

***ZONING
ORDINANCE***

T151N R102W

CHARBON TOWNSHIP

***MCKENZIE COUNTY
NORTH DAKOTA***

ARTICLE I INTRODUCTION

1.1 Title

These regulations shall be known, and may be cited and referred to as the Charbon Township, McKenzie County, North Dakota Zoning Regulations.

1.2 Purpose and Intent

1.2.1 To protect public health, safety, morals, comfort, convenience, prosperity and general welfare of Charbon Township, McKenzie County, North Dakota.

1.2.2 To secure safety from fire, panic, noxious fumes, and other dangers.

1.2.3 To preserve and protect farming operations, farm lands and natural resources of the township.

1.2.4 To promote orderly development of land and water resources and to prevent conflict among land uses and structures.

1.3 Authority

These regulations are adopted under the authority granted by Chapter 58-03 of the North Dakota Century Code.

1.4 Jurisdiction

1.4.1 General

These regulations shall apply to the use and enjoyment of all lands within Charbon Township, McKenzie County, North Dakota

1.4.2 Extraterritorial Areas

When an incorporated municipality has declared its intent in exercising its extraterritorial authority as provided by Chapter 40-47 of the North Dakota Century Code, these regulations shall not apply to the area delineated for that purpose.

1.5 Interpretation

These regulations shall be held to be minimum requirements adopted for promotion of purposes cited in Section 1.2. Whenever the requirements of these regulations are at variance with the requirements of other lawfully adopted rules,

regulations, ordinances, deed restrictions or covenants, the most restrictive shall govern unless otherwise specifically stated.

1.6 Severability

If any part, provision or part of these regulations is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.7 Effective Date

These regulations shall be effective upon adoption by the Charbon Township Board as provided by the North Dakota Century Code.

1.8 Exceptions

These regulations shall not apply to the use of land and buildings for agriculture as defined herein.

ARTICLE 2 RULES AND DEFINITIONS

2.1 Rules

In construction of these regulations, the rules and definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise.

2.1.1 Words used in present tense shall include the future.

2.1.2 Words used in singular number shall include the plurals number, and the plural the singular.

2.1.3 Shall is a mandatory word and not discretionary.

2.1.4 May is a permissive word.

2.2 Definitions

2.2.1 “**Accessory Building and Uses**” means a subordinate building or portion of the main building the use of which is clearly incidental to and serves exclusively the principal building or principal use. The accessory building or use shall be located on the same zoning lot and it is established to contribute to the comfort, convenience or necessity or occupants for the principal building or principal use.

2.2.2 “**Affected Area**” means an area having a radius of one-half mile from a proposed change.

2.2.3 “**Agriculture**” means the process of producing food and fiber including, but not limited to the land, facilities, structures and buildings for operation and maintenance thereof. It includes all types of general farming, crop and vegetable farming, dairying, livestock and poultry-raising, apiaries, fur framing, horticulture pasturing, tree farming and related lands based ford and fiber producing facilities.

2.2.4 “**Airport**” means any area designated for the landing and take off of aircraft and any appurtenant areas which are used or intended for use for airport buildings and structures including runways, taxi-ways, aircraft storage and tie down areas, hangars and other related facilities and open spaces other than landing strips used for family purposes.

2.2.5 “**Amendment**” means any change, revision or modification of either the text of this ordinance or the Comprehensive Land Use Plan.

- 2.2.6 **“Animal Hospital or Kennel”** means a building or premises set up for treatment and boarding of domestic animals including veterinary facilities.
- 2.2.7 **“Building”** means any structure designed or intended for shelter, housing, business, office and accommodation for persons, animals, chattels or property.
- 2.2.8 **“Building Area”** means that portion of the zoning lot that can be occupied by the principal use, excluding the front, rear and side yards.
- 2.2.9 **“Building Height”** means vertical distance from the grade to the highest point of the roof.
- 2.2.10 **“Building Line”** means a line establishing the minimum distance that structures may be placed from the lot lines or highway right-of-way. For the purpose of these regulations of the building line is the same as setback line.
- 2.2.11 **“Building, Principal”** means a building, the principal use of which is single family and multi-family dwellings, and offices, shops, stores and other uses.
- 2.2.12 **“Channel”** means a natural or man-made water course for conduction of flowing water.
- 2.2.13 **“Club or Lounge”** means a private club or lodge which is a nonprofit association of person for the purpose of gatherings and entertaining members including consumption or food and beverages.
- 2.2.14 **“Commercial Building”** means any structure which is used primarily for business activities and not used for residential, medical, religious, or instructional purposes and which is constructed in compliance with the adopted building code.
- 2.2.15 **“Comprehensive Land Use Plan”** means a guide for management of the physical resources and development of the Township as adopted by the Board of Supervisors.
- 2.2.16 **“Comprehensive Land Use Plan Map”** means the controlling instrument, directing the future land use in the Township.
- 2.2.17 **“Conditional Use”** means use of special nature not automatically permitted in a zoning district and which requires review and approval of the Zoning Commission after public hearing.

- 2.2.18 “Conforming Building or Structure”** means a building or structure, which complies with all requirements of these regulations and other regulations adopted by the Township.
- 2.2.19 “Development”** means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures, the construction of additions or alterations to buildings or structures, ditching, lagooning, dredging, filling, grading, paving, excavation and drilling operations.
- 2.2.20 “Development Plan”** means a document including maps and data for physical development of an area as provided by these regulations.
- 2.2.21 “Distribution System”** means the poles, wires, and transformers used to deliver electric energy from a bulk power supplier to the consumer.
- 2.2.22 “District”** means 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.
- 2.2.23 “Dwelling”** means any building or portion thereof, used exclusively for human habitation including single family and multiple family units but not including hotels or motels, temporary workforce housing, rooming house, boarding house, or vehicles designed for camping, such as vacation vehicles.
- 2.2.24 “Dwelling, Multiple Family”** means a single building or portion thereof, containing two (2) or more dwelling units.
- 2.2.25 “Dwelling, Single Family”** means a building containing one dwelling unit only.
- 2.2.26 “Easement”** means a natural or acquired right to use land, other than as a tenant for a specific purpose, such right being held by someone other than the owner who holds title to the land.
- 2.2.27 “Electrical Lines”** means any transmission system and/or distribution system.
- 2.2.28 “Encroachment”** means any fill, building, structure or use including accessory uses projecting into the required yard areas or public and private property.
- 2.2.29 “Establishment”** means a place of business for processing, production, assembly, sales, service of goods and materials.

- 2.2.30 “Family”** means a group of one or more persons occupying premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined.
- 2.2.31 “Farm”** means an area of Charbon Township containing at least 40 acres, which is used for the production of agricultural crops or livestock, or raising, feeding or producing livestock, poultry, milk, or fruit. The term does not include the production of 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. Feed lots which are operated as a separate pursuit shall be deemed commercial feed lots and shall not be construed as farming or incidental to a farming operation.
- 2.2.32 “Farmer”** means in order to be considered a farmer for the purposes of this code, the owner or tenant of the farm shall earn fifty-one (51) percent or more of his or her annual gross income from the operation of the farm.
- 2.2.33 “Feedlot”** means parcel of land which contains a commercial operation for feeding or raising of at least 1,000 cattle, 200 hog, 500 feathered fowl, poultry and 200 other animals which is operated as a separate activity and not incidental to farming or ranching.
- 2.2.34 “Flood Plain”** means an area, which may be covered by flood-water including but not limited to regional floods.
- 2.2.35 “Frontage”** means the front part of a lot abutting a public right-of-way, or road or highway.
- 2.2.36 “Grade”** means the land elevation at the horizontal intersection of the ground and the building.
- 2.2.37 “Home Occupation”** means any occupation carried on in a dwelling unit by a member or members of the family and which meets these requirements:
1. That occupation is conducted within the principal building and not in an accessory building.
 2. That no stock-in-trade is kept or commodities sold other than those produced on the premises.
 3. That no more than twenty-five percent (25%) of the floor area of the dwelling is devoted to such home occupation.

- 2.2.38 “Hotel or Motel”** means a building in which lodging accommodations, with or without meals, are provided for compensation.
- 2.2.39 “Industrial Waste”** means all waste resulting from an industrial, manufacturing service or commercial activity that is managed as a separate waste stream and as defined by N.D.C.C. 23-29-03.
- 2.2.40 “Inert Waste”** means non-putrescent solid waste which will not generally contaminate water or form a contaminated leachate. Inert waste does not serve as food for vectors. Inert waste includes, but is not limited to construction and demolition material, such as metal, wood, brick, masonry, and concrete, asphalt concrete, tires and tree branches.
- 2.2.41 “Junk or Salvage Yard”** means an open area where waste or scrap material, including parts of used motor vehicles, appliances and farm implements are bought, sold, exchanged, stored, baled, parked, disassembled or handled.
- 2.2.42 “Juvenile delinquent”** means a person under the age of 21 who demonstrates antisocial behavior that is beyond parental control.
- 2.2.43 “Kennel, Animal”** means any premises where dogs, cats and other household pets are boarded, bred, raised and maintained for compensation.
- 2.2.44 “Landfill”** means specially selected, designed, and operated sites for disposal of solid waste in accordance with N.D.C.C. 23-29-03 and the provisions of this ordinance.
- 2.2.45 “Lot”** means a piece, parcel, lot or area of land of continuous assemblage established by survey, plat or deed.
- 2.2.46 “Lot Lines”** means the property lines bounding the lot.
- 2.2.47 “Lot Width”** means the horizontal distance between the side lot lines of a lot measured at the front building setback line.
- 2.2.48 “Lot, Zoning”** means a single lot, parcel, and tract of land within a zoning district developed or to be developed.
- 2.2.49 “Mobile Home”** means : A factory built structure, transportable in one or more sections and has at least 720 or more square feet and is designed as a year-round dwelling unit to be placed on a secure or a permanent foundation or basement. The mobile home must comply with the latest Manufactured Home Safety Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development. A recreational travel trailer is not a mobile home.

- 2.2.50 “Mobile Home Park”** means a parcel of land for which a detailed plan indicating the location of lots, blocks, streets, facilities and utilities exist. A tract of land designed and developed to accommodate mobile homes, each occupying a portion of the site of a purchased, leased or rental basis and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for long term residential occupancy.
- 2.2.51 “Non-conforming Building”** means any building which codes not comply with any or all of these regulations.
- 2.2.52 “Non-conforming Use”** means any principal use of land or building, which does not comply with any or all of these regulations.
- 2.2.53 “Nonfarm Residence”** means A single family dwelling which is to be situated on a parcel and whose initial occupant may or is to be a non-farmer or any other person who does not intend to farm such parcel or engage in upon such parcel the raising of livestock or other similar operations normally associated with farming and ranching or who does not expect to receive thereafter fifty or more percent of his annual net income solely from the foregoing farming and other activities engaged in upon such parcel.
- 2.2.54 “Nursing Home or Convalescent Home”** means a home for the aged or infirm, which unrelated persons are accommodated for compensation.
- 2.2.55 “Permit”** means a written document issued by a designated representative of Charbon Township which grants permission to perform an act or service.
- 2.2.56 “Permanent Foundation”** means A wood or masonry foundation which extends below ground level and is set on footings. The footings may be concrete or gravel depending on soil conditions.
- 2.2.57 “Permitted Uses”** means those uses, buildings or structures that comply with the provisions of specific zoning districts because of the similarities in nature and relationship to each other. Permitted uses are distinct from conditional uses that are authorized only if certain requirements to these provisions are met after a public hearing and approval by the Zoning Commission.
- 2.2.58 “Person”** means any individual, firm, corporation, partnership, association, social or fraternal organization, or legal entity.

- 2.2.59 “Pipelines”** means any long pipe system for transporting something: a pipe or system of pipes designed to carry something such as water, oil, natural gas, or other petroleum-based products over long distances, often underground
- 2.2.60 “Planned Unit Development (PUD)”** means An area of land, controlled by a landowner, to be developed as a single project for a number of dwelling units and/or type of dwelling or commercial or industrial use, density, lot coverage and required open space to the regulations established in any one or more districts created, under the provisions-of this ordinance.
- 2.2.61 “Prohibited Uses”** means any use, activity, and/or structure in a given zoning district, which by its nature is not allowed or permitted.
- 2.2.62 “Planned Development”** means a grouping of buildings and structures on a site of five (5) or more acres in single ownership which is not limited by the yard or building height limitations but is based on a detailed development planned and recorded in the office of the County Register of Deeds upon approval by the Township Board of Supervisors.
- 2.2.63 “Public Roadway or Public Way”** means any dedicated and recorded right-of-way including alleys, sidewalks, streets, roads or highways.
- 2.2.64 “Recreational Vehicle”** means A vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy and is designed for vacation, recreational or residential use.
- 2.2.65 “Recreational Vehicle Park”** means A tract of land designed, utilized and operated on a fee or other basis as a place for the temporary parking of occupied recreational vehicles.
- 2.2.66 “Right-of-Way”** means the area, either public or private, over which the right of passage exists. The right-of-way shall not be considered as land area when computing lot size.
- 2.2.67 “Rooming House”** means Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire, with or without meals.
- 2.2.68 “Service Station”** means any building or premises where automotive fields, automotive related services, lubricants, parts and supplies are made available to the motorist.

- 2.2.69 “Setback”** means the line within a property defining the required minimum distances between any structure or use and the adjacent right-of-way or property line of any lot.
- 2.2.70 “Sign”** means any emblem, name, identification, description or illustration which is used for outdoor advertising having permanent location on the ground or attached to or painted on a building including bulletin boards, bill boards and poster boards, but excluding real estate for sale signs, political campaign signs, public information and traffic signs.
- 2.2.71 “Site Plan”** means a detailed plan for making improvements to parcel(s) of land for the purpose of building and development as provided in these regulations.
- 2.2.72 “Solid Waste”** means Any garbage, refuse, sludge from a waste treatment plant, water treatment plant, or air pollution control facility and other discarded waste material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. The term does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to Permit Section 402 of the Federal Water Pollution Control Act, as amended, or source, special nuclear or the by-product material as defined by the Atomic Energy Act of 1954, as amended.
- 2.2.73 “Structural Alterations”** means any change in the supporting elements of a building or structure including bearing elements, partitions, columns, beams, girders, roofs, exterior walls and embankment.
- 2.2.74 “Structure”** means anything constructed or erected, the use of which requires permanent location on the ground including advertising signs and billboards.
- 2.2.75 “Substantial Improvements”** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

- 2.2.76 “Substation”** means a location where transmission voltage is reduced to distribution voltage. Usually a fenced area containing transformers, voltage regulators, switches, devices and metering equipment.
- 2.2.77 “Temporarily Permitted Use”** means A conditionally permitted use which has a definite time period as one of its conditions.
- 2.2.78 “Temporarily”** means one year or less.
- 2.2.79 “Temporary Workforce Housing”** means any enclosures of living spaces, reasonably contiguous, together with the land appertaining thereto, established, operated or used as living quarters and, at a minimum, fifty-one percent (51%) of the residents are industrial or temporary workers, including, but not limited to, facilities known by varying nomenclatures or designations as dormitories, man camps, hotels, motels, travel lodges, or tourist homes.
- 2.2.80 “Temporary Worker”** means a worker from a point of origin outside of Charbon Township who is sponsored by or being paid by an employer, or has come to Charbon Township on his own to seek employment for a specific project; and/or is in Charbon Township for the purpose of being employed for a specific work project expected to be completed in a specific period of time; and/or will exit Charbon Township upon completion of their work contract on a specific project.
- 2.2.81 “Transmission Facility”** means any of the following:
- A) An electrical transmission line and associated facilities with a design of forty-one and six tenths kilovolts or more
 - B) A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas, or liquid hydrocarbon products for public commerce.
 - C) A liquid transmission line and associated facilities designed for or capable of transporting water from or to an energy conversion.
- 2.2.82 “Transmission System”** means an interconnected group of electric transmission lines and associated equipment for moving or transferring electric energy in bulk between points of supply and points at which it is transferred for delivery over the distribution system lines to consumers or is delivered to other electric systems.
- 2.2.83 “Utility”** means the basic facilities for public use such as water, sanitary and storm sewers, electricity, gas and telephone lines.

2.2.84 “Variance” means the relaxation of the terms of the zoning regulations in relationship to building height, size of the front, rear and side yards, where the literal enforcement of these regulations could create unreasonable hardship, but it is not contrary to the purposes of the Township Comprehensive Plan and these regulations.

2.2.85 “Yard” means an open space on the zoning lot which is unoccupied or unobstructed by any portion of a structure from the ground upward.

2.2.86 “Zoning Commission” means a body consisting of the three (3) Township supervisors and appointed members under the authority of Chapter 58-03-13 of the North Dakota Century Code to review the planning issues, prepare plans, review the zoning requests and plats of subdivision, zoning amendments and conditional uses and make recommendations to the Board of Supervisors.

ARTICLE 3 GENERAL PROVISIONS

3.1 Compliance

No building or land shall hereafter be used or occupied and no building shall be erected, moved or altered unless in conformity with these regulations.

3.1.1 Building Height, Lot Area and Yards

No building shall exceed the height, occupy larger part of lot area, and no lot shall be created smaller than the requirements of these regulations.

3.1.2 Substandard Lots

All existing lots at the date of adoption of these regulations shall be deemed buildable unless for the reasons of land suitability, flooding and other physical limitations contrary to the purpose of these regulations.

3.2 Amendments

The Township Board of Supervisors may, from time to time, amend, supplement or repeal any part of these regulations after a public notice and hearing.

3.3 Comprehensive Plan

These regulations are administered and enforced to implement the Comprehensive Land Use Plan of the Township, a document adopted by the Board of Supervisors as a policy guide for protection of the Township's natural resources and accommodating the type of development deemed appropriate including but not limited to the following objectives.

3.3.1 To conserve and enhance the taxable value of land and buildings in the Township.

3.3.2 To encourage the most appropriate use of land in the Township.

3.3.3 To protect the character and maintain the stability of farming activities and production.

3.3.4 To regulate and restrict the location and intensity of use of buildings and land not related to farming.

3.3.5 To separate and control unavoidable nuisance production uses to minimize the adverse impacts on the surrounding areas or uses.

3.3.6 To facilitate traffic movement and promote development of compatible uses.

3.4 Non-conforming Uses

The lawful use of a building or premises existing at the date of adoption of these regulations may be continued. Where a non-conforming use is discontinued for a period of more than twelve consecutive calendar months any subsequent use or occupancy of such premises shall conform to these regulations. Whenever a building is substantially improved, destroyed or damaged by fire or other casualty to the extent of more than fifty percent (50%) of its market value it shall not be restored unless said building shall conform to the provisions of the district in which it is located. Non-conforming uses shall not be expanded to occupy a larger area of land than existed at the date of adoption of these regulations unless approved by the Zoning Commission after a public hearing.

3.5 Land Suitability

The land shall be used for a purpose which is held unsuitable for the reason of flooding, soil limitations, inadequate drainage, incompatibility with adjoining use or any condition likely to be harmful to the health, safety or the welfare of the people in the area. The Township Zoning Commission may require information and data to determine the land suitability. The Township may consult with county and state agencies to assist in its determination.

3.6 Conditionally Permitted Uses

Where a use is classified as a conditional use under these regulations and exists at the date of adoption of these regulations, it shall be considered a permitted use. Where a use is not allowed as a conditional use or permitted use, under these regulations, and exists at the date of adoption of these regulations, it shall be considered non-conforming and shall be subject to the non-conforming buildings and use provisions.

3.7 Road and Highway Access

3.7.1 A permit for access to the Township roads is required by the Board of Supervisors. In granting the access permit to the township roads, the Board of Supervisors may adopt rules and regulations as to the number of access points per mile, the width, construction and other features of the access to the adjoining properties. The Board of Supervisors may place conditions when gaining a road access permit. Farm driveways and field access points are exempt from these provisions.

3.7.2 All roads must be built according to McKenzie County Code. These roads built according to Code will be maintained by the Township, thereafter. The township is not responsible for building roads on section lines.

3.8 Road and Highway Setback – Tree Plantings, Shelterbelts

All buildings and structures shall be placed at least 100 (one hundred) feet from township, county and state highway right-of-ways for the purpose of preventing hazardous accumulations of snow and to allow for future widening of public right-of-ways. Tree plantings and shelterbelts shall be planted 150' from center of the road.

3.9 Junk or Salvage Yard

All junk and/or salvage yards must follow ND Century Code Chapter 24-16.

ARTICLE 4 ZONING DISTRICT BOUNDARIES AND MAP

4.1 Zoning Districts

In order to carry out the purposes and provisions of these regulations, the following zoning districts are hereby established.

4.1.1 RA – Agricultural District

4.1.2 RCR –~~Commercial~~/Residential District

4.1.3 RI – Industrial District

4.2 Zoning District Map

4.2.1 Zoning Districts

The location and boundaries of the zoning districts are hereby established as shown on the “Comprehensive Land Use Plan Map” on file **in the Office of the County Auditor and** with the Township Clerk. The comprehensive land use map/zoning district maps, together with all information shown thereon and all amendments thereto, shall be an integral part of these regulations.

4.2.2 Public Roads and Highways as Boundary

When zoning district boundary lines are indicated as following roads and highways or extensions thereof, such boundary lines shall be construed to be the center line of said roads and highways or extension thereof unless clearly shown to the contrary.

4.2.3 Property Line as Boundary

Where a zoning district boundary line coincides approximately but not exactly with a property line, the zoning boundary shall be construed to be the lot line at that location. All section lines and quarter section lines may be construed as the property lines.

4.2.4 District Description for Unsubdivided Lands

For unsubdivided property, zoning district boundaries are determined by metes and bounds description or by a legal description as seemed necessary.

4.2.5 Vacated Areas

Where a public road or highway is vacated by the official action of the Board of Township Supervisors, the zoning district boundaries shall be extended to the center of the vacated public road or highway.

4.2.6 Zoning District Boundary Interpretation

Where any uncertainty exists as to the exact location of the zoning district boundary lines, the Board of Supervisors shall determine the locations of such boundary lines.

4.2.7 Comprehensive Land Use Map/Zoning District Map

The official zoning district map shall bear a certificate with the signature of the Township chairman and certification of the township clerk and date of adoption of the zoning map as an integral part of these regulations.

ARTICLE 5 ZONING DISTRICT REGULATIONS

5.1 RA Agricultural District

5.1.1 Purpose

The purpose of this district is to provide for preservation and protection of agricultural lands and to discourage uses incompatible with agricultural operations or detrimental to agricultural lands utilization.

5.1.2 Permitted Uses

5.1.2.1 All types of farming and ranching operations including dairying, livestock and poultry raising, apiaries and fur farming.

5.1.2.2 Accessory buildings and structures necessary to the operation of farms or ranches.

5.1.2.3 Home occupations.

5.1.2.4 Tree farms, nurseries and commercial gardens.

5.1.2.5 Construction and maintenance of drainage systems to manage the water run-off.

5.1.2.6 Utility lines and pipelines including substations for transformers, pumping stations and lift stations.

5.1.2.7 Water reservoirs.

5.1.2.8 Retail sale of agricultural seeds and farm supplies.

5.1.2.9 Domestic animal kennel not nearer than 2,640 (two thousand six hundred forty) feet from any residence except the residence of the owner or operator.

5.1.2.10 Electrical Lines

5.1.2.11 Substations

5.1.2.12 Pipelines

5.1.3 Conditionally Permitted Uses

5.1.3.1 Single-family non-farm residential.

- 5.1.3.2 Anhydrous ammonia plants.
- 5.1.3.3 Commercially operated air landing strip and accessory buildings.
- 5.1.3.4 Cemeteries
- 5.1.3.5 Mobile Homes
- 5.1.3.6 Grain elevators and accessory structures
- 5.1.3.7 Public buildings and facilities except detention facilities, correction facilities, jails, prisons and behavioral corrections listed as prohibited in 5.1.4.1, 5.1.4.2, and 5.1.4.3.
- ~~5.1.3.8 Voltage transmission lines and accessory structures.~~
- 5.1.3.9 Manufacturing and processing of agricultural products produced in the area.
- 5.1.3.10 Radio, TV stations and towers.
- 5.1.3.11 Sale and services of agricultural equipment and machinery.
- 5.1.3.12 Salvage and junkyard subject to provisions of Section 6.3.
- 5.1.3.13 Sewage lagoons and wastewater treatment facilities.
- 5.1.3.14 Skeet, trap and rifle ranges if not nearer than 5,280 (five thousand two hundred eighty) feet from any residence.
- 5.1.3.15 Storage of farm related chemicals in a commercial operation.
- 5.1.3.16 Storage units for rent.
- 5.1.3.17 Veterinary clinics and animal hospitals not nearer than 500 (five hundred) feet from any residence except the residence of the owner or operator.
- 5.1.3.18 Wind farms and wind power generating towers.
- 5.1.3.19 Mining and stock piling of sand, gravel, and scoria for sale, road construction, maintenance, and/or other uses. Reclamations are to adhere to state mining standards.

5.1.3.20 Anything not listed above and/or not listed under permitted uses must be approved and subject to limitations by the Zoning Commission.

5.1.4 Prohibited Uses

5.1.4.1 Detention facilities, correction facilities, jails, prisons and behavioral correction facilities which shall house adult inmates serving court ordered confinement for crimes committed outside of Charbon Township.

5.1.4.2 Detention facilities, correction facilities, jails, prisons and behavioral correction facilities which shall house juvenile inmates serving court ordered confinement for crimes committed outside Charbon Township.

5.1.4.3 Detention facilities, correction facilities, jails, prison and behavioral correction facilities, which shall house juvenile delinquents whose normal residence is outside Charbon Township.

5.1.4.4 Disposal of animal waste or manure from any facility containing more than 1,000 beef cattle, 200 hogs, or 500 feathered fowl.

5.1.4.5 Feedlots, commercial.

5.1.4.6 Landfills or lagoons which shall receive waste generated outside of Charbon Township.

5.1.4.7 Mental institutions.

5.1.4.8 Vocational training or rehabilitation facilities.

5.1.4.9 Any other land uses which are not listed in this article as a permitted use or as a conditional use shall be considered a prohibited use and shall not be allowed in this zoning district.

5.1.4.10 No hazardous or toxic waste facilities.

5.1.4.11 Large scale animal operations and confinements.

5.1.4.12 Temporary workforce housing.

5.1.5 Lot Area and Lot Width

- 5.1.5.1** For non-farm residential uses (single family) the lot area shall not be less than 5 (five) acres.
- 5.1.5.2** For non-residential uses the lot area shall not be less than 5 (five) acres.
- 5.1.5.3** The lot width for any use in agricultural district shall not be less than 250 (two hundred fifty) feet.

5.1.6 Yard Requirements

- 5.1.6.1** The minimum front yard, measured from the front lot line shall not be less than 75 (seventy five) feet for properties abutting township roads and 100 (one hundred) feet for properties fronting on other rights-of-ways.
- 5.1.6.2** The minimum rear yard, measured from the rear lot line shall not be less than 50 (fifty) feet.
- 5.1.6.3** The minimum side yard, measured from the side lot line shall not be less than 50 (fifty) feet.

5.1.7 Building Height

- 5.1.7.1** The building height for residential buildings shall not exceed two and one-half stories or 35 (thirty five) feet except for farm buildings.
- 5.1.7.2** The building heights for manufacturing or agricultural products shall be determined by the Township Board of Supervisors.
- 5.1.7.3** The building height, excepting the radio and TV towers and church steeples, for all other uses shall not exceed 35 (thirty five) feet.

5.1.8 Parking Requirements

For non-farm uses the parking requirements shall be subject to the provisions of section 6.1 of these regulations.

5.1.9 Sign Requirements

Sign requirements shall be subject to the provisions of Section 6.2 of these regulations.

5.2 RCR ~~Commercial~~/Residential District

5.2.1 Purpose

The RCR ~~commercial~~/residential district is primarily established to accommodate those uses compatible with the agricultural uses, which are ~~commercial~~/residential 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~~/residential district shall be served by approved public water and sewer and shall comply with all approved building codes and standards.

5.2.2 Permitted Uses

5.2.2.1 All uses permitted in RA district.

~~**5.2.2.2** Advertising signs and billboards.~~

~~**5.2.2.3** Churches~~

~~**5.2.2.4** Parks and playgrounds~~

5.2.2.5 Single family dwelling units.

5.2.2.6 Multiple family dwelling units.

5.2.3 Conditional Uses

5.2.3.1 Drive-in establishments

5.2.3.2 Contractor's yards and operation.

5.2.3.3 Golf Courses

5.2.3.4 Amusement places including bowling alleys, athletic clubs, pool halls, theaters, and similar indoor facilities.

5.2.3.5 Antique shops, art galleries, and museums.

5.2.3.6 Automobile accessory stores and automobile dealerships.

5.2.3.7 Fraternal and philanthropic organizations.

- 5.2.3.8 Funeral homes.
- 5.2.3.9 Hospitals and Clinics.
- 5.2.3.10 Professional offices for businesses and services.
- 5.2.3.11 Restaurants including all types of eating and/or drinking establishments.
- 5.2.3.12 Retail stores of all types, including but not limited to food, drug, clothing, parts, materials and the like, excepting department stores and variety stores.
- 5.2.3.13 Variety stores and department stores.
- 5.2.3.14 Garages for repair and service of motor vehicles.
- 5.2.3.15 Cemeteries
- 5.2.3.16 Boarding and rooming houses
- 5.2.3.17 Hotels and motels
- 5.2.3.18 Radio and TV stations and recording studios and the towers, dishes, and major accessories
- 5.2.3.19 Processing and packaging of materials with less than 10 (ten) employees.
- 5.2.3.20 Storage facilities for rent.
- 5.2.3.21 Storage and sale of chemicals, explosives and the like.
- 5.2.3.22 Truck stops.
- 5.2.3.23 Warehouses and wholesaling distributorship.
- 5.2.3.24 Tank farms.
- 5.2.3.25 Water wells including storage.
- 5.2.3.26 Churches

5.2.3.27 Parks and playgrounds

5.2.3.28 Advertising signs and billboards

5.2.3.29 Anything not listed above and/or under Permitted Uses must be approved and subject to limitations by the Zoning Commission.

5.2.4 Prohibited Uses

5.2.4.1 All uses prohibited in RA District.

5.2.5 Lot area and Lot Width

5.2.5.1 The minimum lot for RCR district shall be one acre.

5.2.5.2 The minimum lot width for RCR district shall be 100 (one hundred) feet.

5.2.6 Lot Coverage

The principal and accessory uses excluding parking shall not cover more than 50% (fifty percent) of the lot.

5.2.7 Yard Requirements

5.2.6.1 The minimum front building line, measured from the front lot line, shall be 75 (seventy-five) feet for all properties fronting township roads and 100 (one hundred) feet for all properties fronting on other highway right-of-way.

5.2.6.2 The minimum rear building line, measured from the rear lot line, shall be 50 (fifty) feet.

5.2.6.3 The minimum side building line, measured from the interior side of the lot shall be 10 (ten) feet. The minimum side building line for exterior lots measured from the other rights-of-way shall be 75 (seventy-five) feet from township roads and 100 feet from all other highway rights-of-way.

5.2.8 Building Height

The building height requirements in RCR district shall not be more than 35 (thirty-five) feet excepting farm related buildings and communication towers.

5.2.9 Parking Requirements

5.2.8.1 The front yard and the rear yard spaces may be used for parking.

5.2.8.2 For parking in RCR district the provisions of Section 6.1 shall apply.

5.2.10 Sign Requirements

For signs in RCR district the provisions of Section 6.2 shall apply.

5.3 RI Industrial Districts

5.3.1 Purpose

It is the purpose of this ordinance and this district to provide for the development of the mineral and agricultural resources of Charbon Township; to provide for the refining and processing of unfinished and partially finished resources and products and to isolate industrial activities in locations where conflicts with other uses will be minimized.

5.3.2 Permitted Uses

5.3.2.1 Dry bulk storage.

5.3.2.2 Manufacturing requiring yard storage.

5.3.2.3 Heavy equipment storage and repair.

5.3.2.4 Wholesale/warehousing activities requiring yard storage.

5.3.2.5 Oil and gas exploration, oil and gas drilling and production

5.3.3 Conditional Uses

5.3.3.1 All uses permitted in Agricultural District

~~**5.3.3.2** All uses permitted in the Commercial District, except residential~~

5.3.3.3 Railroad freight and/or bulk terminals, tracks and spurs.

5.3.3.4 Concrete, concrete products and clay product plants.

- 5.3.3.5** Any industrial or manufacturing operation providing that: (a) dust, fumes, odors, smoke, vapor, noise, lights, and vibrations shall be confined within the industrial district, and (b) outdoor storage, equipment and refuse areas shall be concealed from view of abutting rights-of way.
- 5.3.3.6** Truck and freight terminals.
- 5.3.3.7** Liquid, gas bulk, explosives and other hazardous material storage.
- 5.3.3.8** Sewage lagoons and sediment ponds in compliance with State Health standards.
- 5.3.3.9** Sanitary landfills and hazardous waste sites in compliance with State Health standards.
- 5.3.3.10** Salvage yards.
- 5.3.3.11** Stockyards and commercial livestock feedlots and slaughterhouses.
- 5.3.3.12** Electric transmission facilities, water, gas, oil and coal slurry transmission pipelines under the conditions stipulated in Section 2.2.81
- 5.3.3.13** Exploration, drilling, excavation, crushing, handling, and mining for, coal, sand, gravel, clay and other subsurface minerals
- 5.3.3.14** Electric power plants, coal gasification plants, coal liquification plants, oil refineries and petrochemical plants in accordance with the following regulations:
 - a) The applicant shall provide the summary portion of the application for an Energy Conversion Facility permit submitted to the North Dakota Public Service Commission for said Energy Conversion Facility as required under Chapter 49-22 of the NDCC.
 - b) The applicant shall submit all materials which constitute a ruling by the North Dakota Public Service Commission on said Energy Conversion Facility including appropriate scale maps of the site.
- 5.3.3.15** Wind energy generation.
- 5.3.3.16** Other subsurface mineral mining and surface extraction
- 5.3.3.17** Radio, television and telephone transmitting and/or receiving towers and facilities.

5.3.3.18 Temporary workforce housing subject to the provisions of Section 2.2.79

5.3.3.19 Anything not listed in permitted uses and/or not listed above must be approved and subject to limitations by the Zoning Commission.

5.3.4 Performance Standard

5.3.4.1 A buffer strip, acceptable to the County Commission, shall be provided.

5.3.4.2 The open storage of material, including waste products or salvage shall not be permitted closer than 100 feet from any residence. All combustible material shall be stored in such a way to permit free access to firefighting equipment.

5.3.5 Lot Area, Width, and Yard Requirements

5.3.5.1 The minimum lot area for the industrial district shall be ~~two (2)~~ ten (10) acres.

5.3.5.2 The minimum lot width shall be ~~1,250~~ 660 ft.

5.3.5.3 There shall be at least 200 ft. setback from the centerline of the front public road or access.

5.3.5.4 The minimum rear building line, measured from the rear lot line, shall be 50 ft.

5.3.5.5 The minimum side building line, measured from the side lot line, shall be 25 ft.

5.3.5.6 No building or structure shall be located within 1,250 ft from the boundary of residential areas.

ARTICLE 6 SPECIAL PROVISIONS

6.1 Off-Street Parking

6.1.1 Purpose

The purpose of this section is to provide for the off-street parking regulations to:

- 6.1.1.1 An off-street automobile parking space shall be at least 9 (nine) feet wide and 20 (twenty) feet long, exclusive of access drives or ramps.
- 6.1.1.2 Minimize adverse effects of off-street parking and off-street loading facilities on the adjacent properties.
- 6.1.1.3 Lessen congestion and preventing the overtaking of public roads by regulating the location and capacity of off-street parking or off-street loading facilities.

6.1.2 General Requirements

- 6.1.2.1 An off-street automobile parking space shall be at least 9 (nine) feet wide and 20 (twenty) feet long, exclusive of access drives or ramps.
- 6.1.2.2 Each permitted use within the districts is required to provide off-street parking areas.
- 6.1.2.3 No building shall be erected or enlarged without meeting the following parking requirements.
 - (1) Business building: three (3) parking spaces plus one additional space for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.
 - (2) Hotels and motels: one parking space for each room plus one space for every two (2) employees.
 - (3) Private club or lodge: one parking space for each two hundred (200) square feet of service area.
 - (4) Restaurant, eating and drinking establishment: one parking space for each one hundred (100) square feet of floor area.

6.2 Signs

6.2.1 Purpose

The purposes of regulating signs in the township is to provide for a visually pleasant environment and minimize potentially unsafe conditions for all age groups, but yet offer many opportunities for public and private information and advertising.

6.2.2 General Requirements

Signs shall not be permitted within 300 (three hundred) feet of any road crossing which is measured from the point of intersection of the road center lines.

6.3 Junk or Salvage Yards

6.3.1 Purpose

The purpose of these requirements is to preserve and protect the visual safety and other environmental amenities of the rural areas while allowing the salvage or junkyards as business places.

6.3.2 Site Approval Requirements

All sites for salvage and junkyards require approval by the Township Zoning Commission.

6.3.3 Location Standards

6.3.3.1 All junk and/or salvage yards must follow ND Century Code Chapter 24-16.

6.3.3.2 No salvage or junkyard shall be located within 500 (five hundred) feet of a residential district and 200 (two hundred) feet of commercial buildings and structures.

6.3.3.3 No salvage or junkyard shall be located in areas, which due to high water table, flooding and soil conditions may affect the quality of surface and ground water.

6.3.3.4 No salvage or junkyard shall be located nearer than 100 (one hundred) feet of all township road right-of-ways.

ARTICLE 7 ADMINISTRATION AND ENFORCEMENT

7.1 Organization

To administer these regulations the following bodies are hereby vested with authority to act on behalf of the Township:

- (1) The Code Administrator
- (2) The Zoning Commission

7.2 The Code Administrator

The Code Administrator is a duly appointed township official authorized by the Board of Supervisors and is responsible to administer Zoning Regulations, to assist the Zoning Commission, and the Board of Supervisors on any matter related to planning for and development of the township.

7.2.1 Duties

- 7.2.1.1** Issue all zoning certificates, permits and maintain records thereof.
- 7.2.1.2** Maintain zoning related records and zoning district map including records of all amendments, conditional uses and variances.
- 7.2.1.3** Receive, file and forward to the Zoning Commission all applications for zoning amendments, site approvals and conditional uses.
- 7.2.1.4** Prepare and publish notices and notify adjoining property owners.
- 7.2.1.5** Notify, in writing, the property owner or user upon finding violation of these regulations and cite the nature of violation clearly and require compliance within a reasonable time. If the notification is not replied to or steps are not taken to correct the violations within 30 (thirty) days, the Code Administrator shall make a report of the findings to the Board of Supervisors.
- 7.2.1.6** Request all necessary state, county, and township building codes and standards from applicant.

7.2.2 Interpretation of Regulations

All questions of interpretation of these regulations shall be presented to the Code Administrator and that such questions shall be presented to the Board of Supervisors only on appeal from the decision of the Code Administrator.

7.2.3 Conditional Use and Site Approval Permits

The Code Administrator shall issue a conditional use or site approval permit upon approval of the application by the Zoning Commission stipulating all conditions set forth.

7.2.4 Variances

The Code Administrator shall issue a permit on the decision of the Board of Supervisors. The terms of the variance or special use shall be stipulated on the permit.

7.3 The Zoning Commission

The Zoning Commission shall consist of the three township supervisors and three appointed township residents.

7.3.1 Duties

- 7.3.1.1** To hear and act on all applications on a case by case basis for amendments to zoning districts and take action for approval, denial or approval with modification.
- 7.3.1.2** To hear and act on all applications for conditional uses site approvals on a case by case basis in the manner prescribed in these regulations and take action for approval or denial.
- 7.3.1.3** To study, examine and take action on issues on a case by case basis which may adversely affect the natural resources and farming operations in the Township.

7.3.2 Notice of Hearings

The Zoning Commission shall fix a reasonable date for hearing of applications for zoning district amendments, conditional use permits, site approval applications and other matters before it, give public notice thereof in the official newspaper of the county and the nearest regularly published newspaper at least 15 (fifteen) days prior to the hearing. The notices shall give time and place of hearing and shall state the purpose of the hearing and that the applications and supporting documents for zoning district amendments and conditional use permits shall be available for public inspection by the Code Administrator.

7.3.3 Meetings

Meetings of the Zoning Commission shall be held at the call of the Chairperson and at such other times as the Zoning Commission may determine. All meetings shall be open to the public and any person may testify for or against a petition.

7.4 Violations and Penalties

Any person who violates any provision of these regulations or fails to comply with any of its requirements including the conditions or modification of use, building or structure shall upon conviction thereof forfeit up to \$5,000 a day determined by the Zoning Commission and in addition pay all expenses involved in the case. Each day such violation continues shall constitute a separate offense and after 30 (thirty) days of continuing violation a cease and desist order will be issued and legal proceedings will occur.

7.4.1 Commitment of Guilty Person for Non-Payment of Fines or Costs

The provisions of Section 40-11-12 of the North Dakota Century Code and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance. Any person upon whom any fine or costs, or both, has been imposed for violation of a township ordinance may after hearing, be committed upon order of the court to jail or other place provided by the township for the incarceration of offenders until the fine or costs, or both are fully paid or discharged by labors provided in Section 40-18-12. The court may not commit a person under this section when the sole reason for his nonpayment of fine or costs or both, is his indigence. An order of commitment under this section shall not be for a period in excess of thirty days. As used in this section, "fine" does not include a fee established pursuant to subsection 2 of Section 40-05-06.

7.4.2 Cost of Prosecution

In every case of conviction of a violation of any ordinance, or any part thereof, the cost of prosecution may be assessed against the person convicted, as part of the punishment.

7.4.3 Judgment on Conviction

In all trials for offenses under the ordinances of Charbon Township, if the defendant is found guilty, the District Judge shall render judgment accordingly. It shall be a part of the judgment that the defendant stand committed until such judgment is complied with, and, at the discretion of the district court, he may be required to work for the township at such labor as the defendant's strength and health will permit, not exceeding 8 hours in each working day. For that work, the defendant will be allowed for each day, exclusive of his board, \$10.00 on account of the fines and costs assessed against him.

**ARTICLE 8 PROCEDURES FOR AMENDMENTS, CONDITIONAL
USES AND VARIANCES**

8.1 Zoning District Amendments

8.1.1 Public Hearing Notice

The Zoning Commission shall hold a public hearing, a notice of which shall be published at least 15 (fifteen) days prior to the hearing in the official newspaper of the county. The notice of hearing shall include: (1) the time and place of hearing; (2) description of the property by street address for platted lands and clearly identifiable location for the unplatted lands; (3) the proposed use and requested zoning district change; (4) time and place for public inspection of the documents before the hearing.

8.1.2 Public Hearings

The Zoning Commission at the hearing shall listen to all persons who may speak in support of or in opposition to the proposal. Upon the completion of its review, the Zoning Commission shall take action for approval, denial or modification of the petition. The Zoning Commission may require additional information before it completes its findings and takes action.

8.1.3 Data Submission Requirements

Petitions for zoning district change and conditional uses shall be submitted with the following information:

8.1.3.1 Legal description of the area proposed to be rezoned.

8.1.3.2 A map showing the existing land uses and zoning district classification of the area.

8.1.3.3 A site plan showing buildings and uses in the zoning district proposed to be changed and the requested zoning district classification.

8.1.3.4 A fee shall be paid in accordance with the schedule established by the Township Board of Supervisors.

8.1.4 Deliberation and Decision

Following the hearing, the Zoning Commission, upon due deliberation, shall make a report of its findings and decides on the proposed amendment within 30 (thirty) days after the hearing. In making its finding, the Zoning Commission shall ascertain as to whether the proposal for zoning district amendment is consistent with the township Comprehensive Plan and meets all requirements of these regulations of the township.

8.2 Conditional Use permits

8.2.1 Purpose

The development of these regulations is based upon division of the township into districts, within which district the use of land and building bulk and locations of building and structures are mutually compatible and substantially harmonious.

However, there are certain uses which, because of their unique characteristics, cannot be properly classified as permitted uses in any particular district, without consideration, in each case, of impact of those uses upon neighboring premises. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses.

8.2.2 Public Hearing Notice

Shall be the same as provisions set forth for public hearing notice for zoning district amendment in section 8.1.1

8.2.3 Public Hearings

Shall be the same as provision set forth for public hearing for zoning district amendment in Section 8.1.2.

8.2.4 Data Submission Requirements

Shall be the same as provisions set forth for data submission requirements for zoning district amendment in Section 8.1.3.

8.2.5 Deliberation and Decision

Shall be the same as the provisions set forth for deliberation and decision for zoning district amendment in Section 8.1.4.

8.2.6 Standards

No application for conditional use shall be approved unless the Zoning Commission finds that all of the following conditions are present.

- 8.2.6.1** That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- 8.2.6.2** That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- 8.2.6.3** That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 8.2.6.4** That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- 8.2.6.5** That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic impact on the area.
- 8.2.6.6** That the conditional use shall substantially conform to all applicable regulations of the district in which it is located.

8.2.7 Conditions and Guarantees

- 8.2.7.1** Prior to the decision on any conditional use, the Zoning Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as seemed necessary to promote the public health, safety and general welfare of the township and to secure compliance with the standards and requirements specified in Section 8.2.6. In all cases in which conditional uses are granted, the Zoning Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- 8.2.7.2** No alteration of a conditional use shall be permitted unless approved by the Zoning Commission. Where the Zoning Commission has approved or conditionally approved an application for a conditional use, such approval shall be come null and void within 12 (twelve) months of the date of the Zoning Commission action unless the use is commenced or construction in underway.

8.2.7.3 Conditional use permits are subject for renewal and on reapplication every 12 (twelve) months

8.3 Variances

Variance from the terms of these regulations may be granted provided that the applicant establishes proof of practical difficulty or undue hardship.

8.3.1 Public Hearing Notice

The Zoning Commission shall hold a public hearing, a notice of which shall be published at least 15 (fifteen) days prior to the hearing in the official newspaper of the county. The notice of hearing shall include: (1) the time and place of hearing; (2) description of the property by street address for platted lands and a clearly identifiable location for the unplatted lands; (3) the proposed use and requested zoning district change; (4) time and place for public inspection of the documents before the hearing.

8.3.2 Public Hearings

The Zoning Commission at the hearing shall listen to all persons who may speak in support of or in opposition to the proposal. Upon the completion of its review, the Zoning Commission may require additional information before it completes its findings and takes action.

8.3.3 Data Submission Requirements

Petitions for variances shall be submitted with the following information.

8.3.3.1 Legal description of the area proposed to be rezoned, the name and addresses of all owners of property lying within one mile of the site.

8.3.3.2 A map showing existing land uses and zoning district classification of the area.

8.3.3.3 A fee shall be paid in accordance with the schedule established by the Zoning Commission.

8.3.4 Deliberation and Decision

In making its finding, the Zoning Commission shall ascertain that the requests for variances is consistent with the township Comprehensive Plan and meets all requirements of these regulations and other regulations of the township.

8.3.5 Standards

No application for variance shall be approved unless the Zoning Commission finds that all of the following area present.

- 8.3.5.1** That special conditions and circumstances exist which are peculiar to the premises and which are not applicable to other premises in the same zoning district.
- 8.3.5.2** That literal interpretation of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
- 8.3.5.3** That the special conditions and circumstances have not resulted from actions of the applicant.
- 8.3.5.4** That granting the variance requested will not confer upon the applicant any special privileges that are denied by these regulations to other premises.

8.3.6 Justification

- 8.3.6.1** The variance is the minimum, which would make possible a reasonable use of the premises.
- 8.3.6.2** That granting of variance will be in harmony with the general purpose of these regulations and will not be injurious to the surrounding premises, neighborhood or the city and will not be contrary to the Comprehensive Plan the purposes of these regulations.
- 8.3.6.3** That there is practical, difficult, or unnecessary hardship in use of the premises if the strict application of the regulations were to be carried out.

8.3.7 Authorized Variances

A variance shall not be granted for any yard or setback less than they yard or setback as required by these regulations.

- 8.3.7.1** To reduce not by more than twenty percent (20%) the applicable requirements for lot area and lot width.
- 8.3.7.2** To reduce the applicable off-street parking or loading facilities by no more than fifty percent (50%) of the requirements.

8.3.7.3 To permit the use of lot of record if it is smaller than the minimum size required by these regulations.

8.4 Building Code

8.4.7 All buildings or structures or parts of structures used for residential or commercial purposes, and accessory structures thereto shall be designed and constructed, altered, equipped, and maintained in accordance with the Universal Building Code and the same is hereby made a part of this resolution and incorporated therein as if set out at herein, and from the date this resolution takes effect the provisions thereof shall be controlling in the construction of all residential buildings and accessory.

RESOLUTION

Whereas, the Township Zoning Commission has approved this amended Township Zoning Ordinance, and recommends it adopted by the Township Board of Supervisors.

Now and therefore, be it resolved that the Township Board of Supervisors hereby adopts Charbon Township Zoning Ordinance.

***Original document Zoning Ordinance document holds signatures of Township Clerk and Chairman.

THIS DOCUMENT RECOMMENDED FOR APPROVAL THIS _____ DAY OF
_____, 2014.

Code Administrator
Charbon Township
Planning and Zoning Commission

Date

ADOPTED THIS _____

Chairman
Charbon Township
Board of Supervisors

_____, Auditor
McKenzie County