

AGRICULTURAL DISTRICT

3.4.1 Intent

It is the purpose of this district to encourage first and foremost the use of this land for agricultural activities, and to discourage any use which would be detrimental to carrying out agricultural practices. Further, the provisions of this district are set forth to regulate scattered non-farm development and to promote the orderly and economic development of public service utilities and schools.

3.4.2 Allowed Uses

- 1) Single-family detached dwelling located on a lot no smaller than forty (40) contiguous acres or quarter section.
 - a) Previously platted subdivisions in an agricultural district that were approved by the Board of County Commissioners or can be determined to have been subdivided for residential subdivisions may have single-family detached dwellings built on the lots less than forty (40) acres provided all other agricultural district requirements are met.
 - b) Accessory structures necessary to the operation of farms or ranches to include the farm residence, septic systems, feedlots and storage facilities.
 - c) Recreational vehicles occupied on agricultural land associated with farm and ranch activity for the exclusive use of providing housing for workers of the farm or ranch. Recreational vehicles may not be used as a primary residence.
- 2) All types of farming and ranching operations including dairying, livestock, poultry, apiaries and fur farming.
- 3) Truck gardening, nurseries, greenhouse and roadside stands offering for sale only those farm products which have been grown on the premises.
- 4) Animal hospitals and clinics not nearer than five hundred (500') feet from any residence, except the residence of the owner-operator.
- 5) Cemeteries.
- 6) Churches and related facilities.

- 7) Farm related business.
 - a) Limited agricultural-related commercial activity ancillary to the farm operation shall be allowed without necessity of obtaining a Conditional Use Permit.
 - b) The following agricultural related activities shall be allowed without permit (subject to above):
 - i) Feed, grain, and agricultural supplies sales.
 - ii) Trailer sales.
 - iii) Welding services.
 - iv) Fence construction.
 - v) Riding stables.
 - vi) Water well drilling service.
 - vii) Septic cleaning service.
- 8) Public parks, recreational facilities, and wildlife and game management areas and refuges.
- 9) Public, private and parochial schools.
- 10) Storage of oil drilling rigs and related equipment for a period not to exceed one (1) year.
- 11) Competitive equine events.
- 12) Agri-tourism.
- 13) Recreational vehicle storage
 - a) Two (2) recreational vehicles may be stored on a parcel zoned agricultural that is 5 acres or less but may not be connected to utility services.
 - b) Four (4) recreational vehicles may be stored on a parcel zoned agricultural that is more than 5 acres but may not be connected to utility services.

- c) Five (5) or more recreational vehicles stored on a parcel zoned agricultural, shall be required to obtain a conditional use permit.
- d) Recreational vehicles may be temporarily occupied for non-farm and ranch activities for a maximum of sixty (60) days in a calendar year and not more than thirty (30) consecutive days.

14) Licensed Family Child Care:

- a) Self-Declared Provider
- b) Approved Relatives
- c) Registered Providers – as following provisions of N.D.C.C. 50-11.1

15) Residential Truck Parking.

3.4.3 Conditional Uses

- 1) Single-family dwellings and accessory structures on a lot greater than Five (5) acres per the provisions of section 4.17.
- 2) Commercial grain elevators and accessory structures.
- 3) Commercial feedlots subject to the provisions of section 4.3.
- 4) Livestock auction yards.
- 5) Waste management facilities, sanitary landfills and hazardous waste sites.
- 6) Facilities for the manufacturing and/or processing of agricultural products.
- 7) Railroad tracks and spurs.
- 8) Airport.
- 9) Radio, television and telephone transmission, receiving or relay towers and/or facilities.

- 10) Governmental administrative, maintenance, and research facilities.
- 11) Electric transmission facilities and powerlines.
- 12) Associated above ground facilities for transmission pipelines.
- 13) Excavation of sand, gravel, rock, stone, scoria, and clay not excepted from application of this Ordinance (reclamation bond required see section 2.13 of this Ordinance, for conditions see section 4.18 of this Ordinance.)
 - a) The Planning Commission may impose conditions and fees relating road maintenance and construction.
 - b) All sand, gravel, rock, stone, scoria, and clay operations shall be required to tarp all trucks.
- 14) Work force housing subject to the provisions of section 4.8. (reclamation bond required, see section 2.13 of this Ordinance)
- 15) Hunting lodges.
- 16) Freshwater Depots, Freshwater Pipelines, and Freshwater Storage Ponds. (See Section 4.10 of this Ordinance for reclamation bond requirements.)
- 17) Commercial truck parking and truck garages and all associated structures to service the same. (reclamation bond required, see section 2.13 of this Ordinance)
- 18) Service stations and convenience stores.
- 19) Concrete and asphalt plants. (reclamation bond required, see section 2.13 of this Ordinance)
- 20) Energy conversion facilities.
- 21) Wind energy facility. (towers and turbines require a reclamation bond, see section 2.13 of this Ordinance)
- 22) Exterior non-agricultural storage. (reclamation bond required, see section 2.13 of this Ordinance)
- 23) Storage of oil drilling rigs and related equipment for a period exceeding one (1) year. (reclamation bond required, see section 2.13 of this Ordinance)

- 24) Licensed child care facilities.
 - a) **Licensed family child care**
 - b) **Licensed group child care**
 - c) **Licensed child care center**
 - d) **Licensed preschools**
 - e) **Licensed school-age programs**
 - f) Multiple licensed facility – as following N.D.C.C. 50-11.1
- 25) Signs and Billboards as outlined in section 4.2 of this Ordinance.
- 26) Medical Marijuana Manufacturing Center
- 27) Oil and gas bulk storage, explosives and other hazardous material storage, sales and distribution. (reclamation bond required, see section 2.13 of this Ordinance)

3.4.4 Variances

- 1) A homestead parcel that is a minimum of forty (40) acres may be divided into (3) additional parcels to build homes for direct family members. This may be approved by the Planning Director.

3.4.5 Conditional Uses with Administrative Permit

- 1) Temporary water facilities.
- 2) Communication facilities.
- 3) Electrical substations.
- 4) Temporarily permitted use (reclamation bond required, see section 2.13 of this Ordinance)
- 5) Excavation of sand, gravel, rock, stone, scoria, and clay for public projects.
- 6) Permanent single-family dwellings for which all criteria specified in

section 4.17 of this ordinance are met.

3.4.6 Setbacks

- 1) Setbacks from roads and section lines shall be as indicated in section 2.10 of this Ordinance.
- 2) Setbacks not covered in section 2.10 shall be at least twenty-five (25') feet from all property lines.

3.4.7 Minimum Subdivision Area

Minimum subdivision area for any use other than for agricultural purposes shall be forty (40) acres.