

PAINTED WOODS TOWNSHIP ZONING ORDINANCE
RESOLUTION ADOPTING PROPOSED ORDINANCE

INTRODUCTION

WHEREAS, it is recognized there is a need to control the use of land and real estate in Painted Woods Township in order to promote the health, safety, morals, and general welfare throughout the Township by means of a Comprehensive Land Use plan which is in part carried out by the provisions of this Ordinance. It is the intent of this Ordinance to provide regulations, standards, and guidelines for the Township's development which will:

- A. Protect the right of persons now using the real estate for agricultural purposes and related purposes from depreciation through non-agricultural uses.
- B. Prevent uses of the land which restrict or prohibit modern techniques of farming and irrigation.
- C. Conserve the value of the property.
- D. Maintain the productivity of the land.
- E. Encourage the most appropriate use of the land.
- F. Preserve the agricultural nature and character of the Township.
- G. Prohibit all littering on roadsides and etc.

This Ordinance shall be known as and may be referred to as the Painted Woods Township Zoning Ordinance, Burleigh County, North Dakota, more particularly described as

Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33 in Township 142 North, Range 80 West of the 8th P.M.; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 35, 36 in Township 142 North, Range 81 West of the 8th P.M.; the SW quarter of Section 3, the entire Section of 4, the West half of Section 15, the West half of Section 22, the NW, SW, and SE quarter of Section 27, the NE quarter of Section 34, the NW and SW quarter of Section 35, the NW, NE, and SE quarter of Section 12, the NW, NE, and SE quarter of Section 2, the NW, SW, and SE quarter of Section 1 in Township 141 North, Range 81 West of the 8th P.M.

NOW, THEREFORE, be it resolved by the Board of Township Supervisors of Painted Woods Township, Burleigh County, North Dakota, as follows:



That a single A-Agricultural District, encompassing the entire Painted Woods Township, is hereby established to provide a District that will allow suitable areas in the Township to be retained exclusively for agricultural use; to prevent scattered and uncontrolled non-farm development; to accomplish the purposes set forth in the introduction to this Resolution; to secure the greatest economy in governmental expenditures for the persons owning property in the Township; to discourage any use which will depreciate the value of agricultural land, reduce productive capacity, or interfere with development and employment of modern techniques of farming and irrigation.

DEFINITIONS

A--Agricultural District ----- A District in which the predominant use of land is for general agricultural uses.

Agriculture ----- The actual engaging in farming of the land or engaging in the raising of livestock or other similar operations normally associated with farming and ranching, by a farmer, with not less than 50% of his annual gross income being gained thereby; the term "farmer" means an individual who normally devotes the major portion of his time to the activities of producing products of the soil, poultry, livestock, or dairy farming in such product's unmanufactured state and who normally receives not less than 50% of his annual gross income from any one or more of the foregoing activities, and the term also includes individuals who are retired because of illness or age and who at the time of retirement owned and occupied, as a farmer, the premises.

Commercial ----- The engaging in a trade, business, or other activity, the purpose of which is to make a profit thereby.

Residential Subdivision ----- A development of single or multiple unit dwellings, the purpose of which is to provide housing for persons engaged in non-agricultural activities.



USES PERMITTED

The following uses shall be permitted within the A-Agricultural District:

1. Agriculture, including the construction, maintenance, and use of farm dwellings and related agricultural buildings on 40 acres or more.

USES NOT PERMITTED

The following uses shall not be permitted within the A-Agricultural District:

1. Residential Subdivision(s).

CONDITIONAL USES

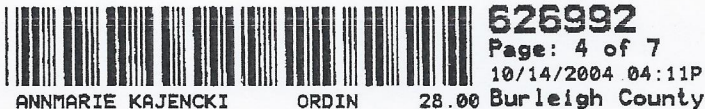
The following uses may be allowed according to the exclusive discretion of the members of the Painted Woods Township Board of Supervisors, who may allow the following agricultural conditional uses after issuance of a permit:

1. Non-agricultural family dwellings, including mobile homes, and outlying buildings.
2. Hospitals, convalescent, or nursing homes.
3. Commercial outdoor recreation areas.
4. Organized group camps or group camp grounds.
5. Local power distribution lines, providing that such power distribution lines are constructed and operated on quarter section lines or parallel to within 250 feet of existing section lines, except where such lines are within one mile of their final destination.
6. Water supply facilities and essential public utility and service structures.
7. Golf clubs, country clubs, and structures related to such activities.



8. Commercial livestock, hog, and poultry feeding operation. Owner is required to live on site.
9. Commercial dog kennels. Owner is required to live on site.
10. Commercial radio or television transmitting stations and towers.
11. Oil wells, coal mines, and facilities for the extraction of minerals.
12. Airports, to include model airplane clubs.
13. Advertising signs and billboards.
14. Parks, recreational, and wildlife conservation areas.
15. Animal hospitals. Owner is required to live on site.
16. Churches.
17. Fire stations and governmental buildings.
18. Schools.
19. Sand and gravel extraction.
20. Railroad line trackage.

The above is intended to be but a partial list of the possible conditional uses within the Township. It is the express intent of this Ordinance that any use not specifically allowed under this Ordinance shall only be allowed upon the issuance of a conditional use permit. Whenever a conditional use permit is requested, all Painted Woods Township residents will be notified within two weeks by telephone or by mail; in addition, announcements of a conditional use request will be placed in the newspaper ten days prior to the designated meeting to alert all residents and property owners who might be impacted by the conditional use request. The public may view the conditional use request and provide input but may not vote. The Painted Woods Township Board of Supervisors shall have full authority and discretion in the issuance of such conditional use permits, provided that said Board shall consider each such application for a conditional use permit individually upon its merits, and further, that said Board, when considering all such applications, shall be



guided and shall follow the intent of this Ordinance and the Comprehensive Plan for the zoning of Painted Woods Township. Should an application be denied, the Board shall state, in writing, the reasons for such denial. The Board shall have the authority to conduct, or have conducted, such investigations concerning the impact of any proposed conditional use, as it sees fit.

SETBACKS

All structures shall be of a design to provide the following building setbacks from the center-line of highways when lots front and have direct access to:

Residential Buildings:

Primary	Secondary	
<u>Highway</u>	<u>Highway</u>	<u>Rural Road</u>
100 feet	100 feet	100 feet

Commercial Buildings:

Primary	Secondary	
<u>Highway</u>	<u>Highway</u>	<u>Rural Road</u>
300 feet	300 feet	300 feet

All shelterbelts, and all solid type fences of a height of 6 feet or more, sufficient to cause an accumulation of snow, shall be placed at least 100 feet from the center line of all roads within the Township.

The Painted Woods Township Board of Supervisors shall have the power to grant a variance from the requirements of the above setbacks. Any person so desiring such a variance shall make an application therefore to the Board. A fee of Five Hundred Dollars (\$500.00) shall be charged for the purpose of the Board's considering an application for such a variance. Such fee shall be due and payable, regardless of whether or not a variance

is, in fact, granted. Should such an application be denied, the Board shall state, in writing, the reasons for such denial.

FEES

The following fee shall be charged by the Painted Woods Township Board of Supervisors prior to the issuance of any conditional use permit according to the provisions of this Ordinance:

- A. Five Hundred Dollars (\$500.00) shall be charged each meeting of the Painted Woods Township Board of Supervisors called for the purpose of considering the question of whether or not to grant a conditional use permit. Such fee shall be due and payable regardless of whether such a conditional use permit is, in fact, granted.

LANDOWNER RESPONSIBILITY

- A. It is the responsibility of the landowner to comply with all state, local, and federal regulations including building on flood plains and conservation compliances.

ENFORCEMENT AND PENALTIES FOR VIOLATION

It shall be the duty of the Painted Woods Township Board of Supervisors to administer and enforce the provisions of this Zoning Ordinance. Should any use arise which is in violation of the provisions of this Ordinance, the Painted Woods Township Board of Supervisors shall have the power to employ the provisions of Section 58-03-14 of the North Dakota Century Code. Moreover, the day this ordinance passes, the residents who already live in the Painted Woods Township shall be "grandfathered in" this ordinance.



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ANNMARIE KAJENCKI

ORDIN

28.00 Burleigh County

Dated this 1st day of October, 2004.

PAINTED WOODS TOWNSHIP SUPERVISORS
AND ZONING BOARD

[Signature]
Tom Davenport

[Signature]
Bill Hansen

[Signature]
Martin Hagen

[Signature]
Richard Haman

[Signature]
Robert Miller

[Signature]
Clerk: AnnMarie Kajencki

Subscribed and sworn to/before me this 1st day of October 2004. *



[Signature]
Notary Public
My Commission Expires:

* Richard Haman signed on Oct. 4, 2004.

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ANNMARIE KAJENCKI ORDIN 28.00 Burleigh County

CARY J. ANDERSON
NOTARY PUBLIC
STATE OF NORTH DAKOTA
My Commission Expires March 8, 2007

[Signature]