bond will be determined by the Township Board.

4.8 VIOLATIONS OF REGULATIONS: A violation of this ordinance is an offense punishable by a fine not to exceed five hundred dollars (\$500.00) PER DAY for each and every day that any violator fails to comply with the provisions of these regulations. All fines for violations shall be paid to the Township Clerk-Treasurer, and shall be credited to the general fund of the Township. In addition to other remedies, townships may institute any appropriate actions or proceedings in accordance with N.D.C.C. Chapter 58-03-14. Other violations, damage, or willful disregard for these regulations shall be assessed fees equal to triple the costs of repairing or reconstructing said damages, or correcting the actions of violators, or above fees or five hundred dollars (\$500.00), whichever is the greater amount. Whenever a violation of this ordinance occurs, any person who normally resides within the township, or is a qualified elector of the township, or has any other legitimate interests in the township, may file a

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complaint in regard thereto. All such complaints shall be filed with the Zoning Administrator, who shall investigate such violations(s), and report to the Board of Township Supervisors for appropriate action.

4.9 FEES: For the purpose of administering this ordinance, fees may be instituted by the Board of Township Supervisors. Said fees shall not exceed an amount deemed fair and reasonable, using current wage and material costs at such time as fees are assessed, as a basis for establishing said fees, and may be revised at any time without notice.

INITIAL PERMIT FEE SCHEDULE:

Application for Conditionally Permitted Uses ('AG' District)	\$200.00
Application for Change of Zoning District	\$500.00
Application for Variance to Zoning Regulation	\$500.00
Application for Amendment to Zoning Regulation	\$500.00
Application for Building Permit	\$50.00

And in addition: The applicant for a conditional use permit and amendment to the zoning ordinance, or building permit, shall be liable for and pay to the township clerk sufficient sums of money to pay for and cover all of the costs incurred by the township for the processing of such application, including, but not limited to: publication cost; attorney's fees; survey fees; engineering fees; mileage; copy expenses; etc. No permit shall be issued until all such costs as these described herein have been paid by the applicant, unless the Township Planning and Zoning Commission has otherwise provided by resolution for a particular case.

All applications shall be reviewed at the regularly scheduled Planning and Zoning Commission meeting. If a special meeting is required for transactions with the Planning and Zoning Commission all costs incurred, including but not limited to, board salaries, publication costs, printing costs shall be payable by applicant.

4.10 REMUNERATION: Any member of the Planning and Zoning Commission who fulfills the required duties of the office shall receive payment as determined by the Township Board.

4.11 AMENDMENTS:

4.11.1 The Township Board of Supervisors may, from time to time, and pursuant to the laws of this State, amend the provisions of this ordinance.

4.11.2 Such amendment shall not become effective until after a public hearing at which parties of interest and citizens shall have the opportunity to be heard.

4.11.3 At least fifteen (15) days notice of the time and place of such meeting shall be published in the official newspaper of the county.

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4.11.4 The description of any land within any zoning district, together with any restriction therein, or any amendment to the zoning ordinance, shall be filed with the Township Board of Supervisors.

5. AGRICULTURAL DISTRICT 'AG':

5.1 Purpose: The Agricultural District is established as a district in which the predominant use of land is for general agricultural uses. For the Agricultural District in promoting the general purposes of this ordinance is:

To encourage the continued use of land for agricultural uses;
To discourage scattered commercial, industrial, or other non agricultural uses of the land which would interfere with an integrated and efficient development of the land;
To discourage any use, which because of its character or size, would create unusual requirements and costs of public services such as police and fire protection, water supply, and sewerage, before such services can be systematically and adequately developed and provided.

5.2 Permitted Uses:

5.2.1 General farming operations, including farm dwellings (provided such are maintained in connection with a farm or farming operations) and agricultural buildings, nurseries and tree farms.

5.2.2 Single family dwellings related to an individual farming operation.

5.2.3 Churches and similar places of worship, parish homes, and cemeteries.

5.2.4 Storage of agricultural products and minor handling, according to State Health Department regulations.

5.2.5 Home occupations and accessory uses customarily incident to the uses permitted in this district.

5.2.6 Hunting, fishing, and other recreational activities are permitted without restriction, provided that all laws of traffic, safety, access, game management, and regulations of this ordinance are followed.

5.2.7 Shelter belts and tree planting.

- a. No shelter belts or major tree plantings shall be established within 100 feet of any Section line, property line, or from the boundary of any township, county, state, or federal highway right of way, except by conditional use permit.
- b. The township board may, by a resolution of record, agree with a request from adjoining and consenting landowners to the placement of a shelterbelt on a property line at a distance less than 100 feet.

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- c. In the event an existing shelter belt or tree planting is destroyed by or for any reason, replanting must comply with the setback provisions of these regulations.

5.2.8 Water wells for agriculture, and nonfarm dwellings having conditional permits.

5.3 Conditionally Permitted Uses: The following conditional uses and their accessory uses are permitted, subject to the issuance of a conditional use permit issued in advance by the Township Zoning Commission: All buildings and structures shall be no less than one hundred (100) feet from all Section lines and the centerlines of township and county roads, or from the right-of-way boundary of state or federal roads.

5.3.1 Nonfarm dwellings conditioned upon the following:

- a. Lot size of not less than two (2) acres,
and no more than one non-farm dwelling per forty (40) acres(¼ mile by ¼ mile) square;
- b. Lot location shall provide its own access to an existing improved road;
- c.
 - 1. Minimum lot width of three hundred fifty (350) feet;
 - 2. Minimum side yard of forty (40) feet;
 - 3. Height maximum of thirty-five (35) feet;
 - 4. Setbacks shall be one hundred (100) feet from center line of street or road.
- d. Mobile homes shall be registered and display current registration.
Mobile homes shall be anchored.
- e. No new dwelling to be constructed within one-half (½) mile of any existing anhydrous ammonia or commercial fertilizer plant;
- f. All dwellings shall front on, or have direct access to an established township, county, state or federal road.
- g. Township bears no responsibility to provide a culvert or approach to any new building, and the care and maintenance of the access road to all buildings shall be the responsibility of the owner.

5.3.2 Schools:

5.3.3 Oil, gas, mineral and gravel exploration and production:

It is not the intent of Arnegard Township to discourage the exploration or production of oil, gas, minerals, gravel, scoria, or any other surface or subsurface material for private or commercial purposes; however, the township does wish to protect its roads, right of ways, bridges and other developments from excessive use and deterioration. As such, all excavations of oil, gas, minerals, gravel, clay, scoria, or other such resources shall be considered as a conditional use, and such shall conform to all requirements put on the applicants by the zoning authority.

5.3.4 Water well drilling other than agricultural or residential.

5.3.5 Animal Feeding Operation (AFO) regulations:

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- a. **Applicability.** All new animal feeding operations that exceed three hundred (300) animal units shall be considered as a conditional use and, as such, shall conform to all requirements put on them by the planning commission of Arnegard Township prior to the issuance of a conditional use permit. Further, an existing animal feeding operation that expands to handle more than the animal units allowed in its existing North Dakota State Health Department permit shall be considered as a conditional use and, as such, shall conform to all requirements put on them by the planning commission of Arnegard Township prior to the issuance of a conditional use permit. No conditional use permit shall be issued unless satisfactory provisions for all requirements under these regulations have been made.
- b. These regulations/ordinance are based on the Model Zoning Ordinance for Animal Feeding Operations issued by the North Dakota State Health Department (March 2000) regulating the permitting, location, development, and expansion of feedlots. They have been adopted to protect the natural environment and to safeguard the public health, safety, and general welfare of the citizens of Arnegard Township. These Ordinances are in addition to and complementary to all Federal and State Regulations and guidelines.
- c. **Environmental Protection.** The operator of a facility for animal feeding is expected to locate, construct, operate and maintain the facility so as to minimize, reduce, or abate effects of pollution on environmental resources and on public safety and health.
- d. **Enforcement.** This Animal Feeding Operation provision of this ordinance shall be administered and enforced by the Arnegard Township Zoning Administrator with assistance from other township, county and state departments and officials as deemed necessary. The Zoning Administrator shall have the following duties and powers:
 1. Review permits, management plans and other information as required by this Ordinance.
 2. Assist feedlot owners or operators with the permitting process. Process applications and issue permits to ensure compliance with this Ordinance.
 3. Forward any recommendations or information to the State Health Department or other appropriate agency.
 4. Maintain records and permits as required by this Ordinance. Any records required to be maintained by the State Health Department shall be provided to the Zoning Administrator upon request.
 5. Provide information to feedlot owners and operators and the general public concerning this Ordinance.
 6. Inspect feedlot operations to insure compliance with the standards of this Ordinance.
- e. **Penalty.** All statutory penalties for any environmental violations shall be enforced through the North Dakota Department of Health.
- f. **Complaints.** Any complaint against an Animal Feeding Operation must be in writing and signed. All such complaints shall be investigated by the Zoning Administrator and, if necessary, referred to the State Department of Health or other appropriate agency.

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- g. Setback requirements. Setback requirements shall be those established by the North Dakota State Health Department.
- h. Conditional use permit. Any conditional use permit shall be put into use within three years of the date of its issuance, or the permit shall lapse without further action by the Township, its officers, or employees.
- i. Ownership Change: An operator of a facility that includes an animal feeding operation having a permit granted by this Ordinance shall notify the township of the sale or the transfer of the ownership of that operation.
- j. Operating Change: An operator of a facility that includes an animal feeding operation having a permit granted by this Ordinance shall notify the township of intent to include an alternate livestock type. The notice shall be given at least one hundred and twenty (120) days prior to the anticipated date of the change.
- k. Procedure:
 - 1. Application for a Conditional Use Permit shall be submitted to the Zoning Administrator along with the animal feeding operation information form a minimum of twenty-one (21) days prior to the Public Hearing.
 - 2. Operator shall provide other information as required in application and/or requested by the Zoning Administrator or the Planning and Zoning Commission.
 - 3. This Special Use Permit application shall be available for public inspection at the Office of the Zoning Administrator for fourteen (14) days prior to the Public Hearing.
 - 4. The application for a Special Use Permit to operate an animal feeding operation shall include a complete copy of the North Dakota Department of Health application for a permit including the manure management and operation plan.
 - 5. Upon receipt of the Special Use Permit application and animal feeding operation information form, the Township Planning and Zoning Commission shall hold at least one public hearing in a location to be prescribed by the Planning and Zoning Commission.
 - 6. At least fourteen (14) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the County and any other such paper as deemed necessary by the Zoning Administrator.
 - 7. The Township Planning and Zoning Commission shall report its findings to the Board of Township Supervisors.
- l. No construction shall take place until the permit has been issued by the North Dakota Department of Health and a conditional use permit issued.

5.3.6 Radio, television or other towers:

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5.3.7 Utilities: Utilities shall be defined to including, but are not limited to, electrical power and transmission lines, natural gas or petroleum pipelines, water supply lines, and communications or telephone lines.

5.3.8 Parks: Open land recreational use or other similar activities.

5.3.9 Animal hospitals:

5.3.10 Fire stations:

5.3.11 Grain cleaning plants:

5.3.12 Stockyards:

5.4 Prohibited Uses: Any land uses which are not listed in this Section as a permitted use or as a conditionally permitted use shall be considered a prohibited use and shall not be allowed in this zoning district.

6. Rural Commercial District 'RC':

6.1 Purpose: The Rural Commercial district is primarily established to accommodate those uses compatible with the agricultural uses, which are commercial in nature but yet necessary to the agricultural uses and related rural uses. These uses, however, shall not adversely affect the agricultural activities from the standpoint of noise, traffic safety, parking and odor nor be affected by the activities incidental to farming operation. All uses in rural commercial districts shall comply with all approved codes and standards.

6.2 Permitted Uses:

6.2.1 All permitted uses in 'AG' district.

6.2.2 Advertising signs and billboards.

- a. All signs and billboards shall meet requirements of the North Dakota Department of Transportation.
- b. No sign or billboard shall be placed within township, county or state highway right of way, other than authorized highway signs.

6.3 Conditionally Permitted Uses:

All sites require approval by the Township Zoning Commission

6.3.1 All conditional uses in 'AG' district.

6.3.2 Airports and Heliports;

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- 6.3.3 Amusement places including bowling alleys, athletic clubs, pool halls, theaters and similar indoor facilities.
- 6.3.4 Art galleries and museums.
- 6.3.5 Automobile accessory stores and automobile dealerships.
- 6.3.6 Banks and other financial institutions.
- 6.3.7 Contractor's yards, pipe yards, lumber yards, and operation.
- 6.3.8 Fraternal and philanthropic organizations.
- 6.3.9 Funeral homes.
- 6.3.10 Garages for repair and service of motor vehicles.
- 6.3.11 Grain elevators and/or grain storage facilities (Commercial).
- 6.3.12 Hospitals and clinics.
- 6.3.13 Hotels, motels, boarding, and rooming houses.
- 6.3.14 Multiple family dwelling units.
- 6.3.15 Processing and packaging of materials with less than 10 (ten) employees.
- 6.3.16 Professional offices for businesses and services.
- 6.3.17 Radio and TV stations and recording studios.
- 6.3.18 Restaurants including all types of eating and/or drinking establishments.
- 6.3.19 Retail stores of all types, including, but not limited to food, drug, antique, clothing, parts, materials and the like.
- 6.3.20 Storage and sale of chemicals, explosives and the like.
- 6.3.21 Storage facilities for rent.
- 6.3.22 Tank farms other than oil production site.
- 6.3.23 Truck stops, and trucking company yards.

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6.3.24 Warehouses and wholesaling distributorship.

6.3.25 Water wells (Commercial) including storage.

6.3.26 Wrecking, salvage, recycling or junk yards;

6.4 Prohibited Uses: Any land uses which are not listed in this Section as a permitted use or as a conditionally permitted use shall be considered a prohibited use and shall not be allowed in this zoning district.

DEFINITIONS: For the purpose of this ordinance, the following definitions have been adopted. Words used in the present shall include the future; the singular number shall include the plural.

ACCESSORY USE OR ACCESSORY STRUCTURE: A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use, such as a garage or tool shed.

AGRICULTURE: The use of land for agricultural purposes, including the necessary buildings or structures for farm or farm labor use. Agriculture shall include farming, dairying, pasturage, horticulture, animal and poultry husbandry, and accessory uses and buildings for packing, treating, or storing produce, providing accessory uses are secondary to normal agricultural activities.

ANIMAL HOSPITAL: A facility operated by or under the direct supervision of a licensed veterinarian.

AQUIFER: Geologic formation, group of formations, or part of a formation capable of storing and yielding ground water to wells and springs.

BUILDING: Any structure used for shelter or enclosure of persons, animals, or chattels.

CAMPGROUND: A public or private area for short term [less than fourteen (14) days] parking of camper trailers or tents for business or recreational purposes.

CONDITIONALLY PERMITTED USE: A use conditionally permitted in order to reduce any adverse effects on surrounding property. The words "Conditional" and Special" shall be used synonymously.

ANIMAL FEEDING OPERATION: A place where livestock have been, are or will be confined, concentrated and fed for forty-five (45) or more days in any twelve (12) month period;

DISTRICT: A section or sections of the township for which regulations governing the use of building and premise, the building heights, size of yards, lot area, lot width and the use are uniform.

DUE PROCESS: Involves two essential elements; (1) notice and (2) an opportunity for a hearing. The notice must adequately describe the potential action that might affect the person(s) being notified and it must provide the person(s) a reasonable time to respond. If the person(s) request(s) a hearing, the hearing must be fair and allow the person(s) to present relevant evidence and arguments.

DWELLING: A building or portion thereof occupied exclusively for residential purposes, but not including mobile recreational vehicles such as motor homes or travel trailers.

DWELLING, FARM: A single family dwelling or permanently established mobile home located on a farm which is occupied by the farm's owner/operator or person employed thereon.

DWELLING, NON-FARM: A single family dwelling or permanently established mobile home located on a farm, or otherwise, of which the occupant does not derive at least fifty (50) percent of his gross income from agricultural activities.(See N.D.C.C. 57-02-08(15))

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ESTABLISHED RESIDENCE: Any residence established by a personal presence, in a fixed and permanent dwelling with an intention to remain there.

EXISTING: In place and operating on the date this ordinance is effective.

FAMILY: A group of one or more persons occupying a single premise and living as a single housekeeping unit.

FARM: Any aggregate area operated by one person, family, partnership, corporation or joint venture for agricultural or farming purposes.

FARMING: See Agriculture

FEEDLOT: The use of land or buildings for the exclusive purpose of concentrated feeding or fattening of livestock for marketing. The application of feedlot regulations shall be applicable to farm and non-farm related enterprises.

FLOOD PLAIN: Lowland and relatively flat areas adjoining inland and coastal waters that are inundated by a one-hundred (100) year flood.

GRAIN CLEANING PLANT: A permanent structure for the purpose of cleaning seeds or grain as a commercial venture.

GRAIN ELEVATOR: A business for the purpose of buying, selling, and storage of agricultural products and feeds.

GROUND WATER: Water below the land surface in a geological unit in which soil pores are filled with water.

HOME OCCUPATION: Any occupation (1) which is carried on solely by members of the family residing on the premise, (2) is clearly secondary to the use of the dwelling for residential purposes, and (3) does not create excess noise, traffic, or other disturbances.

JUNK YARD: Any land or buildings used for commercial storage, sale, or dismantling of obsolete vehicles, junk, and/or other machinery.

LAGOON: An impoundment made by excavation or earth fill for biological treatment of human, animal or other agricultural wastes. Lagoons can be aerobic, anaerobic or facultative, depending on their loading and design.

LIVESTOCK: Any animal raised for food, raw materials, or pleasure, including, but not limited to, beef and dairy cattle, bison, sheep, swine, poultry, and horses. Livestock also includes fur animals raised for pelts.

LOT: A parcel of land sufficient to provide the yard requirements of the regulations.

MOBILE HOME: A mobile home is a dwelling unit designed for transport after construction, thereafter being established on a permanent foundation. A recreational travel trailer or motor home shall not be considered as a mobile home. A "skid shack" shall not be considered a mobile home.

NON-CONFORMING USE: Any structure, land or building existing at time of adoption or amendment of this ordinance which does not conform to the provisions of the regulations.

OPERATOR: An individual, corporation, cooperative, group of individuals, partnership, joint venture, or any other entity owning or controlling one or more venture.

ORDINANCE: Regulations contained in this document. The words "ordinance" and "regulation" shall be used synonymously.

OWNER: The person who has title to the property.

PARK: An area or open space (public or private) set aside for recreational purposes.

PERSON: The word "person" includes a firm, partnership, association, corporation, or individual.

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POLLUTION, AIR: The presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is or may be injurious to human health, welfare, or property, animal, or plant life or which unreasonably interferes with the enjoyment of life or property.

POLLUTION, WATER: Manmade or man-induced alteration of the physical, chemical, biological integrity of any Waters of the State.

PUBLIC WELL: A well that accesses ground water for distribution to the public. This includes the defined source-water production area landmass around the well.

RANCHING: See Agriculture

RUNOFF: The portion of precipitation or irrigation or other liquid that makes its way toward streams, rivers, lakes, or other bodies of water as surface or subsurface flow.

SETBACK: The open space extending the full width of a lot between a building and a public right-of-way line, easement, front, back, or side property line.

SHALL: The requirement is mandatory, rather than optional.

STOCKYARDS: A business engaged in the buying and selling of livestock, but not the feeding of livestock.

STRUCTURAL ALTERATION: Any change in the supporting members or any substantial alteration or change in the roof or exterior walls of a building.

SURFACE WATER: Waters of the State located on the ground surface such as lakes, reservoirs, rivers, and creeks.

UTILITIES: Including, but are not limited to, electrical power and transmission lines, natural gas or petroleum pipelines, water supply lines, and communications or telephone lines.

VARIANCE: The grant of relief from the requirements of the ordinance where it can be shown that due to unusual conditions of the property, strict application of the regulations would result in undue hardship.

Wording undefined above shall be the common definition found in Webster's Collegiate Dictionary.

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ARNEGARD TOWNSHIP ZONING MAP

Agricultural Zoning

