

Derek Carlson, Chairman Winfield Township
9544 39th St SE
Jamestown, ND 58401

Steve Kahl, Executive Secretary
North Dakota Public Service Commission
600 E Boulevard, Dept 408
Bismarck, ND 58505-0480

Mr. Kahl,

Enclosed find the Zoning Ordinance for Winfield Township in Stutsman County. I am sending it to you as you requested regarding Case N. PU-25-236.

Sincerely,


Derek Carlson, Chairman

ZONING ORDINANCE OF WINFIELD TOWNSHIP

STUTSMAN COUNTY, NORTH DAKOTA

SECTION I

INTRODUCTION

A. Authority

This ordinance is adopted under the authority granted by Chapter 58-03 of the North Dakota Century Code.

B. Title

This ordinance shall be known as "Zoning Ordinance of Winfield Township, Stutsman County, North Dakota.

C. Purpose and Intent

The purpose of this ordinance is to promote the public health, safety, and general welfare; to secure the orderly development of the township and to protect the natural resources of the township.

D. Severability

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

E. Repeal

All other ordinances or parts of ordinances of Winfield Township not in conflict with this ordinance are hereby repealed.

F. Effective Date

This ordinance shall be effective after a public hearing and adoption by the Board of Township Supervisors.

G. Definitions

For the purpose of this ordinance certain words and phrases used herein are defined as follows:

1. Rules

- a. Words used in the present shall include the future, the singular number shall include the plural.
- b. The word person includes a firm, partnership, association, corporation, and individual.
- c. The word shall is mandatory.

2. List of Definitions

- a. Accessory Building – A subordinate building the use of which customarily is incidental to the main building or the main use of the premises such as garages, outdoor privies, barns, silos, toolsheds, and providing that it is compatible to the surrounding area.
- b. Agriculture – The use of land for agricultural purposes, including the necessary buildings or structures for farm or farm labor use. Agriculture shall include farming, dairying, pasturage, horticulture, and animal and poultry husbandry.
- c. Animal Hospital or Clinic – A place where animals are treated and accommodated by a veterinarian.
- d. Bed and Breakfast – A dwelling providing temporary lodging and meals.
- e. Boarding House – A building where three or more persons are accommodated for lodging and meals.
- f. Building – Any structure intended for shelter and use of persons, animals, or property.

- g. Building Height – The vertical distance measured from the average elevation of the finished grade to the highest point of the roof.
- h. Conditional Use – Any non-agricultural use permitted by Zoning Board to reduce any adverse effects to surrounding property.
- i. Dwelling – Any building or portion thereof intended for residential purposes.
- j. Fence – A maintained wood or metal barrier built in a workmanlike manner and of substantial material suitable for the purpose intended.
- k. Hazardous or Undesirable Materials – Hazardous or undesirable materials consist of but are not limited to used oil, anti-freeze, acids, tires, and chemicals.
- l. Frontage – The width of the front boundary line of a lot.
- m. Junk Yard – The use of any part of any premises whether inside or outside of a building for the storage, dismantling, keeping or abandonment of junk, including but not limited to scrap metals, rags, paper or other scrap materials, used lumber, salvage house wrecking and used structural steel material and equipment. Demolition or storage of unlicensed or abandoned automobiles or other vehicles or machinery or parts thereof, is included in this definition.
- n. Kennel – Any lot or building in which animals are kept commercially for board, training, propagation or treatment.
- o. Land Reclamation – Replace topsoil and establish vegetation and contouring back to the original condition.
- p. Lot of Record – A lot, the description of which is recorded in the office of the Register of Deeds.
- q. Lot Area – The total area within the boundary lines of the lot or parcel of land including the public right-of-way, lake or stream bed.
- r. Mobile Home – A structure that is transportable in one (1) or more sections, built on a permanent chassis, and designed to be used with or without permanent foundation as a dwelling when connected to the required utilities. Recreational vehicles or travel trailers are not included in this definition.
- s. Mobile Home Park – An assemblage of mobile homes.
- t. Multi-Family Dwelling – A building divided into units so families share a common wall, such as a townhouse.
- u. Non-Conforming Use – A prior use of land, buildings or structure, lawful under any and all applicable laws at the time of enactment of this ordinance which does not conform to provision of this ordinance.
- v. Plat – A map of a subdivision recorded in the office of the Register of Deeds. A plan of a piece of land with actual or proposed features.
- w. Principal Building – The main structure on a lot or a parcel of land which houses the principal use of the premises.
- x. Riprap – Building rubble such as concrete products, but not to include asphalt, steel, or weed.
- y. Service Station – A place where vehicles may be refueled, recharged, or serviced.
- z. Setback – The open space extending the full width of a lot between a building and the centerline of a public road or highway.
- aa. Shooting Preserve, Hunting Lodges and Resorts – A place where temporary lodging and meals may be provided and legal hunting may be permitted.
- bb. Side Yard – A space located on the same lot with buildings or structures between the lot line and the building.

- cc. Signs – Any words, letters, figures, designs, trade names, or trademarks by which anything is made known or direct attention to.
- dd. Site Plans – Plans drawn to scale to show property lines, structural dimensions, and setbacks.
- ee. Skeet, Trap, and Rifle Ranges – Land with public access for the purpose of this recreation.
- ff. Structure – Anything built, constructed or erected which requires permanent location erected which requires permanent location on the ground, including fences.

SECTION II

GENERAL PROVISIONS

A. Jurisdiction

The jurisdiction of this ordinance shall include all unincorporated areas of Winfield Township.

B. Compliance

Except as hereinafter provided, no building, structure, or land shall be erected, repaired, or used except in conformance with this ordinance.

C. Agriculture Exempted

Nothing in this ordinance shall be applied for the purpose of preventing or prohibiting the use of land or buildings for agriculture or any of the normal agricultural practices.

D. Interpretation

In the interpretation and application of this ordinance the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than existing law, the provisions of this ordinance shall govern. Covenants cannot be less restrictive than this ordinance.

E. Non-Conforming Uses

1. Lawful, non-conforming uses of land or building existing at the date of adoption of these regulations may continue, provided no structural alterations are made. Such non-conforming uses shall not be extended to occupy a greater area of land than occupied at the time of adoption, nor be enlarged or changed in any way.
2. Any non-conforming use of property ceases upon the sale of property on which it is carried out.
3. No building, structure or land where a non-conforming use has been discontinued for a period of six (6) months or has changed to a conforming use. Within six (6) months after it ceases to be a non-conforming use, all residue remaining from the non-conforming use shall be removed from the building, structure or land including vehicles not currently licensed by the North Dakota Department of Transportation, junk machinery or parts thereof.
4. Lawful, non-conforming uses lands or buildings shall be entirely contained within property line and shall within one (1) year be hidden from the public view on the non-conforming use.
5. A non-conforming structure destroyed or damaged less than fifty percent (50%) of its current assessed value may be reconstructed within one (1) of such casualties. If damaged more than fifty percent (50%) of its current assessed value, such building if reconstructed shall conform to this ordinance.

F. Amendments

In Accordance with Chapter 58-03, Section 58-03-13 of the North Dakota Century Cod, the Board of Township Supervisors may from time to time amend the provisions of this ordinance. Such amendment shall not become effective until after a public hearing at which parties of interest and citizens shall have the opportunity to be heard. At least fifteen (15) days' notice of the time and place of the public hearing shall be published in the official newspaper of Stutsman County. The description of any land within any zoning district, together with an restriction therein, or any amendment to the zoning ordinance, therein, or any amendment to the zoning ordinance, shall be filed with the Board of Township Supervisors, Winfield Township, and the Register of Deeds of Stutsman County.

G. Land Suitability

1. No land shall be used for seasonal and permanent uses where inadequate drainage, soil limitations, or any other condition likely to be harmful to the health and safety of the users of the area or harmful to the township.
2. Before an application for zoning certificate for new construction is issued the suitability of the land for onsite sewage disposal shall meet the requirements of the North Dakota State Plumbing Code (Chapter 6203-16 and all amendments thereto).

SECTION III

ZONING DISTRICTS

For the purpose of this ordinance, Winfield Township is zoned agricultural with provisions for Residential and Commercial Districts.

A. Zoning Map

The location and boundaries of the zoning district are hereby established as shown on the entitled "Zoning District Map" on file with the Zoning Administrator, which is the township clerk. The Zoning Administrator shall regularly update the "Zoning District Map" to show any changes in the zoning district boundary lines resulting from amendments to the zoning ordinance.

1. Location of District Boundaries – The following rules shall apply with respect to the boundaries of the zoning districts as shown on the "Zoning District Map".
 - a. Where the zoning district boundary lines are indicated as following highway, road, such boundary lines shall be construed to be the centerline of said rights-of-ways unless clearly shown to the contrary.
 - b. Where any uncertainty exists as to the exact location of the zoning district boundary line, the Board of Township Supervisors shall determine the location of such boundary lines.

B. Agricultural District

Purpose: To establish and preserve areas of agriculture and low intensity development which does not significantly change the existing character of the area.

1. Permitted Uses

- a. Agricultural activities.
- b. Single family detached dwelling units on lots with no less than three (3) acres in area.
- c. Temporary structures incidental to construction work not extending beyond the period of such work.
- d. Utility lines and facilities for public services but not including buildings used for offices, exchanges, storage or garages.

2. Conditionally Permitted Uses

- a. Home Occupation
- b. Single family mobile homes on lots not less than three (3) acres.
- c. Churches and facilities related to the religious institutions on lots with not less than three (3) acres.
- d. Golf courses not including miniature golf courses on lots with not less than three (3) acres.
- e. Public parks and playgrounds on lots with not less than three (3) acres.
- f. Public and parochial schools including elementary and secondary schools and colleges and universities on lots with not less than three (3) acres.
- g. Airports.
- h. Cemeteries and crematories.
- i. Radio and television towers and accessory buildings.
- j. Mineral extraction including sand and gravel operations for commercial purposes, with appropriate land reclamation.
- k. Sanitary disposal facilities including landfills not to exceed ten (10) acres in size of haul in anything but riprap at a rate not to exceed one hundred (100) cubic yards per week, with appropriate land reclamation. Must comply with appropriate land reclamation. Must comply with the Code of Federal Regulations, EPA, Solid Waste Disposal Facilities Criteria: Final Rule (40CFR, Parts 257 & 258) and all amendments thereto.
- l. Skeet, trap, rifle ranges, no closer than eight hundred (800) feet to any building, except those associated with the skeet, trap, and/or rifle range.
- m. Animal hospital and/or kennel in which four (4) or more animals are kept which are over four (4) months of age.

3. Prohibited Uses

- a. All other uses not specifically granted as a permitted use or a conditionally permitted use in this ordinance.

4. Minimum Lot Size and Yard Requirements:

- a. Lot size
 - 1. Lot Area Required: minimum three (3) acres.
 - 2. Lot Frontage Required: minimum one hundred fifty (150) feet.
 - 3. Lot Coverage by Buildings: Not more than twenty-five percent (25%).
- b. Yard Requirements
 - 1. Setback for buildings, trees, and fences: minimum one hundred fifty (150) feet from the center of a road, highway or township section line.
 - 2. Side Yard Requirement: minimum thirty (30) feet.
 - 3. Building Height Limits:
Residential Use: maximum sixty-five (65) feet.

C. Residential District

Purpose: The purpose of the Residential District, when and if a Residential District is established, is to encourage the development and preservation of low density residential neighborhoods characterized primarily by single family dwellings. It is further to provide for certain other uses such as educational, religious, and recreational activities compatible with residential areas and to reserve undeveloped lands for similar types of residential development.

1. Permitted Uses

- a. Agricultural activities.
- b. Single family non-farm dwelling and accessory buildings compatible to the surroundings area on lots with not less than three (3) acres in area.

- c. Churches, schools, and related facilities on lots with not less than three (3) acres in area.
- d. Public parks, golf courses and playground.

2. **Conditionally Permitted Uses**
 - a. Home occupation.
 - b. Multi-family dwellings on lots with not less than three (3) acres in area.
 - c. Hospitals and nursing homes.
 - d. Public buildings and facilities, not including storage and repair shops.
3. **Prohibited Uses**
 - a. All other uses not specifically granted as a permitted use or a conditionally permitted use in this district.
4. **Minimum Lot Size and Yard Requirements**
 - a. Lot Size
 1. Lot Area Required: minimum of three (3) acres.
 2. Lot Frontage Required: minimum three hundred (300) feet.
 3. Lot Coverage by Buildings: Not more than twenty-five percent (25%).
 - b. Yard Requirements
 1. Setback for buildings, trees, and fences: minimum one hundred fifty (150) feet from the center of a road, highway or township section line.
 2. Side Yard Requirements: minimum thirty (30) feet.
 3. Building Height Limits:
 - Residential Use: maximum sixty-five (65) feet from grade.
 - Other Uses: maximum sixty-five (65) feet from grade.

D. Commercial District

Purpose: When and if a Commercial District is established, the purpose of the Commercial District will be to preserve areas for the development of local commercial activity that allow for easy access to transportation facilities, but does not create strip or spot commercial development. The minimum area size required for a Commercial District shall be eighty (80) contiguous acres with one (1) district boundary line measuring at least one quarter (1/4) mile.

1. **Permitted Uses**
 - a. Agricultural activities.
 - b. Rooming houses and boarding houses.
 - c. Retail and service uses such as grocery stores, drug stores, radio and television repair, automobile service stations vehicle repair shops, bakeries, cabinet shops, professional offices and clinics.
 - d. Animal hospital and/or kennel.
 - e. Grain elevators.
 - f. Lumber yards.
 - g. Sale and/or service of vehicles and/or farm implements.
2. **Conditionally Permitted Uses**
 - a. Mobile home parks with not less than three (3) acres per each mobile home, and with a total park size not to exceed fifty (50) acres.
 - b. Slaughter houses.
 - c. Snowmobile courses and/or race tracks.
 - d. Manufacturing and processing of wood, metal, concrete, or blacktop mix.
 - e. Warehouses.
 - f. Outdoor theaters and movie houses.
 - g. Junk yard.
 - h. Miniature golf courses and amusement places.

- i. Multi-family dwellings.
- j. Eating and/or drinking establishments.
- k. Hotels and motels.

3. **Prohibited Uses**

- a. All other uses not specifically granted as a permitted use or a conditionally permitted use in this district.

4. **Minimum Lot Size and Yard Requirements**

- a. **Lot Size**
 - 1. Lot Area Required: minimum three (3) acres.
 - 2. Lot Frontage Required: minimum one hundred fifty (150) feet.
 - 3. Lot Coverage by Buildings:
 - Multi-Family Dwellings: not more than thirty percent (30%).
 - Other Uses: Not more than fifty percent (50%).
- b. **Yard Requirements**
 - 1. Setback for buildings, trees, and fences: minimum one hundred fifty (150) feet from the center of the road, highway or township section line.
 - 2. Side Yard Requirements:
 - Where boundaries do not abut other districts: minimum thirty (30) feet.
 - Where boundaries abut agricultural and/or residential districts: minimum fifty (50) feet with an adequate barrier, as specified by the Township Board, constructed and maintained by the person applying for the permit.
 - 3. Building Height Limits:
 - Residential Use: maximum sixty-five (65) feet from grade.
 - Other Uses: maximum sixty-five (65) feet from grade.

5. **Access Roads**

- a. Construction and maintenance of access roads for ingress and egress to a business are the sole responsibility of the person operating the business.

SECTION IV

SUPPLEMENTARY DISTRICT REGULATIONS

A. Fences

- 1. **Location:** All boundary line fences shall be located entirely with the private property of the person, firm, or corporation constructing or causing the construction of such fence.
- 2. **Construction and Maintenance:** Every fence shall be constructed in a substantial material reasonably suitable for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become a public or private nuisance. Any such fence which is or has become dangerous to the public safety, health, or welfare, will be considered to be a public nuisance, and the Zoning administrator is hereby authorized to commence proper proceedings for the abatement thereof.
- 3. **Barbed Wire Fences:** Barbed wire fences shall not be permitted, used, or constructed except in commercial and agricultural districts as provided for in Sections 4, 5, and 6 or for agricultural activities. Barbed wire fences for the purpose of livestock retention are allowed thirty-three and one half (33.5) feet from the center of the road.
- 4. **Agricultural and Residential District Fences:** All agricultural and residential fences shall be placed within the property being fenced.

- a. Fences shall be setback no less than one (1) foot from the property line.
- b. Fences along side property lines shall not be more than eight (8) feet in height.
- c. All post or similar supporting devices used in the construction of fences shall be face inward toward the property being fenced.

5. **Commercial District Fences:** All commercial fences shall be placed within the property being fenced.

- a. Fences shall be setback no less than one (1) foot from the property line.
- b. Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven (7) feet above ground.

6. **Special Purpose Fences:** Fences for special purposes and fences differing in construction, height, or length may be permitted by the Zoning Administrator in any district in the township provided that reasons submitted by the applicant demonstrate the purpose is necessary to protect, buffer, or improve the premises for which such fence is intended. The Zoning Administrator may stipulate the height, location, construction and type of special fence hereby permitted.

B. **Storage and/or Disposal of Hazardous or Undesirable Materials**

- 1. The proper storage and/or disposal of hazardous or undesirable materials shall be practiced by everyone in the township.
- 2. Any written complaint filed with the Zoning Administrator shall cause appropriate proceedings to be initiated up to and including notifying the proper authorities.

SECTION V

CERTIFICATE REQUIRED

A. **Certificate of Zoning Compliance:** Every application for a Building Permit shall be deemed to also be an application for Certificate of Zoning Compliance. No building or other structure shall be erected, moved, or added to without a building permit issued by the Zoning Administrator. No certificate of Zoning Compliance shall be issued except in conformity with the provisions of this ordinance except after written order from the Township Board of Supervisors.

B. **1. Permitted Use**

- a. **Applications:** All applications for certificates shall be accompanied by site plans and estimated costs. The site plans shall be drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of the buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as may be required by the Zoning Administrator, including existing or propose building or a alterations; existing or proposed uses of the building and land; existing or proposed parking; the number of families, or rental units the building is designed to accommodate; conditions existing on the lot; such other matters as may be necessary to determine conformance with and provide for the enforcement of the ordinance. All applications shall be acted upon within forty-five (45) days after submittal of the application to the Zoning Administrator.
- b. **Expiration:** If the work described in any certificate has not begun within twelve (12) calendar months from the date of issuance thereof, or such work described ceases for a period of twelve (12) calendar months, or if work described in the certificate is not completed within twenty-four (24) months said certificate shall expire. Time

limitations cited above shall also apply to accessory buildings. The Zoning Administrator may grant a reasonable extension subject to the demonstration of a hardship condition. If cancelled by the Zoning Administrator, a written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled certificate shall not proceed unless and until a new certificate has been obtained.

- c. Conformance to Applications, Plans and Permits: Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction use, arrangement, or construction at variance with that authorized shall be a violation of this ordinance.
- d. Building Standards: All structures or buildings shall conform to the requirements of the Uniform Building Code of the State of North Dakota.
- e. Electrical Standards: All structures or buildings shall have electrical installations which conform with the requirements of the National Electrical Code and the North Dakota Electrical Code.

2. Conditional Use

- a. Applications: all costs associated with the conditional use such as but not limited to permit fees, notices in the paper, mailing costs, and supervisor fees shall be borne by the person requesting the permit as listed by the attached fee schedule. All applications for conditional use certificates shall be accompanied by site plans. The site plans shall be drawn to scale, showing the actual dimensions and shape of the lot to be built upon: the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as may be required by the Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; existing or proposed parking; the number of families, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of the ordinance. All applications shall be acted upon within forty-five (45) days after submittal to the Zoning Administrator.
- b. Conditions may be imposed: If the Township Board grants the conditional use, the Board may impose such conditions, including time limits, as may be deemed necessary for or appropriate to serve the purposes of the comprehensive plan, this zoning ordinance and to protect the public health, safety, and welfare.
- c. Criteria for Approval: No application for a conditional use shall be granted by the Board of Township Supervisors unless all of the following conditions are present. The Board may impose additional conditions as it deems necessary.
 1. That the uses, values and enjoyment of other property in the area shall be in no foreseeable manner impaired or diminished by the conditional use.
 2. That the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
 3. That the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

5. That general compatibility with the surrounding property with due consideration for noise, view obstruction, odor or other adverse effects be ensured.
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
7. The use is not in conflict with the comprehensive plan of the township.

- d. **Public Hearing:** When considering an application for a conditional use, the Zoning Commission shall hold a public hearing. At least fifteen (15) days prior to the date of such hearing shall be published in the official newspaper of Stutsman County. The applicant shall mail, by certified restricted delivery mail return receipt, notice of the public hearing to all Winfield Township property owners within one (1) mile of the proposed development site.
- e. **Conditional Use Certificate:** If the Township Board of Supervisors approves the conditional use Application, the Board shall order the Zoning Administrator to issue a Conditional Use Certificate.
- f. **Expiration:** Where applicable, unless otherwise specified by the Board at the time it is authorized, a conditional use certificate shall expire if the applicant fails to utilize such conditional use within one (1) year from the date of its authorization. No application for a conditional use of a particular piece of property shall be accepted more than once in any twelve (12) month period.
- g. **Conformance to Applications, Plans and Permits;** Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction at variance with that authorized shall be a violation of this ordinance.
- h. **Building Standard:** All structures or buildings shall conform to the requirements of the Uniform Building Code of the State of North Dakota.
- i. **Electrical Standards:** All structures or buildings shall have electrical installations which conform with the requirements of the National Electrical Code and the North Dakota Electrical Code.

3. **Variance:** As used in this ordinance, a variance is authorized only for height, area, or size of structures or yards.
 - a. **Applications:** all costs associated with the variance such as but not limited to permit fees, notices to the paper, mailing costs, and supervisor fees shall be borne by the person requesting the permit as listed in the attached fee schedule. All applications for variances shall be accompanied by site plans. The site plans shall be drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as may be required by Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses or the building and land; existing or propose(d) parking; the number of families, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance. All applications shall be acted upon within forty-five (45) days after submittal to the Zoning Administrator.
 - b. **Conditions May Be Imposed:** If the Township Board grants the variance, the Board may impose such conditions, including time limits, as may be necessary for or appropriate to

serve the purposes of the comprehensive plan, this ordinance and to protect the public health, safety, and welfare.

- c. Criteria For Approval: No variance shall be granted unless the Township Board finds the following:
 - 1. That there are exceptional or extraordinary circumstance applying to the property in question or to the intended use of the property that do not apply generally to other properties or use in the same zoning district.
 - 2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.
 - 3. That the authorization of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the ordinance or the public interest.
 - 4. The owner cannot otherwise obtain a reasonable return on this property.
 - 5. The hardship is not self-created.
 - 6. The variance request is the minimum necessary to permit a reasonable use of the land.
- d. Public Hearing: When considering an application for a variance, the Zoning Commission shall hold a public hearing. At least fifteen (15) days prior to the date of hearing, notice of the purpose, time, and place of such hearing shall be published in the official newspaper of Stutsman County. The to all Winfield Township property owners within one (1) of the proposed development sites.
- e. Variance Certificate: If the Township Board of Supervisors approve the variance application, the Board shall order the Zoning Administrator to issue a Variance Certificate.
- f. Expiration: Where applicable, unless otherwise specified by Board at the time it is authorized, a variance shall expire if the applicant fails to utilize such variance within one (1) year from the date of its authorization. No application for the same variance on a particular piece of property shall be accepted more than once in any twelve (12) month period.
- g. Conformance to Applications, Plans and Permits: Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be a violation of this ordinance.
- h. Building Standards: All structures or buildings shall conform to the requirements of the Uniform Building Code of the State of North Dakota.
- i. Electrical Standards: All structures or buildings shall have electrical installations which conform with the requirements of the National Electrical Code and the North Dakota Electrical Code.

SECTION VI

ADMINISTRATION AND ENFORCEMENT

- A. Zoning Administrator: A person may be appointed by the Township Board of Supervisors, for a three (3) year term, to serve at the pleasure of the Township Board, to administrate and enforce this ordinance. In the absence of a Zoning Administrator the Winfield Board of Supervisors shall

administer the zoning ordinance. The person appointed shall be known as the "Zoning Administrator". He/She may be provided with the assistance of such other persons as the Township Board of Supervisors may direct.

Duties of the Zoning Administrator Shall Include:

1. Issuance of all applications, permits, certificates, forms, and copies of this ordinance.
2. Notify the Winfield Township assessor of issuance of permits.
3. Monitor non-conforming uses.
4. Make inspection of land and/or structures to determine compliance with the provisions of this ordinance.
5. Maintain records of this ordinance, the District Zoning Map and applications, permits, certificates, and forms.
6. Transmit to the Zoning Commission all applications for appeals, variances, conditional use certificates, and all applications for amendments.
7. Attend all hearings, and send the hearing notices to the official Stutsman County newspaper.
8. Carry out any other duties assigned by the Township Board of Supervisors.

B. Zoning Commission: A Zoning Commission shall be three (3) Township Supervisors.

The duties of the Zoning Commission shall be:

1. Assist the Zoning Administrator in conducting inspection of land uses and administrating this ordinance.
2. Recommend the establishment of plans, rules, regulations, and procedures for the purpose of administrating this ordinance.
3. Hear and forward recommendations on appeals where it is adjudged by the applicant that an error in judgement has been made by the Zoning Administrator.

Procedure:

1. Any person aggrieved by any order of determination of the Zoning Administration may within sixty (60) days of such action petition the Zoning Commission for a hearing. Such appeal shall be in writing and shall specify in detail the grounds for the appeal. The appeal shall be filed with the Zoning Administrator. Costs associated with the appeal such as but not limited to fees, notices in the paper, mailing costs, and supervisors fees shall be borne by the person requesting the appeal as listed in the attached fee schedule.
2. Within forty-five (45) days of filing, the Zoning commission shall fix a date for a hearing.
3. Notice in writing shall be given to the petitioner at least five (5) days prior to the hearing.
4. Within fifteen (15) days after the hearing, the Zoning Commission shall take action and shall mail by certified restricted delivery mail return receipt a copy of its order to the petitioner.
5. If the petitioner is aggrieved by the determination of the Zoning Commission, the petitioner may petition the Township Board of Supervisors for a hearing.
6. The procedure followed by the Zoning Commission shall be followed by the Township Board of Supervisors in hearing the appeal petition.
7. If the petitioner is aggrieved by the determination of the Township Board of Supervisors, the petitioner may make an appeal to the Stutsman County District Court. This appeal must be taken in accordance with the procedure provided in Section 28-34-01 of the North Dakota Century Code

4. Conduct public hearings and forward recommendations to the Township Board of Supervisors on applications for conditional uses, variances, and amendments to this ordinance.
5. Review and study from time to time the provisions of this ordinance.
6. The Zoning Commission reserves the right to tax the sale of any liquor or gross receipts of any entertainment activity allowed within the township.

C. Township Board of Supervisors: The Township Board of Supervisors shall have final authority in all matters of this ordinance.

D. Building Permit/Certificate of Zoning Compliance

1. It is unlawful for any person to commence excavation for or construction of or move any building or structure without obtaining a building permit as set forth in the Winfield Township Fee Schedule, except buildings and structures directly used in connection with agricultural activities.
2. For the purpose of administrating this ordinance, fees shall be instituted by the Board of Township Supervisors, per the attached fee schedule, which may be adjusted at the discretions of the Board of Township Supervisors.

E. Violations and Penalties

Any violation of this ordinance is an offense punishable by a fine not to \$200.00. Each day the violation exists shall constitute a separate offense. Whenever a violation of this ordinance occurs, any person may file a written complaint in regard thereto. All such written complaints shall be filed with the Zoning Administrator who shall investigate such violations and report to the Board of Township Supervisors for appropriate action.

F. Zoning Ordinance

It shall be the duty of the seller to provide the purchaser with an up-to-date copy of this ordinance.

This foregoing ordinance shall be known as "Zoning Ordinance of Winfield Township, Stutsman County, North Dakota". All other zoning ordinances of said Winfield Township are null and void.