WHEATLAND TOWNSHIP
ZONING ORDINANCE

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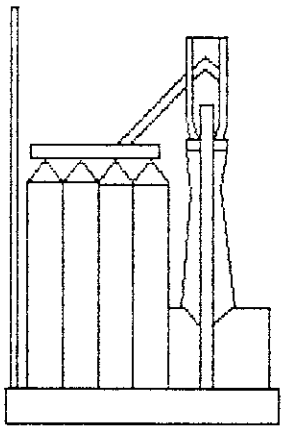

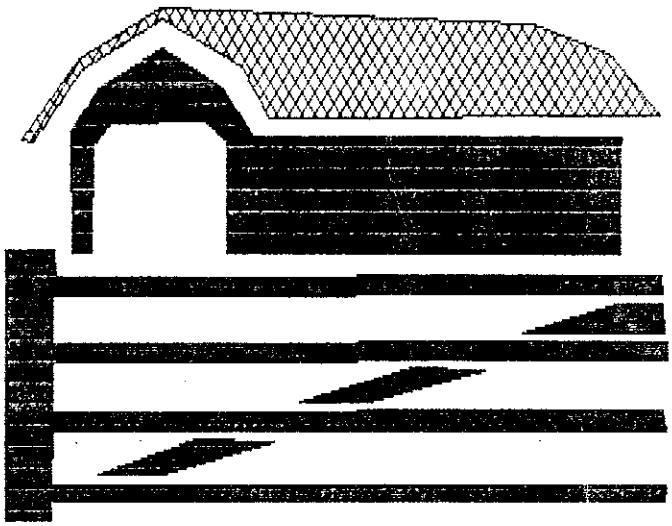

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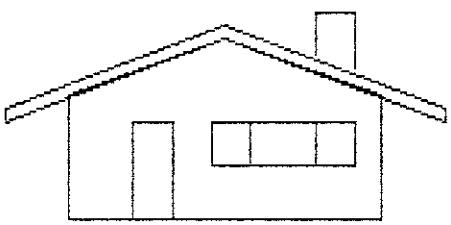


A

RESOLUTION

WHEREAS, the Wheatland Township Board of Supervisors in conjunction with the Wheatland Township Zoning Commission, composed of members from the affected areas, have investigated and determined the necessity of adopting the "Wheatland Township Zoning Ordinance"; and

WHEREAS, after investigation and consultation with the Cass County Planning Department, the Wheatland Township Zoning Commission has prepared a "Wheatland Township Zoning Ordinance" to be submitted herewith to the Wheatland Township Board of Supervisors and filed in the office of the Wheatland Township Clerk and the Cass County Planning Department; and

WHEREAS, after filing of the proposed "Wheatland Township Zoning Ordinance", the Wheatland Township Zoning Commission held a public hearing thereon at which the proposed amendments were submitted for discussion, and parties in interest and citizens had an opportunity to be heard. Notice of the time, place, and purpose of the hearing was published fifteen days prior to the hearing in the official newspaper of the County. Said notice described the nature, scope, and purpose of the proposed rules and regulations, and stated the times at which it would be available to the public for inspection and copying at the office of the Cass County Planning Department; and

WHEREAS, the Wheatland Township Zoning Commission has approved this draft of the "Wheatland Township Zoning Ordinance" and recommends it be adopted by the Wheatland Township Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Wheatland Township Board of Supervisors hereby adopts the "Wheatland Township Zoning Ordiance".

Approved and adopted this 8 day of Dec, 1991.

Larry A. Hoffman
Chairman

ATTEST:

Harry B. Wheeler
Clerk

Article I

Introduction

I. Authority: This ordinance is adopted under the authority granted in Chapter 58-03 of the North Dakota Century Code.

II. Purpose: The purpose of this ordinance is to: 1. Implement the Wheatland Township Comprehensive Plan
2. Promote public health, safety, & general welfare
3. Preserve prime agricultural land and property values
4. Facilitate provision of adequate public facilities
5. Control population density & distribution
6. Secure safety from fire, flood, panic, & other dangers
7. Prevent overcrowding of land.
8. Lessen governmental expenditures
9. Conserve & develop natural resources
10. Regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures; and land for trade, industry, residence, or other purposes.

III. Severability: If any provision or section of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

IV. Repeal: All other ordinances or parts of ordinance of Wheatland Township in conflict with this ordinance are hereby repealed.

V. Title: This ordinance shall be known as "Zoning Ordinance of Wheatland Township".

VI. Effective Date: This ordinance shall become effective after a public hearing adoption by the Wheatland Township Board of Supervisors.

Article II

General Provisions

I. Jurisdiction: The jurisdiction of this ordinance shall include all unincorporated areas of Wheatland Township.

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

III. 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 incidents of agriculture.

IV. Interpretation: In the interpretation and application of this ordinance the provisions of this ordinance shall be held to be the minimum requirements. Where this ordinance imposes a greater restriction than existing law, the provisions of this ordinance shall govern.

V. Non-Conforming Uses:

1. Lawful, non-conforming uses of land or buildings existing at the date of adoption of this ordinance may continue provided no structural alterations except for normal maintenance are made and such non-conforming uses shall not be extended to occupy a greater area of land than occupied at the time of adoption.

2. No building or structure destroyed where a non-conforming use has been discontinued for a period of 1 year or has changed to a permitted use shall again be devoted to a non-conforming use.

3. A non-conforming structure destroyed or damaged less than 50 percent of its fair market value may be reconstructed within 1 year of such casualty. If damaged more than 50 percent of its fair market value, such building shall be reconstructed in conformance to this ordinance.

4. Any junkyard or auto wrecking business existing as a non-conforming use at the time of the adoption of this ordinance shall, within one year after it has become a non-conforming use, shall remove from the lot all vehicles, or parts thereof, which are not holding current registration with the North Dakota Department of Transportation, except one vehicle, or parts of one vehicle, not holding current registration may remain.

VI. Amendments: In accordance with Section 58-03-13 of the North Dakota Century Code, 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 15 days notice of the time and place shall be published in the official newspaper of the county. The description of any land within any zoning district, together with any restriction therein, or any amendment to the zoning ordinance, shall be filed with the Board of Township Supervisors.

VII. Definitions: For the purpose of this ordinance, the following definitions have been adopted:

A. Rules:
1. Words used in the present shall include the future, the singular number shall include the plural.
2. The word "person" includes a firm, partnership, association, corporation, or individual.
3. The word "shall" is mandatory.

B. List of Definitions:
1. Agriculture: The use of land for agricultural purposes, including the necessary building or structures for farm or farm labor use. Agriculture shall include farming, dairying, pasturage, horticulture, animal and poultry husbandry, and accessory uses and buildings for packing, treating, or storing produce, providing accessory uses are secondary to normal agriculture activities.

2. Accessory Use or Accessory Structure: A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use, such as a garage or tool shed.

3. Building: Any structure used for shelter or enclosure of persons, animals, or chattels.

4. Conditional Use: A use conditionally permitted in order to reduce any adverse effects on surrounding property.

5. Dwelling: A building or portion thereof occupied exclusively for residential purposes, but not including mobile recreational vehicles.

6. Dwelling, Farm: A single family dwelling or mobile home located on a farm which is occupied by the farm's owner or person employed thereon.

7. Dwelling, Non-Farm: One and two-family dwellings located on a farm or otherwise of which the occupant does not derive at least 50 percent of his income from agricultural activities.

8. Family: A group of one or more persons occupying a single premise and living as a single housekeeping unit.

9. Farm: Any aggregate area operated by one person, family, partnership, corporation, or joint venture for agriculture or farming purposes.

10. Feedlot, Agricultural: An enclosure for the purpose of feeding poultry or livestock, as an accessory use incidential to a farming operation.

11. Feedlot, Commercial: Any building, structure, enclosure, or premises used, designed, or intended for the commercial feeding of 1,000 or more animal units which is operated as a separate pursuit and not incidential to farming. "Animal unit" is defined under the Rules and Regulations of the North Dakota State Department of Health and Consolidated Laboratories.

12. Home Occupations: Any occupation carried on solely by the occupants of a residence provided: that no more than one room of a dwelling be used for such purposes; no use shall require internal or external alteration or construction; that anything not produced on the premises is sold; and no display of goods or services is visible from the road.

13. Junk Yard: Any land or building used for the storage, sale, or dismantling of obsolete vehicles, junk, and other machinery.

14. Lot: a parcel of land sufficient to provide the yard requirements of the ordinance.

15. Mobile Home: A mobile home is a dwelling unit designed for transportation after construction. A recreational travel trailer is not to be considered a mobile home.

16. Non-Conforming Use: Any structure, land, or building existing at time of adoption or amendment of this ordinance which does not conform to the provisions of the ordinance.

17. Setback: The open space extending the full width of a lot between a building and the centerline of a public road.

18. Structural Alteration: Any change in the supporting members or any substantial change in the roof or exterior walls of a building.

19. Variance: The grant of relief from the requirements of the ordinance where it can be shown that due to unusual conditions of the property, strict application of the ordinance would result in undue hardship.

Article III

District Regulations

I. Establishment of District Regulations: For the purpose of this ordinance, Wheatland Township is zoned into three zoning districts: agricultural, residential, and commercial.

A. Zoning Map - The location and boundaries of the zoning districts are hereby established as shown on the map entitled "Zoning District Map" which accompanies and is hereby made a part of the ordinance.

1. Location of District Boundaries

a) Where the district boundary lines on the Zoning District Map are indicated to follow highway, road, or railroad rights of way, such boundary lines shall be construed to be the centerline of said rights of way unless clearly shown to the contrary.

b) Where any uncertainty exists as to the exact location on the Zoning District boundary line, the Township Board of Supervisors, with a recommendation from the Zoning Commission, shall determine the location of such boundary lines.

II. Agricultural District:

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

B. Permitted Uses: Agriculture and agricultural buildings, including farm dwellings, non-farm dwellings, cemeteries, churches, existing railroad rights of way, home occupations, accessory uses to the permitted uses.

C. Conditional Uses: The following uses may be permitted with conditions as set by the Township Board of Supervisors:

1. Grain elevators and storage facilities

2. Public and parochial schools and other public facilities

3. Public and private conservation areas

4. Parks, recreational facilities, and open space

5. Commercial feed lots

6. High voltage transmission lines and accessory buildings and structures

7. Industrial, municipal, and/or commercial pipelines

8. Radio, television, and/or telephone microwave transmitting stations

9. Community sewage treatment, solid waste disposal, and water treatment facilities

10. Artesian wells

11. Gravel extraction operations

12. Other: Uses not listed but consistent with the stated purpose of this district.

D. Prohibited Uses: All other uses not expressly permitted as of right or on conditions are prohibited from being located within this District.

E. Dimensional Standards:
1. Setbacks: Structures - 150 feet
Windbreaks - As specified by the Township Board of Supervisors

2. Minimum Lot Size: Four Acres (174,240 sq. ft.)

III. Residential District:
A. Purpose: The purpose of the Residential District is to encourage the establishment 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.

B. Permitted Uses:
1. Residential/Single-family dwellings and two-family dwellings.

2. Cultural, Educational and Social - Libraries; kindergartens; public schools of primary and secondary instruction and private schools having curricula for education purposes comparable to those in public elementary schools and high schools; neighborhood day care facilities.

3. Recreational- Publicly owned and operated parks; playgrounds; golf courses, bicycle and pedestrian paths; and other recreational facilities as are compatible with residential neighborhoods.

4. Home for temporary lodging and meals.

C. Conditional Uses:
1. Public - Fire stations; police stations; post offices.

2. Religious - Churches; synagogues; temples; provided they are not located in structures originally constructed as a dwelling unit.

3. Parking lots.

4. Home Occupations.

5. Temporary use of a one family dwelling as a two family dwelling.

D. Permitted Accessory Uses:
1. Private garages and storage buildings.
2. One unregistered vehicle stored outdoors providing it does not constitute a health hazard.
3. Playhouses and fenced swimming pools.
4. Landscaping items.
5. Energy systems associated with residential uses such as solar collectors, wind generators, etc.
6. Nature areas, hiking and riding trails, and wildlife preserves.

E. Prohibited Uses:
1. All other uses not specifically granted as permitted or as conditional uses.

F. Minimum Lot Size and Yard Requirements:
1. Residential Lot Size:
   a. Lot area Required: 40,000 square feet
   b. Lot Width Required: 100 feet for a single-family dwelling and not less than 100 feet for uses other than a single-family dwelling.
   c. Lot Coverage by Buildings: Not more than 25 percent of the area of the lot shall be covered by the main buildings and all accessory buildings and the total ground area covered by accessory buildings shall be equal to or less than the ground floor area of the main building or building
   d. Lot Depth: Minimum depth 120 feet.

2. Yard Requirements:
   a. Front Yards: 50 feet
   b. Building Height Limits: Two and one-half stories, but not exceeding thirty-five feet in height.

c. Side Yards Required: Two side yards, each of the following prescribed width are required: 15 feet
d. Rear Yard Required: A rear yard of the following prescribed depth is required: 35 feet
e. Non-attached Accessory Building Setbacks: shall be a minimum of five feet.

IV. Commercial District:

A. Purpose: To establish and preserve areas for the development of local commercial activity that allows for easy access to transportation facilities but does not create strip or spot commercial development. Some areas of the Commercial District may be affected by the Floodplain Overlay District.

B. Permitted Uses: 1. Agriculture and the normal incidents to agriculture;

2. Retail, General: Animal hospitals, shelters, and veterinary clinics; antique stores; appliance sales and repair stores; bakery outlet; boat, snowmobile and motorcycle sales, service and repair; book stores; carpet stores; commercial film developing and processing; confectioneries; dairy products; dance studios; department stores; drapery stores; drug stores; fabric stores; florists; furniture and home furnishings; general contractors (office only); general merchandise; hardware stores; health food stores; hobby shops; interior decorating; jewelry stores; laundries, including laundromats and dry cleaning stores; liquor stores; luggage stores; mail-order houses; meat markets; music stores; office equipment; optical centers; paint and wallpaper stores; pawn shops; pet shops (excluding kennels); pharmacies; photography stores; plumbing and heating shops (excluding contractor's yards); printing shops; sale of wearing apparel of all kinds; rental establishments; shoe stores; sporting goods; supermarkets; tailor shops; tobacco shops; transportation terminal; travel agencies; variety stores; watch and clock sales and repair.

3. Service, General: Beauty salons; bus and train stations; cable TV distributors; clinics - dental, medical, chiropractic; hotels and motels; insurance office; locksmiths; massage parlors; shoe repair; mortuaries and funeral homes; publishing and bookbinding establishments; radio and television broadcasting studios and offices; realty offices.

4. Agricultural Service Establishments.

5. Automotive Services: Automobile sales, carwashes, service stations, automobile parts and accessories, automotive repair shop (excluding salvage yards); automobile and truck body repair shop; auto glass sales and service, parking garage.

6. Cultural and Educational: Barber and beauty schools; business colleges; cultural centers such as museums, art galleries or community learning resource centers; modeling schools; trade and vocational schools.

7. Entertainment: Billiard parlors; bowling alleys; cocktail lounges; roller skating and similar indoor recreational uses; night clubs; private clubs or lodges; theaters

8. Financial Services: Banks and savings and loans, including drive-in facilities; credit unions, loan agencies; financial planning agencies.

9. Health and Social: Hospitals, health clubs - to include tennis, handball, racquetball, aerobic dance, bodybuilding and weight and diet related facilities.

10. Professional and Business: Business and professional offices.

11. Public/Semi-Public Establishments: Armory; civic centers, city, county, state and federal offices; libraries; parks and playgrounds; police and fire stations; telephone exchange buildings.

12. Religious: Churches; synagogues; temples.

13. Restaurants: Cafes; restaurants, drive-in type restaurants.

14. Parking Lots.

15. Single family residential dwellings

16. Other: Uses not listed but similar to the permitted uses above and consistent with the stated purpose of this district.

C. Conditional Uses: The following uses may be permitted with conditions as set by the Township Board of Supervisors:

1. Dwelling units.

2. Retirement, nursing, rest or convalescent homes.

3. Kennels.

4. Salvage yards.

5. Lumber yards and yard areas containing general contractor's supplies and equipment.

6. Warehouses

7. Agricultural related processing plants provided:

8. Manufacturing of clay and concrete products

9. Repair and storage of heavy equipment and machinery

10. Truck or freight terminal

11. Fuel and bulk storage plants

12. Electrical power generating plants, transmission lines and accessory structures

13. Oil refineries and petrochemical plants

14. Radio, television and microwave towers

15. Other: Uses not listed but consistent with the stated purpose of this district.

D. Accessory Uses:
   1. One unregistered vehicle stored outdoors providing it does not constitute a health hazard.

E. Prohibited Uses: All other uses not expressly permitted as of right or on conditions are prohibited from being located within this District.

F. Minimum Lot Sizes and Yard Requirements:
   1. Lot Size: 40,000 square feet.
   2. Minimal Lot Width: 100 feet
   2. Yard Requirements:
      a. Front Yard: 150 feet
      b. Building Height Limits: Three stories, but not exceeding thirty-five (35) feet.
      c. Side Yards Required: None required except as provided hereafter. When required, the width of each side yard shall be not less than ten percent of the width of the lot, with a maximum required width of eight feet and minimum permissible width of four feet:
         - Two side yards are required for a dwelling and for any building containing any dwelling units.

d. Rear Yard Required: None required except as provided hereafter. When required the depth of the rear yard shall be twenty-five (25) percent of the depth of the lot, with a maximum required depth of thirty (30) feet and a minimum permissible depth of fifteen (15) feet:
- A rear lot is required for a dwelling and for any building containing any dwelling units.

3. Parking Stalls: 4 stall per employee.

Article IV

Certificate Required

I. Certificate of Zoning Compliance: No building or other structure shall be erected, moved, added to or structurally altered without a certificate issued by the Zoning Administrator. No certificate shall be issued except in conformity with the provisions of this Ordinance except after written order from the Township Board of Supervisors.

1. Permitted Use:

A. Applications: All applications for 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 lawfully 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, housekeeping units, 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.

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 canceled 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 canceled certificate shall not proceed unless and until a new certificate has been obtained.

C. Construction and Use to be as Provided in Applications, Plans, and Certificate: Certificates 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. Septic Permit Condition to Certificate: When, for any use, a private sewer system will be used, a septic permit from the Environmental Health Office of the Community Health Dept. of the City of Fargo will be required before any certificate is issued.

2. Conditional Use:

A. Applications: 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 lawfully 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, housekeeping units, 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.

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, the Zoning Ordinance and to protect the public health, safety and welfare.

C. Criteria for Approval: No conditional use shall be granted unless the Township Board finds the following:

1. The use will not create an excessive burden on parks, schools, streets, and other public facilities and

utilities which serve or are proposed to service the area.

2. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land.

3. The structure and site shall have an appearance that will not have any adverse effect upon adjacent residential properties.

4. The use in the opinion of the Township Board is reasonably related to the existing and projected land use of the Township.

5. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

6. 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 hearing, notice of the purpose, time and place of such hearing shall be published in the official newspaper of Cass County.

E. Order a Certificate be Issued: If the Township Board of Supervisors approve the conditional use application, the Board shall order the Zoning Administrator to issue a certificate of zoning compliance.

F. Expiration: Where applicable, unless otherwise specified by the Board at the time it is authorized, a conditional use 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. Construction and Use to be as Provided in Applications, Plans, and Certificate: Certificates issued on the basis of plans and applications approved by the Township Board of Supervisors 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. Septic Permit Condition to Certificate: When, for any use, a private sewer system will be used, a septic permit from the Environmental Health Office of the Community Health Dept. of the City of Fargo will be required before any certificate is issued.

3. Variance: As used in this ordinance, a variance is authorized only for height, area, or size of structures or yards.

A. Application: 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 lawfully 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, housekeeping units, 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.

B. Conditions May Be Imposed: If the Township Board grants the variance, 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, the Zoning 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 circumstances applying to the property in question or to the intended use of the property that do not apply generally to other properties or class 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 Cass County.

E. Order a Certificate be Issued: If the Township Board of Supervisors approve the variance application, the Board shall order the Zoning Administrator to issue a certificate of zoning compliance.

F. Expiration: Where applicable, unless otherwise specified by the 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 a variance of a particular piece of property shall be accepted more than once in any twelve (12) month period.

G. Construction and Use to be as Provided in Applications, Plans, and Certificate: Certificates issued on the basis of plans and applications approved by the Township Board of Supervisors 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. Septic Permit Condition to Certificate: When, for any use, a private sewer system will be used, a septic permit from the Environmental Health Office of the Community Health Dept. of the City of Fargo will be required before any certificate is issued.

Article V

Administration and Enforcement

I. Zoning Administrator: A person shall be appointed by the Township Board of Supervisors to administrate and enforce this ordinance. The person appointed shall be known as the "Zoning Administrator". He 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 certificates,
2. Conduct inspections,
3. Maintain records of the ordinance and applications,
4. Transmit to the Zoning Commission all applications for appeals, variances, conditional use certificates, and all applications for amendments.

II. Zoning Commission: A Zoning Commission shall be appointed with the membership composed of the three Township Supervisors and two persons appointed from the municipality in the Township.

The duties of the Zoning Commission shall be:

1. Recommend the establishment of plans, rules, regulations, and procedures for the purpose of administrating this ordinance.

2. Assist the Zoning Administrator in conducting inspection of land uses and 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.
   A. Procedure:
      i. Any person aggrieved by any order of determination of the Zoning Administrator may within 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.
      ii. Within 30 days of filing, the Zoning Commission shall fix a date for a hearing.
      iii. Notice in writing shall be given to the petitioner at least 5 days prior to the hearing.
      iv. Within 15 days after the hearing, the Zoning Commission shall take action and shall mail by registered mail a copy of its order to the petitioner.
      v. If the petitioner is aggrieved by the determination of the Zoning Commission, the petitioner may

petition the Township Board of Supervisors for a hearing.

vi. The procedure followed by the Zoning Commission shall be followed by the Township Board of Supervisors in hearing the appeal petition.

vii. If the petitioner is aggrieved by the determination of the Township Board of Supervisors, the petitioner may make an appeal to the Cass 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 of this ordinance

5. Review and study from time to time the provisions of this ordinance.

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

IV. Violations: If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure, or land is used, in violation of this ordinance, the Zoning Administrator, Zoning Commissioners, or Township Supervisors, or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceeding as outlined in Section 58-03-14 of the North Dakota Century Code.

V. Fees: For the purpose of administrating this ordinance, fees may be instituted by the Board of Township Supervisors.

Official
Zoning District Map

WHEATLAND

TOWNSHIP 140 N

RANGE 53 W

6	5 SEE ADDITIONAL MAP	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28 SEE	27 ADDITIONAL MAP	26	25
31	32	33	WHEATLAND 34	35	36

NORTH

KEY

Agricultural District

Residential District

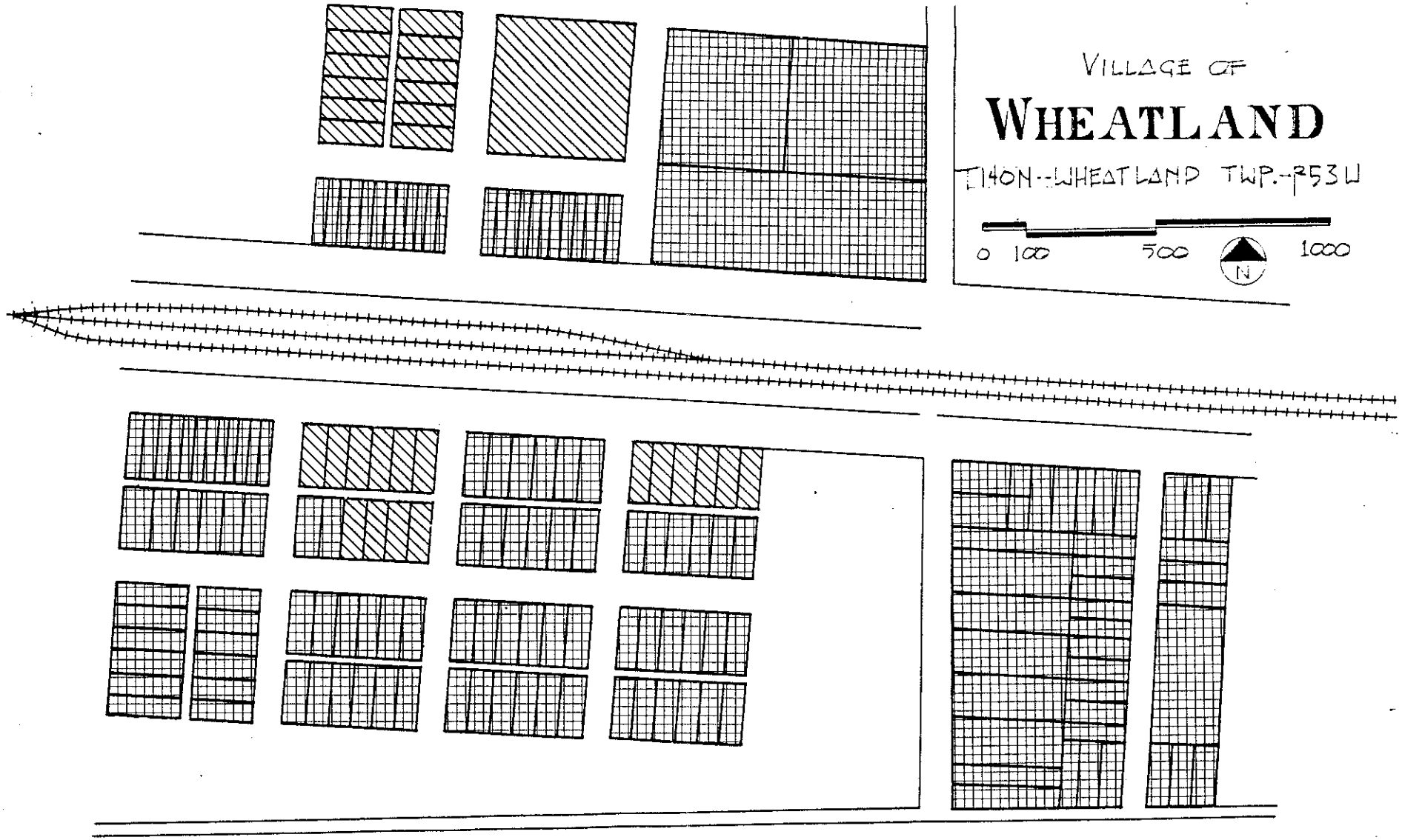
Commercial District

Date Adopted: _____

BY: _____
Chair, Township Board

Amended: _____ _____ _____

_____



ZONING DISTRICTS

- RESIDENTIAL
- COMMERCIAL
- AGRICULTURAL

VILLAGE OF

ABSARAKA

T14ON - WHEATLAND TWP. - R53W

0' 100' 500'

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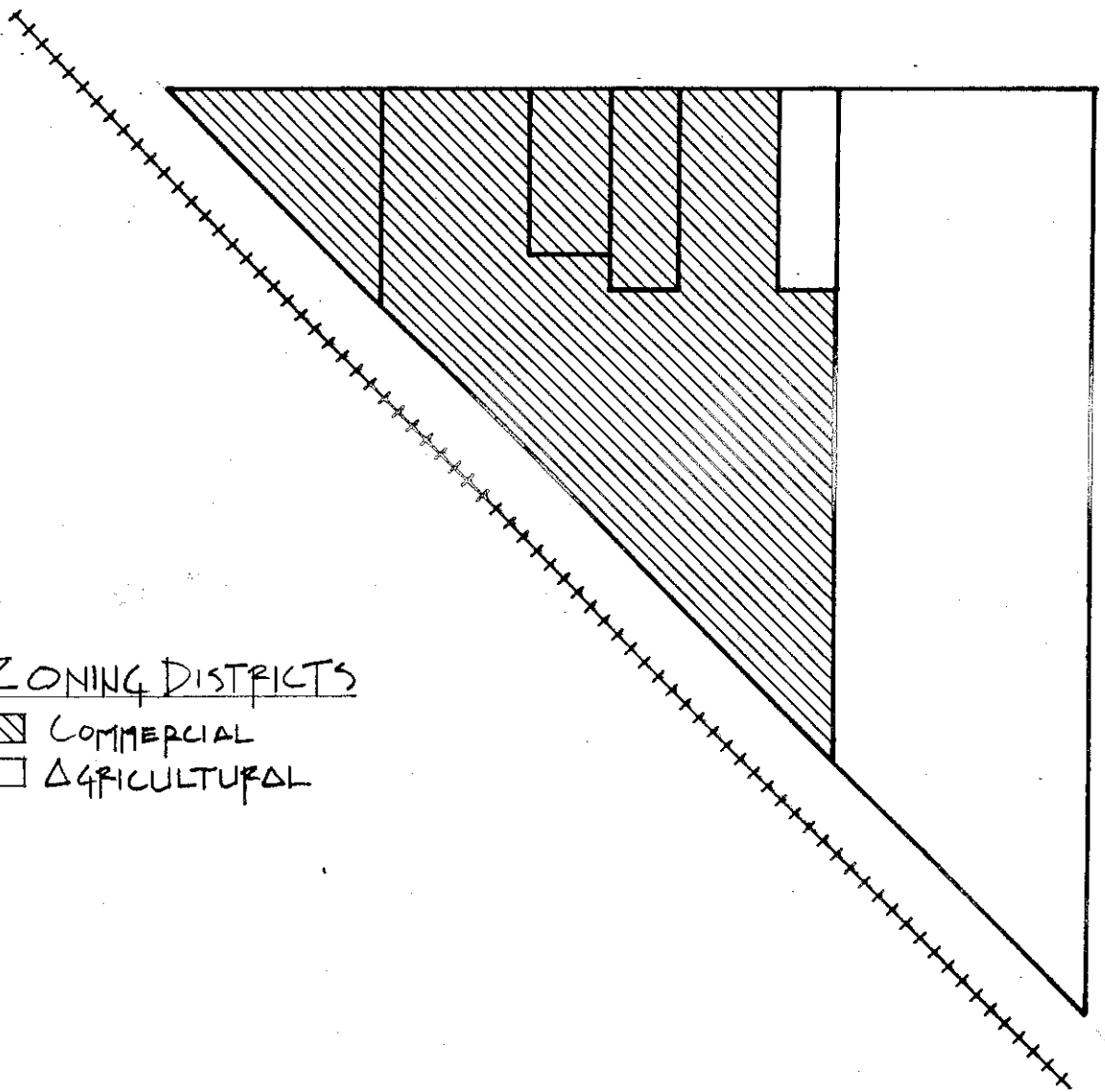

ZONING DISTRICTS

- COMMERCIAL
- AGRICULTURAL