

NAUGHTON TOWNSHIP
ZONING REGULATIONS

DEFINITIONS

Definition of a farm pertaining to township correction lines

One (1) single-family dwelling shall be allowed for each tract of land not less than a quarter-quarter section in size provided that such tract shall contain at least thirty five (35) acres.

Definition of Commercial Feedlot

A commercial feedlot is an agricultural occupation involving the continuous process of raising and feeding livestock to prepare animals for slaughter or sale. Commercial feedlots operate all year round and do not raise cattle on a seasonal basis.

BE IT RESOLVED BY THE BOARD OF TOWNSHIP SUPERVISORS ON
NAUGHTON TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA

For the purpose of promoting the public health, safety, morals, comforts and general welfare, conserving the value of property throughout the township and to lessen or avoid congestion on the public roads it is hereby provided as follows:

This resolution shall be known and may be cited and referred to as the "Zoning Regulations" to the same effect.

This document supports and ratifies the Naughton Township Comprehensive Plan required by Chapter 58-03-12 of the North Dakota Century Code to support zoning.

Both the "Zoning Regulations" and the "Naughton Township Comprehensive Plan" were adopted by the Naughton Township Board of Supervisors on November 23, 1987. Regulations are on file at the Naughton Township school or will any of the board members.

ARTICLE 1 DESIGNATION OF ZONING AREAS

In order to classify, regulate and restrict the location of business, trades, industries and residences and other land uses and the location of buildings designed for specific uses; to regulate and limit the height and bulk of buildings hereafter erected, constructed or altered; to regulate and limit the intensity of the use of lot areas and to regulate and determine the area of yards, courts and other open spaces within and surrounding such buildings, land in Naughton Township may be zoned in different land use classifications.

Land is presumed to be zoned agricultural unless specifically zoned to another use. Zoning classifications in Naughton Township are as follows:

- A. AGRICULTURAL
- B. COMMERCIAL

"A" AGRICULTURAL DISTRICT REGULATIONS

Section 1. General Descriptions:

The "A" Agricultural District is established as a district in which the predominant use of land is for general agricultural uses. For the "A" Agricultural District, in promoting the general purposes of this ordinance the specific intent of this section is:

- a. To encourage the continued use of land for the agricultural use and 40 acre residential plots;
- b. To prohibit scattered commercial and industrial uses of the land, and to prohibit any other use which would interfere with an intergrated and efficient development of the land;

- c. 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 provided.

Section 2. Definition of Farm:

For the purpose of the administrations of this Ordinance—a farm shall be a parcel of land classified as “A” AGRICULTURAL and such tract of land shall contain at least 40 acres, moreover, such 40-acre tract of land shall be used only (except as hereinafter provided), for a single residence per 40-acre plot, for the raising of crops and/or livestock as the major use and such other minor uses as are considered normal in the operation of a farm. 40 acres includes road right of way.

Section 3. Uses Permitted:

- a. All necessary agricultural structures and activities
- b. General farming
- c. School
- d. Public utilities
- e. Sand or gravel extraction
- f. Oil or gas well
- g. Small business operated out of the homestead by residence of the property

“B” COMMERCIAL

Section 1. General Descriptions

The “B” Commercial District is established as a district in which the predominant use of the land is for general commercial uses. For the “B” Commercial District, in promoting the general purposes of this ordinance, the specific intent of this section is:

- a. To encourage the use of land for limited commercial uses;
- b. To prohibit industrial uses of the land and to prohibit any other use which would interfere with an integrated and efficient development of the land;
- c. 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 provided.

Section 2. Uses Permitted

- a. Light, commercial repair
- b. Construction activities (must be fenced from view)
- c. Warehousing (storage inside a building only)
- d. Truck terminal

- e. Vehicle and implement sales
- f. Sale of small retail products
- g. Animal Hospital

ARTICLE 11 BUILDING AND CONSTRUCTION REQUIREMENTS:

No building shall be erected unless it shall be designed to make the premises conform to the regulations for the district in which the premises is located. No building shall be enlarged, structurally altered or moved unless such enlargement, structural alteration or moving shall be designed to make the premises conform to the regulation for the district in which the premises is located.

All construction, alteration and moving of all residential, commercial structures constructed or re-constructed within the area of Naughton Township shall conform to the document known as the "Uniform Building Code" with all its amendments and shall comply with the documents known as the "Uniform Plumbing Code" with all its amendments. Electrical wiring in any structure is required to meet ND Electrical Code.

ARTICLE III WATER AND SEWER

Whenever a building is to be erected and not connected to a central water supply and or sanitary sewer system, the system and its supply shall meet the requirements of the State Health Department.

ARTICLE IV BUILDING AND INSPECTOR AND PERMITS

A building Inspector shall be appointed by the Naughton Township Board of Supervisors to enforce the provisions of this regulation. No structure of any kind used for residential, commercial purposes shall be built, altered or moved within the zoned area of the township until a building, alterations or moving permit has been obtained from the building inspector. Such permits shall not be issued until permit fees or fees required by this regulation have been paid. No permit is required for maintenance or repair of existing residences, commercial structures or accessory structures which does not alter the strength or plan of said structure, but such maintenance or repair shall comply with all the requirements of this regulation.

No permit as required by said regulation shall be issued until the fees prescribed in this section shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure shall have been paid. For a permit for constructing a building or structure, the fees are based on 2/10 of one percent of the estimated market value of the structure with a minimum of \$10.00. For example, the fee for a building permit for a \$50,000 structure would be \$100.00.

In case construction is not begun within six months after the date of issuance of the permit, said permit shall be cancelled unless the Board grants an extension of the

same. In case of cancellation, the application and 50% of the Inspection fee shall be returned to the applicant.

All structures as defined above hereinafter built, altered or moved within the township are subject to inspection by the Board or by any authorized official appointed by the Board.

Construction or alteration of any commercial or residential structure shall not be commenced until the permit holder or his agent shall post a placard issued by the Township Building Inspector showing permit number, owner and address of the structure or premises. This placard shall remain posted until the Certificate of Completion has been issued.

ARTICLE V RESIDENTIAL AND MOBIL HOME DIVISIONS

To preserve our rural character, the minimum size lots of any division shall be at least 40 acres or more for a single family dwelling served by individual sewer and water system.

The township, by law, may not close a section line. However, we are not compelled to improve or maintain section lines or to improve a section line to provide roads to divisions.

40 acres is the minimum amount of land that will be considered by the Zoning Board or Township Board. This is to prevent spot zoning. Any existing properties under 40 acres must be sold in one tract.

All mobile homes must be set on a basement or have a permanent and continuous foundation or slab. This requirement will be effective two years after the home is placed on the property.

ARTICLE VI NAUGHTON TOWNSHIP ZONING BOARD

The Naughton Township Zoning Board shall consist of the three members of the Naughton Township Board plus two other residents of Naughton Township. These two members shall be elected at the Township Annual Meeting for a term of three years. Vacancies shall be filled by appointment by the Township Board and shall serve until the next scheduled Annual Meeting. The Zoning Board shall hear all requests for zoning changes and other matters pertaining to zoning and make its recommendations to the Township Board. The Township Board then approves or disapproves the proposed change. The Zoning Board only advises the Township Board. The Township Board does not have to follow the recommendations of the Zoning Board.

ARTICLE VII ZONING PROCEDURES

Any person, group of persons or corporate entity wishing to make a request for a zoning change in Naughton Township shall follow these procedures.

- 1..Request a zoning change in writing by presenting the request to a member of the Township Board.
2. Zoning Board shall hold a public hearing on each request within 30 days of receipt of the request. The public hearing shall be advertised 15 days prior to the hearing.
3. The Zoning Board shall make its recommendations to the Township Board after its hearing. The Township Board shall hold a public hearing on the request. This hearing shall be advertised 15 days prior to the hearing.
4. Proposed 40 acre agricultural plot shall be properly surveyed by a certified professional surveyor. Any easements necessary to provide access to said plot must also be obtained and such easements presented to the Board before property may be sold. Building permits will not be issued until dedication and approval of roads within the said property is received by Naughton Township. All roads within said property will be maintained privately.
5. Land Zoned to any other use than agricultural shall be taxed by its zoned classification from date of zoning change. Taxes on homes under construction shall be prorated from date of construction to completion. For example, if you began construction in July and were half completed at the end of the year, you would only pay $\frac{1}{4}$ of Norman taxes on the structure. Taxes on the land will be charged at residential rate from date of zoning change to developer or date of purchase by home owner.
6. Plat shall be properly recorded with Burleigh County Register of Deed's Office upon signed approval of Naughton Township Board. One copy of plat and restrictive covenants shall remain on file with the Naughton Township Board.

ARTICLE VIII SPECIAL USE PERMITS

In order to carry out the purposes of these regulations, the Naughton Township Board finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area or other reasons, be reviewed by such board prior to the granting of a building permit or certificate of occupancy; and that the Township Board has been given discretionary powers relating to the grant of such permit or certificate as special uses. Special uses shall include but are not limited to the following:

1. The use of land for a commercial livestock feedlot. Such a feedlot shall require at least 160 acres in total area and shall be located at least one mile from the nearest residential dwelling.
- 2.. Livestock Sales pavilion

3. Radio or television transmitting station

4. Church

Before approving the issuance of a building permit or certificate of occupancy for special use the Board shall find:

- a.. The proposed use is in harmony with the purpose of the regulations.
- b. The proposed use will not adversely affect the health and safety of the public and the workers or residents or farming in the area and will not be detrimental to the use or development of adjacent properties or of the general neighborhood.
- c. The proposed use will comply with all appropriate regulations for the district in which it will be located.
- d. The proposed use will comply with all special regulations established by the Board and all special conditions necessary for the sanitation, safety and general welfare of the public.

The Naughton Township Board is authorized to impose any condition on the grant of a building permit or certificate of occupancy for a special use it deems necessary for the protection of the neighborhood and the general welfare of the public.

The Naughton Township Board shall require the applicant for authorization of a special use or for any buildings, etc., to furnish any engineering drawings or specifications, site plans, operating plans or any other data the Board finds necessary to appraise the need for or effect of the use.

The Naughton Township Board shall refuse to authorize the issuance of building permit or certificate of occupancy for any special use if the Board finds that such special use would fall to comply with any requirement of the regulations.

ARTICLE IX EXISTING USES

Any lawful use of the land or buildings existing at the date of passage of the resolution and located in an area in which it would not be permitted as a new use under the provisions of this regulation, is hereby declared to be a non-conforming use and not in violation of this regulation at the date of adoption of such regulation. Provided, however, a non-conforming use shall be subject to and the owner shall comply with the regulations, should the use be changed or enlarged after the effective date of these regulations.

ARTICLE X AMENDMENTS

The Township Board may, from time to time, amend these regulations by supplementing, changing, modifying or repealing any of the regulations, restrictions or other provisions hereof, or of existing amendments by following the procedure listed under Article 8 hereof. The amendments shall be published and shall be recorded with the Register of Deeds in Burleigh County as provided by law.

ARTICLE XI ENFORCEMENT

The erection, construction, reconstruction, alteration or conversion of any building or structure, or the use of any building, structure of land, in violation of this regulation made under authority conferred by this regulation, shall constitute the maintenance of a public nuisance and any appropriate action or proceeding may be instituted by the Township Board through any administrative official, department, board or bureau charged with the enforcement of this regulation.

1. To prevent such unlawful erection, construction, reconstruction, alteration, conversion or use.
2. To restrain, correct or abate such violation
3. To prevent the occupancy of the building, structure or land; or
4. To Prevent any illegal act, conduct, business or use in or about such premises

A violation of any provision of this regulation or a violation or refusal or failure to comply with any regulation, order, requirement, decision, or determination made under authority conferred by this regulation, order, requirement, decision or determination made under authority conferred by this regulation shall be punishable by a fine of not more than \$100 or by imprisonment in the county jail for not more than 90 days or by both such fine and imprisonment. The Court shall have power to suspend sentence and to revoke such suspensions. Each day any such violation or refusal or failure to comply continues shall constitute a separate offense.

If any section, subsection, clause or phrase of this regulation is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the regulation. The Board declares that it would have passed this regulation and each section, subsection, sentence, clause and phrases irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

All regulations or parts of regulations in conflict with this resolutions are hereby repealed. This resolution shall be in full force and affect from and after its passage on November 23, 1987.

This is a true and correct copy of the zoning regulations passed by the Naughton Township Board of Supervisors on November 23, 1987.

Edwin J. Mc Carthy
Wayne Martineau
Dwight Reuther
Linda Beckmann - Clerk

Amendment to Article IV Naughton Zoning Regulations

May 15, 2008

Change in second paragraph to read:

No permit as required by said regulation shall be issued until the fees prescribed in this section shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure shall have been paid. For a permit for constructing a residence or commercial building, the fees are based on 4/10 of one percent of the estimated market value of the structure with a minimum of \$50.00. For example, the fee for a building permit for a \$50,000.00 structure would be \$200.00. For all other structures exceeding 200 square feet, fees are based on 2/10 of one percent of market value. The minimum fee will be \$50.00

Linda Buchmann

Linda Buchmann
Clerk

Dalton Buchmann
Dwight Reuther

Jul 17

Chris Boring

Article VIII. 5. SOLID WASTE DISPOSAL FACILITY

Solid waste disposal facilities as regulated by this section shall include all facilities for the incineration or disposal of solid waste or solid waste residue which are required to be permitted under statute or rule by the North Dakota Department of Health and Consolidated Laboratories. A solid waste disposal facility may be allowed in any A Agricultural zone as a special use provided:

- (a) It is located at least one (1) mile from any residence or residentially zoned area unless written approval is obtained from the owner of any residence within this area.
- (b) It is continuously licensed and approved by the State Health Department as to location and operation.
- (c) There is no substantive evidence that the facility will endanger the public health or the environment.
- (d) The special use permit will be valid for a period of time set by the Board of Township Supervisors. For the permit to be approved sixty percent (60%) of all property owners within one (1) mile of the proposed location must approve of the proposed facility.

November 18, 1992

Dal Buchmann

Edwin & Mrs. Carly

Mertyn W. Lipp

Edwin Barber

Dwight Reuther

Arnold Buchmann

AMENDMENT TO ARTICLE V NAUGHTON ZONING REGULATIONS

MARCH 23, 1999

CHANGE TO READ:

ALL MANUFACTURED HOMES MUST BE SET ON A BASEMENT, HAVE A PERMANENT AND CONTINUOUS FOUNDATION, A FULL SLAB OR BE SET AND TIED DOWN IN FULL COMPLIANCE WITH THE RECOMMENDED SPECIFICATIONS, A COPY OF WHICH SHALL BE SUBMITTED TO THE TOWNSHIP BOARD AT THE TIME A PERMIT IS ISSUED.

FORMERLY RECORDED AS DOCUMENT 386900

Linda Buchmann
LINDA BUCHMANN
CLERK

SUSCRIBED AND SWORN TO BEFORE ME THIS 8TH DAY OF MAY, 2001

Karyn Duma
Notary Public

KARYN DUMA
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires SEPT. 9, 2003



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Burleigh County

Wendell Hill