

**LAND
DEVELOPMENT
CODE**

TOWER TOWNSHIP

Cass County

North Dakota

July 1998

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ARTICLE I, INTRODUCTION

1.1 Title

These regulations shall be known, and may be cited and referred to as the Tower Township Land Development Code.

1.2 Purpose and Intent

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

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

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

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

1.3 Authority

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

1.4 Jurisdiction

1.4.1 General

These regulations shall apply to the use and enjoyment of all lands within the Tower Township, Cass County, North Dakota.

1.4.2 Extra Territorial Areas

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

1.5 Interpretation

These regulations shall be held to be minimum requirements adopted for promotion of purposes cited in Section 1.2. Whenever, the requirements of these regulations are at variance with the requirements of other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive shall govern unless otherwise specifically stated.

1.6 Severability

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

1.7 Effective Date

These regulations shall be effective upon adoption by the Tower Township Zoning Commission as provided by the North Dakota Century Code.

1.8 Exceptions

These regulations shall not apply to the use of land and buildings for agriculture as defined herein, except for roads and highways setbacks.

ARTICLE 2, RULES AND DEFINITIONS

2.1 Rules

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

2.1.1 Words used in present tense shall include the future.

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

2.1.3 Shall is a mandatory word and not discretionary.

2.1.4 May is a permissive word.

2.2 Definitions

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

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

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

2.2.4 "Animal Hospital or Kennel" means a building or premises set up for treatment and boarding of domestic animals including veterinary facilities.

2.2.5 "Building" means any structure designed or intended for shelter, housing, business, office, and accommodation of persons, animals, chattels or property.

2.2.6 "Building Area" means that portion of the zoning lot that can be occupied by the principal use, excluding the front, rear and side yards.

2.2.7 "Building Height" means vertical distance from the grade to the highest point of the roof.

2.2.8 "Building Line" means a line establishing the minimum distance that structures may be placed from the lot lines or highway right-of-way. For the purposes of these regulations the building line is the same as setback line.

2.2.9 "Building, Principal" means a building, the principal use of which is single family and multi-family dwellings, and offices, shops, stores and other uses.

2.2.10 "Channel" means a natural or man-made water course for conducting the flowing water.

2.2.11 "Club or Lodge" means a private club or lodge which is a nonprofit association of persons for the purpose of gatherings and entertaining members including consumption of food and beverages.

2.2.12 "Comprehensive Plan" means a guide for management of the physical resources and development of the Tower Township as adopted by the Zoning Commission.

2.2.13 "Conditional Use" means use of a special nature not automatically permitted in a zoning district and which requires review and approval of the Zoning Commission after public hearing.

2.2.14 "Conforming Building or Structure" means a building or structure which complies with all requirements of these regulations and other regulations adopted by the Tower Township.

2.2.15 "Development" means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures, the construction of additions or alternations to buildings or structures, ditching, lagooning, dredging, filling, grading, paving, excavation and drilling operations.

2.2.16 "Development Plan" means a document including maps and data for physical development of an area as provided by these regulations.

2.2.17 "District" means a section or sections of the Tower Township for which regulations governing the use of building and premises, the building heights, size of yards, lot area, lot width and the use are uniform.

2.2.18 "Dwelling" means any building or portion thereof, used exclusively for human habitation including single family and multiple family units but not including hotels or motels.

2.2.19 "Dwelling, Multiple Family" means a single building or portion thereof, containing two (2) or more dwelling units.

2.2.20 "Dwelling, Single Family" means a building containing one dwelling unit only.

2.2.21 "Encroachment" means any fill, building, structure or use including accessory uses projecting into the required yard areas or public and private property.

2.2.22 "Establishment" means a place of business for processing, production, assembly, sales, service of goods and materials.

2.2.23 "Fidelity" means a parcel of land which contains a commercial operation for feeding or raising of 1,000 (one thousand) or more animals which is operated as a separate activity and not incidental to farming.

2.2.24 "Flood Plain" means an area which may be covered by flood water including but not limited to regional floods.

2.2.25 "Frontage" means the front part of a lot abutting a public right-of-way, or road or highway.

2.2.26 "Grade" means the land elevation at the horizontal intersection of the ground and the building.

2.2.27 "Home Occupation" means any occupation carried on in a dwelling unit by a member or members of the family and which meets these requirements:

- (1) That the occupation is conducted within the principal building and not in an accessory building.
- (2) That no stock-in-trade is kept or commodities sold other than those produced on the premises.
- (3) That no more than twenty five percent (25%) of the floor area of the dwelling is devoted to such home occupation.

2.2.28 "Hotel or Motel" means a building in which lodging accommodations, with or without meals are provided for compensation.

2.2.29 "Junk or Salvage Yard" means an open area where waste or scrap material, including parts of used motor vehicles, appliances and farm implements are bought, sold, exchanged, stored, baled, parked, disassembled or handled.

2.2.30 "Kennel, Animal" means any premises where dogs, cats and other household pets are boarded, bred and maintained for compensation.

2.2.31 "Lot" means a piece, parcel, lot or area of land of continuous assemblage established by survey, plat or deed.

2.2.32 "Lot Lines" means the property lines bounding the lot.

2.2.33 "Lot Width" means the horizontal distance between the side lot lines of a lot measured at the front building setback line.

2.2.34 "Lot, Zoning" means a single lot, parcel, tract of land within a zoning district developed or to be developed.

2.2.35 "Mobile Home" means a manufactured housing unit intended for single family residential occupancy to be placed on a permanent foundation. A mobile home shall have a minimum of 1000 square feet of living area, a pitched roof and residential housing appearance.

2.2.36 "Mobile Home Park" means a parcel of land for which a detailed plan indicating the location of lots, blocks, streets, facilities and utilities exists.

2.2.37 "Nonconforming Building" means any building which does not comply with any or all of these regulations.

2.2.38 "Nonconforming Use" means any principal use of land or building which does not comply with any or all of these regulations.

2.2.39 "Nursing Home or Convalescent Home" means a home for the aged or infirm which unrelated persons are accommodated for compensation.

2.2.40 Permitted Uses” means those uses, buildings or structures which comply with the provisions of specific zoning districts because of the similarities in nature and relationship to each other. Permitted uses are distinct from conditional uses that are authorized only if certain requirements of these provisions are met after a public hearing and approval by the Zoning Commission.

2.2.41 “Person” means any individual, firm, corporation, partnership or legal entity.

2.2.42 “Planned Development” means a grouping of buildings and structures on a site of five (5) or more acres in single ownership which is not limited by the yard or building height limitations but is based on a detailed development plan and recorded in the Office of Cass County Register of Deeds upon approval by the Tower Township Zoning Commission.

2.2.43 “Public Roadway or Public Way” means any dedicated and recorded right-of-way including alleys, sidewalks, streets, roads or highways.

2.2.44 “Regional Flood” means a flood determined by the state and Federal Emergency Management Agency which is representative of large floods known to have occurred in Cass County, North Dakota.

2.2.45 “Service Station” means any building or premises where automotive fuels, automotive related services, lubricants, parts, and supplies are made available to the motorist.

2.2.46 “Sign” means any emblem, name, identification, description or illustration which is used for outdoor advertising having permanent location on the ground or attached to or painted on a building including bulletin boards, billboards and poster boards, but excluding real estate for sale signs, political campaign signs, public information and traffic signs.

2.2.47 “Site Plan” means a detailed plan for making improvements to parcel(s) of land for the purpose of building and development as provided in these regulations.

2.2.48 “Structural Alterations” means any change in the supporting elements of a building or structure including bearing elements, partitions, columns, beams, girders, roofs, exterior walls and embankment.

2.2.49 “Structure” means anything constructed or erected, the use of which requires permanent location on the ground including advertising signs and billboards.

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

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

2.2.52 "Zoning Commission" means a body consisting of the three Tower Township Supervisors and appointed members under the authority of Chapter 58-03-13 of the North Dakota Century Code to review the planning issues, prepare plans, review and act on the zoning requests and plats of subdivision, zoning amendments, conditional uses and variances.

ARTICLE 3, GENERAL PROVISIONS

3.1 Compliance

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

3.1.1 Building Height, Lot Area and Yards

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

3.1.2 Substandard Lots

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

3.2 Amendments

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

3.3 Township Plan

These regulations are administered and enforced to implement the Township Plan of the Tower Township, a document adopted by the Zoning Commission as a policy guide for protection of the townships natural resources and accommodating the type of development deemed appropriate including but not

limited to the following objectives.

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

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

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

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

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

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

3.4 Non-conforming Uses

The lawful use of a building or premises existing at the date of adoption of these regulations may be continued. Where a non-conforming use is discontinued for a period of more than twelve consecutive calendar months any subsequent use or occupancy of such premises shall conform to these regulations. Whenever a building is destroyed or damaged by fire or other casualty to the extent of more than sixty percent (60%) of its market value it shall not be restored unless said building shall conform to the provisions of the district in which it is located. Non-conforming uses shall not be expanded to occupy a larger area of land than existed at the date of adoption of these regulations unless approved by the Zoning Commission after a public hearing.

3.5 Land Suitability

No land shall be used for a purpose which is held unsuitable for the reason of flooding, soil limitations, inadequate drainage, incompatibility with adjoining uses or any condition likely to be harmful to the health, safety or the welfare of the people in the area. The Tower Township Zoning Commission may require information and data to determine the land suitability. The Tower Township may consult with Cass County and state agencies to assist in its determination.

3.6 Conditionally Permitted Uses

Where a use is classified as a conditional use under these regulations and exists at the date of adoption of these regulations, it shall be considered a permitted use. Where a use is not allowed as a conditional use or permitted use, under these regulations, and exists at the date of adoption of these

regulations, it shall be considered non-conforming and shall be subject to the non-conforming buildings and use provisions.

3.7 Road and Highway Access

A permit for access to the Tower Township roads is required by the Zoning Commission. There shall be no more than five (5) access points to the adjoining properties including the existing farm and field driveways. The Zoning Commission may place conditions when granting a road access permit. The existing farm driveways and field access points are exempt from these provisions at the time of adoption of this code.

3.8 Road and Highway Setback

All buildings and structures shall be placed at least one hundred (100) feet from all roads and highways rights-of-way. This provision does not apply to the existing buildings and structures which will be non-conforming and subject to the non-conforming provisions of these regulations. No uninterrupted tree belt shall be placed closer than two hundred (200) feet of any right-of-way.

ARTICLE 4, ZONING DISTRICT BOUNDARIES AND MAP

4.1 Zoning Districts

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

4.1.1 A-1 Agricultural District

4.1.2 R-1 Single Family Rural Residential District

4.1.3 R-2 Multi Family Residential District

4.1.4 C-1 Rural Commercial District

4.1.5 I-1 Rural Industrial District

4.1.6 F-1 Flood Plain District Overlay

4.2 Zoning District Map

4.2.1 Zoning Districts

All lands in Tower Township at the time of adoption of these regulations are placed in A-1 Agricultural District. All future zoning district changes shall be shown on a township map(s) clearly delineating the boundaries of each zoning district.

4.2.2 Public Roads and Highways as Boundary

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

4.2.3 Property Line as Boundary

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

4.2.4 District Description for Unsubdivided Lands

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

4.2.5 Vacated Areas

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

4.2.6 Zoning District Boundary Interpretation

Where any uncertainty exists as to the exact location of the zoning district boundary lines, the Zoning Commission shall determine the location of such boundary lines.

4.2.7 Certification

The official zoning map shall bear a certificate with the signature of the Tower Township Board Chairman and certification of the Tower Township Clerk and date of adoption of the zoning map as an integral part of these regulations.

ARTICLE 5, ZONING DISTRICT REGULATIONS

5.1 A-1 Agricultural District

5.1.1 Purpose

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

5.1.2 Permitted Uses

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

5.1.2.2 Accessory buildings and structures.

5.1.2.3 Cemeteries.

5.1.2.4 Churches.

5.1.2.5 Golf courses.

5.1.2.6 Grain elevators and accessory structures.

5.1.2.7 Home occupations.

5.1.2.8 Parks and playgrounds.

5.1.2.9 Mobile homes on five (5) acres or more.

5.1.2.10 Public and private Schools.

5.1.2.11 Public buildings and facilities including Cass County Garages.

5.1.2.12 Single family non-farm residential units on five (5) acres or more.

5.1.2.13 Stock piling of sand and gravel for road construction and maintenance.

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

5.1.2.15 Utility lines and pipe lines including substations for transformers, pumping stations and lift stations.

5.1.2.16 Water reservoirs.

5.1.3 Conditionally Permitted Uses

5.1.3.1 Antique and craft shops.

5.1.3.2 Art studios.

5.1.3.3 Commercially operated air landing strip and accessory buildings.

5.1.3.4 Feed lots subject to provisions, Section 6.8.

5.1.3.5 High voltage transmission lines and accessory structures.

5.1.3.6 Hunting and shooting preserves

5.1.3.7 Manufacturing and processing of agricultural products produced in the area but not including rendering plants and fertilizer plants.

5.1.3.8 Radio, TV stations and towers.

5.1.3.9 Sale and services of agricultural equipment and machinery.

5.1.3.10 Salvage and junk yards subject to provisions of Section 6.5.

5.1.3.11 Sanitary landfills, subject to provisions of Section 6.4.

5.1.3.12 Sewage lagoons and wastewater treatment facilities.

5.1.3.13 Skeet, trap and rifle ranges if not nearer than one thousand (1,000) feet from any residence.

5.1.3.14 Storage of farm related chemicals.

5.1.3.15 Veterinary clinics, animal hospitals and domestic animal kennels not nearer than five hundred (500) feet from any residence except the residence of the owner or operator.

5.1.3.16 Mining of Sand and Gravel Subject to Provisions of Section 6.3.

5.1.4 Lot Area and Lot Width

5.1.4.1 For agricultural uses the area shall not be less than ten (10) acres.

5.1.4.2 For non-farm residential uses the lot area shall not be less than five (5) acres.

5.1.4.3 For non-residential uses the lot area shall not be less than five (5) acres.

5.1.4.4 The lot width for any use in agricultural district shall not be less than two hundred fifty (250) feet.

5.1.5 Yard Requirements

5.1.5.1 The minimum front yard, measured from the front lot line shall not be less than one hundred (100) feet for all properties fronting public rights-of-way. No uninterrupted tree belt shall be placed closer than two hundred (200) feet of any public right-of-way.

5.1.5.2 The minimum rear yard, measured from the rear lot line shall not be less than fifty (50) feet.

5.1.5.3 The minimum side yard, measured from the side lot line shall not be less than fifty (50) feet.

5.1.6 Building Height

5.1.6.1 The building height for residential buildings shall not exceed two and one half stories or thirty five (35) feet except for farm buildings and structures.

5.1.6.2 The building heights for manufacturing of agricultural products shall be determined by the Tower Township Zoning Commission.

5.1.6.3 The building height, excepting the radio and TV towers and church steeples for all other uses shall not exceed thirty five (35) feet.

5.1.7 Parking Requirements

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

5.1.8 Sign Requirements

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

5.2 R-1 Single Family Rural Residential District

5.2.1 Purpose

The R-1 single family rural residential district is primarily established to promote a suitable residential rural environment and to accommodate low density detached single family residential units uninterrupted by conflicting uses and incompatible activities.

5.2.2 Permitted Uses

- 5.2.2.1** Single family detached dwellings and mobile homes.
- 5.2.2.2** Churches, schools and Tower Township related facilities.
- 5.2.2.3** Neighborhood playgrounds and open spaces.
- 5.2.2.4** Accessory buildings and structures.
- 5.2.2.5** Home occupation.
- 5.2.2.6** Day care facilities subject to the requirements of the North Dakota State Department of Health and Consolidated Laboratories

5.2.3 Conditional Uses

- 5.2.3.1** Public facilities including parks, public water and sewerage systems, and golf courses except miniature courses or driving ranges operated for commercial purposes.
- 5.2.3.2** Multi family dwelling units not exceeding four (4) units provided that public water and sewer are available.
- 5.2.3.3** Mobile home parks, where public water and sewer is available, with the following requirements may be permitted.
 - (1) A site plan showing location of streets, utilities, off-street parking, driveways walkways blocks, lots, playground and park area.
 - (2) The mobile home park shall contain a minimum of five (5) acres of land
 - (3) The maximum number of mobile homes shall be six (6) units per gross acre.

- (4) Each mobile home shall be placed on a lot at least fifty (50) feet wide with a minimum area of five thousand (5,000) square feet.
- (5) Each unit shall be placed on a stand and anchored to provide a firm foundation and prevent accidental movement or overturning.
- (6) Each unit shall have a minimum setback of twenty (20) feet within the parks and one hundred (100) feet from the all public rights-of way.
- (7) Each unit shall have a minimum side yard of ten (10) feet within the park and one hundred feet from all public rights-of way.
- (8) The design and construction of the private streets within the park shall be approved by the Tower Township Zoning Commission.
- (9) All units shall be served by underground utilities unless waived by the Zoning Commission.
- (10) There shall be two (2) off-street parking spaces per unit.

5.2.3.4 Water reservoirs, water storage tanks, and water pumping stations.

5.2.4 Lot Area and Lot Width

5.2.4.1 A lot shall contain no less than five (5) acres for single family uses without public sewer.

5.2.4.2 Where public sewer is available, the minimum lot area shall be eleven thousand (11,000) square feet.

5.2.4.3 For multi family uses, there shall five thousand (5,000) square feet per unit provided that public sewer is available. No multi family units are permitted if no public sewer service available.

5.2.4.4 The minimum lot width shall be seventy five (75) feet where public sewer is available and two hundred fifty (250) feet where public sewer is not available.

5.2.5 Yard Requirements

5.2.5.1 The minimum front yard, measured from the front lot line, shall one hundred (100) feet from all public rights-of-way. The lots located in the extra territorial areas, if served by public sewer shall conform to the setback requirements of the respective city.

5.2.5.2 The minimum rear yard, measured from the rear lot line, shall not be less than fifty (50) feet.

5.2.5.3 The minimum side yard, measured from the side lot line, shall not be less than ten (10) feet on each side of a lot.

5.2.6 Building Height

No building shall be more than two and one half (2 1/2) stories or thirty five (35) feet high except farm buildings and church steeples.

5.2.7 Parking Requirements

5.2.7.1 There shall be a minimum of two (2) off-street parking spaces provided for each residential dwelling unit.

5.2.7.2 The parking needs for the conditionally permitted uses and non-residential uses shall be subject to requirements of Section 6.1.

5.2.8 Sign Requirements

Signs shall not obstruct access to the properties, nor impair the site vision.

5.2.8.1 There shall be no more than one identification sign per residential dwelling structure not exceeding twenty five (25) square feet in area. The sign may be wall, pedestal, ground or projecting type but it shall not project into the public right-of-way or public property.

5.2.8.2 Temporary signs including "For Sale", "For Rent", political campaign signs greeting signs and really signs are permitted.

5.2.8.3 For non-residential uses, the provisions of Section 6.2 shall apply.

5.3 R-2 Multi Family Residential District

5.3.1 Purpose

The R-2 multi family residential district, for areas served by public water and sewer, is primarily established to promote a suitable residential environment and to accommodate multi family density residential uses in the extra territorial areas.

5.3.2 Permitted Uses

5.3.2.1 Single family detached dwelling units and mobile homes.

5.3.2.2 Multi-family dwelling units.

5.3.2.3 Churches.

5.3.2.4 Day care facilities.

5.3.2.5 Home occupation.

5.3.2.6 Accessory buildings and structures.

5.3.2.7 Neighborhood playgrounds and open spaces.

5.3.2.8 Mobile home parks subject to the provisions of Section 5.2.3.3.

5.3.2.9 Nursing homes and adult day care facilities where public water and sewer is available.

5.3.2.10 Public and private schools.

5.3.2.11 Public buildings and facilities including town halls, golf courses, athletic facilities and parks and playgrounds.

5.3.3 Conditional Uses

5.3.3.1 Animal hospitals, veterinary clinics and kennels.

5.3.3.2 Bed and breakfast establishments.

5.3.3.3 Public and private utilities and structures including waste water treatment facilities, sewage lagoons, overhead and underground wires and pipelines.

5.3.4 Lot Area and Lot Width

5.3.4.1 A lot shall not be less than eleven thousand (11,000) square feet of area for single family uses and twenty thousand (20,000) square feet for multi family uses, if public sewer is available.

5.3.4.2 For non-residential uses, the minimum lot area shall be twenty thousand (20,000) square feet provided that public sewer is available.

5.3.4.3 For non-residential uses where the public sewer is not available the minimum lot area shall be five (5) acres.

5.3.4.4 The minimum lot width shall not be less than seventy five (75) feet for single family residential units, one hundred (100) feet for multi family units and one hundred (100) feet for non-residential uses.

5.3.5 Yard Requirements

5.3.5.1 The minimum front yard, measured from the front lot line, shall not be less than one hundred (100) feet from all public rights-of-way. For lots in the extra territorial areas, the setback requirements of the respective city shall apply.

5.3.5.2 The minimum rear yard, measured from the rear lot line, shall not be less than fifty (50) feet.

5.3.5.3 The minimum side yard, measured from the side lot line, shall not be less than ten (10) feet on each side.

5.3.6 Building Height

No building shall be more than two and one half (2 1/2) stories or thirty five (35) feet high excepting church steeples.

5.3.7 Parking Requirements

5.3.7.1 There shall be a minimum of two (2) off-street parking spaces provided for each residential dwelling unit.

5.3.7.2 For the non-residential uses the provisions of Section 6.1 shall apply.

5.3.8 Sign Requirements

5.3.8.1 There shall be no more than one identification sign per residential dwelling structure not exceeding twenty five (25) square feet in area. The sign may be wall, pedestal, ground or projecting type but it shall not project into the public right-of-way or public property.

5.3.8.2 Temporary signs including "For Sale", "For Rent", political campaign signs, greeting signs and rally signs are permitted.

5.3.8.3 For non-residential uses the provisions of Section 6.2 shall apply.

5.4 C-1 Rural Commercial District

5.4.1 Purpose

The C-1 rural commercial district is primarily established to accommodate those uses compatible with the agricultural uses which are commercial in nature but yet necessary to the agricultural uses and related rural uses. These uses, however, shall not adversely affect the agricultural activities from the stand point of noise, traffic, parking and odor nor be affected by the activities incidental to farming operation. All uses in the rural commercial district shall be served by public water and sewer.

5.4.2 Permitted Uses

5.4.2.1 Accessory uses.

5.4.2.2 Advertising signs and billboards.

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

5.4.2.4 Antique shops, art galleries and museums.

5.4.2.5 Automobile accessory stores and automobile dealerships.

5.4.2.6 Banks and financial institutions.

5.4.2.7 Boarding and rooming houses.

5.4.2.8 Fraternal and philanthropic organizations.

5.4.2.9 Funeral homes.

5.4.2.10 Hospitals and clinics.

5.4.2.11 Hotels and motels.

5.4.2.12 Multiple family dwelling units where public water and sewer is available.

5.4.2.13 Professional offices for businesses and services without limitation.

5.4.2.14 Radio and TV stations and recording studios but not the towers, dishes and major accessories.

5.4.2.15 Restaurants including all types of eating and drinking establishments.

5.4.2.16 Retail stores of all types including but not limited to food, drug, clothing, parts, materials and the like, excepting department stores and variety stores.

5.4.2.17 Schools, public and private.

5.4.3 Conditional Uses

5.4.3.1 Drive-in establishments.

5.4.3.2 Contractor's yards and operation.

5.4.3.3 Garages for repair and service of passenger motor vehicles.

5.4.3.4 Processing and packaging of materials with less than ten (10) employees.

5.4.3.5 Storage facilities for rent.

5.4.3.6 Storage and sale of chemicals, explosives and the like.

5.4.3.7 Truck stops.

5.4.3.8 Variety stores and department stores.

5.4.3.9 Warehouses and wholesaling distributorships.

5.4.4 Lot Area and Lot Width

5.4.4.1 The minimum lot area for C-1 district shall be five (5) acres.

5.4.4.2 The minimum lot width for C-1 district shall be two hundred and fifty (250) feet.

5.4.4.3 All commercial uses shall be served by public water and sewer except for uses operated by members of the family with no more than three (3) outside employees.

5.4.5 Lot Coverage

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

5.4.6 Yard Requirements

5.4.6.1 The minimum front building line, measured from the front lot line, shall be one hundred (100) feet for properties fronting all public rights-of-way.

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

5.4.6.3 The minimum side building line, measured from the interior side of the lot shall not be less than ten (10) feet. The minimum side building line for exterior lots measured from other rights-of-way shall not be less than one hundred (100) feet.

5.4.7 Building Height

The building height requirements in C-1 district shall not be more than thirty five (35) feet excepting farm related buildings and communication towers.

5.4.8 Parking Requirements

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

5.4.8.2 For parking in C-1 district the provisions of Section 6.1 shall apply.

5.4.9 Sign Requirements

For signs in C-1 district the provisions of Section 6.2 shall apply.

5.5 I-1 Rural Industrial District

5.5.1 Purpose

The I-1 rural industrial district is primarily established to accommodate industrial uses and facilities appropriate to the rural areas. It is planned to encourage grouping of related industrial uses for preventing intrusion on other uses specifically agriculture and to maintain an orderly, functional and efficient industrial land use system.

5.5.2 Permitted Uses

5.5.2.1 Accessory uses.

5.5.2.2 Agricultural chemical production and storage.

5.5.2.3 Any industrial or manufacturing operation provided that: (1) dust, fumes, odors, smoke, vapor, noise, lights and vibration shall be confined to indoors and: (2) outdoor storage, equipment and refuse areas shall be concealed from view abutting rights-of-way.

5.5.2.4 Any production, processing and treatment of products such as battery and tire service, concrete and asphalt products, dairy processing, bottling works, ice and cold storage plants, machine and sheet metal shops provided that all operations be conducted entirely in enclosed buildings.

5.5.2.5 Building material and supply establishments.

5.5.2.6 Contractors yards and construction shops.

5.5.2.7 Feed and seed stores.

5.5.2.8 Frozen food lockers.

5.5.2.9 Electric power production and substations.

5.5.2.10 Fuel sales establishment including bottle gas.

5.5.2.11 Public utility buildings including water and waste water facilities and accessories.

5.5.2.12 Radar stations and towers.

5.5.2.13 Radio and TV stations and studios.

5.5.2.14 Storage and warehousing establishments.

5.5.2.15 Wholesaling establishments.

5.5.3 Conditional Uses

5.5.3.1 Local and regional sanitary landfills, compost sites and incinerators, but not closer than one half (1/2) mile from residential dwelling units.

5.5.3.2 Sand and gravel operation, but not closer than one thousand (1,000) feet from residential dwelling units.

5.5.3.3 Salvage or junk yards, but not closer than one half (1/2) mile from residential dwelling units.

5.5.4 Lot Area and Lot Width

5.5.4.1 The minimum lot area for I-1 district shall be five (5) acres.

5.5.4.2 The minimum lot width for I-1 district shall be two hundred (200) feet.

5.5.4.3 All industrial uses permitted under these provisions shall be served by public water and sewer excepting the conditional uses in Section 5.5.3.

5.5.5 Lot Coverage

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

5.5.6 Yard Requirements

5.5.6.1 The minimum setback from all rights-of-way, shall be one hundred (100) feet.

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

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

5.5.7 Building Height

The building height requirement in I-1 district shall not be more than sixty (60) feet, excepting the television and radio towers and farm buildings.

5.5.8 Parking Requirements

5.5.8.1 For industrial uses there shall be one off street parking space for every two (2) employees.

5.5.8.2 Additional spaces shall be provided to accommodate trucks and other related motor vehicles.

5.5.8.3 For non-industrial uses the provisions of Section 6.1 shall apply.

5.5.9 Sign Requirements

For signs in I-1 district the provisions of Section 6.2 shall apply.

5.6 F-1 Flood Plain District Overlay

5.6.1 Applicability

The F-1 flood plain district consists of the lands which have been or may be covered by flood water as delineated on the maps for the Cass County and the Tower Township prepared by the Federal Emergency Management Agency for administration of the National Flood Insurance Program or other maps and information provided by the state of North Dakota. The delineated areas as flood plain shall be an overlay for all zoning districts.

5.6.2 Purpose

The F-1 flood plain district is primarily established to designate those areas which need to accommodate the run-off water and to protect life, public and private property from the adverse effects of flooding by preventing development on the lands prone to flooding.

5.6.3 Permitted Uses

5.6.3.1 Agricultural uses including general farming, pasture, grazing and related uses provided that the buildings and structures for human habitation are flood proofed.

5.6.3.2 Non-structural uses including ponding of run-off water and treated waste water.

5.6.3.3 Public utilities including railroads, roads and highways, channels, and pipelines.

5.6.3.4 Outdoor recreational uses including, golf courses, bicycle trails, picnic areas and boat launching ramps.

5.6.4 Conditional Uses

Temporary buildings and structures not related to flood control and farming such as stands, fences, shelters, signs and temporary parking.

5.6.5 Building Height

No building shall be more than thirty five (35) feet high excepting farm buildings and structures and communication relay towers.

5.6.6 Sign Requirements

For signs in F-1 district the provisions of Section 6.2 shall apply.

ARTICLE 6, SPECIAL PROVISIONS

6.1 Off-Street Parking

6.1.1 Purpose

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

6.1.1.1 Increase the safety and capacity of public roads by requiring off-street parking or loading facilities.

6.1.1.2 Minimize adverse effects of off-street parking and off-street loading facilities on the adjacent properties.

6.1.1.3 Lessen congestion and preventing the overtaxing of public roads by regulating the location and capacity of off-street parking or off-street loading facilities.

6.1.2 General Requirements

6.1.2.1 An off-street automobile parking space shall be at least nine (9) feet wide and twenty (20) feet long, exclusive of access drives or ramps.

6.1.2.2 All open off-street parking areas with four (4) or more spaces and all loading berths shall be:

(1) improved with all weather surface to provide a durable and firm surface;

(2) graded to dispose of all surface water run-off but not be diverted to adjoining properties.

6.1.3 Special Requirements

6.1.3.1 No building shall be erected or enlarged without meeting the following parking requirements.

(1) Business; professional or public office building, studio, bank, medical or dental clinics, three (3) parking spaces plus one additional space for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.

(2) Hotels and motels; one parking space for each room plus one space for each two hundred (200) square feet of eating and drinking establishments or restaurants.

(3) Private club or lodge; one parking space for each two hundred (200) square feet of service area.

(4) Restaurant, eating and drinking establishment; one parking space for each one hundred (100) square feet of floor area.

6.2 Signs

6.2.1 Purpose

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

6.2.2 General Requirements

6.2.2.1 No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered without obtaining a permit from the Tower Township Code Administrator.

6.2.2.2 Signs shall not be permitted within three hundred (300) feet of any road crossing which is measured from the point of intersection of the road center lines. For state and federal highways the state and federal sign requirements shall apply.

6.2.2.3 Directory signs shall not be larger than twenty five (25) square feet in area for permitted uses.

6.2.2.4 Directory signs for conditional uses shall not be larger than forty (40) square feet.

6.2.2.5 Advertising signs shall not be larger than ninety six (96) square feet.

6.2.3 Special Requirements

6.2.3.1 Signs in the residential districts shall be limited to:

- (1) One sign per dwelling structure not exceeding twenty five (25) square feet in area which may be wall, pedestal, ground or projecting type.
- (2) One temporary sign such as "For Sale", "For Rent", not exceeding twenty five (25) square feet in area.

6.2.3.2 Signs in the C-1 and I-1 commercial districts shall be limited to:

- (1) One general identification sign per business not exceeding fifty (50) square feet in area which may be wall, pedestal, ground or projecting type.
- (2) Temporary signs including "For Sale", "For Rent", political campaign signs, greeting signs and rally signs not exceeding fifty (50) square feet in area.
- (3) Directory and advertising signs in A-1, C-1 and I-1 districts shall not be larger than ninety six (96) square feet and not placed closer than six hundred (600) feet apart.

6.3 Mining of Sand and Gravel

6.3.1 Purpose

The purpose of these provisions is to provide for mining and extraction of sand and gravel for commercial uses, and to protect and preserve agricultural land by guiding such operations, and to minimize the traffic, noise, dust, fume and vibration impact on the adjoining uses and the road network.

6.3.2 Site Approval Requirements

All sand and gravel mining, excavation site require approval by the Tower Township Zoning Commission, excepting those related to farming and Tower Township road maintenance.

6.3.3 Data Submission Requirements

- 6.3.3.1** A site plan for operation and reclamation of the mined land including maps showing location of the land to be mined, location of roads and points of access to the site, maps showing the existing and proposed contours after the land is

mined and a time table for operation of the site.

6.3.3.2 A guarantee that the reclamation of the site be completed within one year of the closure of the operation of the site.

6.3.3.3 Proof of compatibility with the existing land form including the vegetation, surface and ground water resources.

6.3.4 Proximity to Existing Uses

The operation of sand and gravel sites shall not be nearer than one thousand (1,000) feet from any residential uses or non-residential uses.

6.3.5 Permit Requirements

Any person who operates a sand and gravel operation shall obtain a permit from Tower Township before resuming any mining or excavation of sand and gravel.

6.4 Sanitary Landfills and Solid Waste Sites

6.4.1 Compliance with North Dakota State Laws and Rules

Any person who operates sanitary landfills or solid waste sites shall comply with all North Dakota state laws and administrative rules set forth by the state agencies.

6.4.2 Compliance with Cass County Ordinances and Procedures

Where a Cass County solid waste ordinance exists, any person who operates a sanitary landfill or solid waste site shall comply with the Cass County Ordinance, rules and procedures.

6.4.3 Tower Township Ordinance and Procedures

The Tower Township hereby adopts solid waste provisions, subject to the provisions of NDCC 11-33-20, to assure meeting the purposes of these regulations and the Tower Township Plan.

6.4.4 Purpose

The purpose of these provisions is to protect public health, ground and surface water, conflict with present land uses and preservation and protection of natural resources in the Tower Township.

6.4.5 Site Approval Requirements

All solid waste sites require approval by the Tower Township Zoning Commission.

6.4.6 Locational Standards

6.4.6.1 No landfill, incinerator shall be located within one half mile (1/2 mile) of residential uses or commercial buildings and structures.

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

6.4.6.3 No landfill operation shall be located nearer than two hundred (200) feet of all road and highway rights-of-way.

6.4.7 Data Submission Requirements

6.4.7.1 Maps of the area showing existing features such as roads, highways, vegetation cover, water courses, drainage way, soils, topography, depth of water table, wet lands, sloughs, existing uses, buildings and structures including the existing utility lines.

6.4.7.2 A plan for operation of the site including a descriptive text explaining consistency or inconsistency with the natural or man made environment.

6.4.7.3 Records of data and information submitted to the State of North Dakota appropriate agencies and the Cass County as a part of application for state and Cass County permits.

6.4.7.4 The Zoning Commission may require additional information if it deems it necessary.

6.4.8 Statement of Findings

Upon the public notification and a public hearing the Zoning Commission shall determine whether the proposed site meets the requirements of these regulations. The Zoning Commission may place conditions for approval of the site.

6.5 Junk or Salvage Yards

6.5.1 Purpose

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

6.5.2 Site Approval Requirements

All sites for salvage and junk yards require approval by the Tower Township Zoning Commission.

6.5.3 Locational Standards

6.5.3.1 No salvage or junk yard shall be located within one half mile (1/2 mile) of a residential district or commercial buildings and structures.

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

6.5.3.3 No salvage or junk yard shall be located closer than two hundred (200) feet of all public rights-of-way.

6.5.3.4 All salvage yards and operations shall be screened by non-see-through fencing material from the public view unless the salvage material is placed five hundred (500) feet away from any public right-of-way and screened by natural vegetation, buildings and land form.

6.6 Utilities

6.6.1 Purpose

The purpose of these provisions is to encourage orderly development of utilities in relationship to the agricultural and non-agricultural uses and to provide for the safety of the Tower Township residents.

6.6.2 General Requirements

6.6.2.1 The utilities include but not limited to electric power, electrical transmission lines, electrical towers and substations, natural gas pipelines, the petroleum product pipelines, water and sewer lines, telephone lines sand other above ground or underground communication and energy transfer lines and pipelines.

6.6.2.2 All new utility lines and pipelines require a permit from the Zoning Commission after a public hearing.

6.6.2.3 All new utility lines and pipelines are considered conditional uses and shall conform to the provisions of Section 11.2, Conditional Use Permit, of these regulations.

6.6.2.4 All pipelines, natural gas, petroleum pipelines and other energy transfer lines shall be placed deep enough in the ground so as to not interfere with or become hazardous to normal farming operations.

6.6.2.5 Excavation for tunneling of any pipelines under roads, farm drains, group drains and local drains shall be done by the company owning or leasing said pipelines and the cost of said excavation and damages to be born by the said company.

6.7 Public Wildlife Management Areas

6.7.1 Purpose

These provisions are designed to address the need for Public Wildlife Management Areas and at the same time preserve and protect the interest of the Tower Township for its tax base and investment in construction and maintenance of public roads.

6.7.2 General Requirements

6.7.2.1 All publicly owned wildlife management areas established after adoption of these regulations require a conditional use permit subject to the provisions of Section 11.2.

6.7.2.2 If the area is leased for this purpose, the public agency is required to provide the following as a part of the petition for a conditional use permit:

(1) A road maintenance agreement specifying duties and responsibilities of the owner/lessee for access and through roads

(2) Duties and responsibilities of the owner/lessee for the control of noxious weeds in the wildlife management area.

6.7.2.3 If the land is purchased by a public agency for such a purpose, the public agency shall arrange for compensating the Tower Township for the loss of the property tax at least equal to the ongoing property taxes.

6.7.2.4 When a Tower Township road provides access to the wildlife management area, a road maintenance agreement specifying the duties and responsibilities of the public agency shall be a part of the conditional use permit.

6.8 Feed Lots

6.8.1 Purpose

These regulations are designed to allow feed lots for feeding of livestock, fur bearers and poultry at the same time protect the adjoining uses against odor, run off and other incompatible characteristics associated with feed lots.

6.8.2 General Requirement

6.8.2.1 All feed lots as defined by these regulations are only permitted as conditional uses subject to the provisions of Section 11.2 and the requirements of the North Dakota Health Department.

6.8.2.2 All feed lots shall be designed and constructed with all reasonable preventive measures to avoid surface run-off including construction of sealed collection and retention ponds.

6.8.2.3 Where appropriate, there shall be sufficient drainage to avoid pollution of the ground water from the standing effluents.

6.8.2.4 Feed lots shall not be placed in the floodplains.

6.8.2.5 The applicant, as a part of site approval application shall submit a plan for removal and disposal of the liquid and solid waste generated by the feed lot.

6.8.2.6 No feed lot shall be located closer than one mile from a residential development in the unincorporated area or corporate limits of a town.

ARTICLE 7, LAND SUBDIVISION

7.1 Preliminary Plat

The preliminary plat shall be prepared by a registered land surveyor and shall be submitted to the Zoning Commission for review and approval. The preliminary plat shall cover the entire contiguous area owned or controlled by the subdivider if it is under twenty (20) acres even though only a small portion of it is proposed for the development at the time. The subdivider may be required to submit a development plan if he owns or controls more than forty (40)

contiguous acres of land.

7.1.1 Preliminary Plat Content

The preliminary plat shall include the following requirements, data and information.

(1) The preliminary plat drawn at a scale of not smaller than 1" = 100'.

(2) Name and location of the subdivision.

(3) Date, graphic scale and north point.

(4) Boundary line of the proposed subdivision indicated by a solid heavy line, accurately drawn to scale and showing distances and bearings.

(5) Total acreage within the subdivision.

(6) Location, right-of-way width and names of any existing or proposed streets including type and width of surfacing or public ways, easement, railroad, utility rights-of-way, parks and other public open spaces, permanent buildings or structures, corporate boundaries and section lines within or adjacent to the subdivision.

(7) Location of existing property lines, buildings, drives, streams, water courses, wooded areas and drainage ways.

(8) Existing water mains and sanitary sewers (if applicable), culverts, bridges and other utility structures within the tracts, indicating pipe size, grades and location as obtained from public records.

(9) Existing zoning of the proposed subdivision and the zoning of the adjacent tracts of land.

(10) Boundary line of adjacent tracts of land or lots showing owners' name.

(11) Contour at vertical intervals of not more than two (2) feet.

(12) Location and dimension of any site to be reserved or dedicated for public uses including drainage ways, parks and open spaces.

(13) Layout of the proposed streets, alleys, cross walks and easements, showing widths and street names.

(14) Lay out, number and dimensions of all lots and blocks.

(15) Parcels of land intended to be dedicated or reserved for public use or set aside for the use of property owners within the subdivision.

(16) Building setback lines, showing dimensions.

7.1.2 Preliminary Plat Submission Requirements

(1) The subdivider shall apply on appropriate forms provided by the Tower Township Code Administrator at least fifteen (15) days prior to its regularly scheduled meeting.

(2) The subdivider shall submit two (2) prints of the preliminary plat to the Code Administrator at the time the application is made. The plat shall comply with the provisions of this ordinance.

(3) The subdivider may submit any instrument whereby he/she proposes to regulate land use in the subdivision for protecting the proposed development.

(4) The subdivider shall provide other data related to drainage, soil suitability, financing of improvement and other related information which the Zoning Commission requests.

7.1.3 Development Plan

Where a development plan is required for a tract of land, the following shall be included in the plan.

(1) Location of existing property lines, buildings, drives, streams, wooded areas and other significant natural features.

(2) General layout of proposed streets and location of blocks for designated uses.

(3) Location of open spaces and facilities for public uses.

(4) Existing drainage pattern based on the available topographic information from the U. S. Geological Survey Maps and other similar information.

(5) The development plan shall be drawn at a scale of at least one inch equaling four hundred (400) feet.

(6) The Zoning Commission may require other information as a part of the development plan.

7.1.4 Review Process

(1) The Zoning Commission shall review the preliminary plat and decide to give approval, approval with conditions or denial of the preliminary plat. The Zoning Commission may require additional information before it takes action.

(2) The conditional approval of a preliminary plat shall clearly state the nature and extent of the conditions which shall be met before a final plat is submitted for review and approval. Tentative approval of a preliminary plat by the Zoning Commission is not an acceptance of a subdivision plat, but is an expression of approval of a general plat as a guide to preparation of a subdivision for final plat review and approval.

(3) The Zoning Commission may require the subdivider to submit a revised preliminary plat before the subdivider proceeds with the preparation of the final plat.

(4) Approval of the preliminary plat shall be effective for a period of two (2) years within which a final plat shall be prepared. If the final plat is not submitted within this time period, the Zoning Commission may require the subdivider to resubmit the preliminary plat for review and approval, unless the developer had provided a detailed time table for the preparation of the final plat(s).

7.2 Final Plat

The final plat shall cover the area which is realistically designated for transfer or sale of lots.

7.2.1 Final Plat Content

The final plat shall conform to all provisions of this ordinance and conditions set forth by the Zoning Commission.

(1) Name of subdivision and date of tentative approval by the Zoning Commission.

(2) Location by section, township and range, or other legal description.

(3) Names of owners and surveyor or other professional person preparing the plat.

(4) Scale of one inch equal to one hundred (100) feet or less.

(5) Date, graphic scale and north point.

(6) Boundary line of subdivision based on an accurate traverse, showing distances and bearings.

(7) Exact location, width and name of all streets within and adjoining the subdivision, and the exact location of all alleys and crosswalks.

(8) True bearing and distances to the nearest established street lines or official monuments which shall be accurately described on the plat.

(9) City, township, county or section lines accurately tied to the boundary lines of the subdivision by bearing and distance.

(10) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.

(11) All easements for rights-of-way provided for public services and public utilities.

(12) All lot number and lot lines, with accurate dimensions in feet and hundredths.

(13) Accurate location of all monuments, which shall be of material and size in accordance with the standards of the city and the state.

(14) Accurate outlines and legal descriptions of any areas (not including streets, alleys or public utility easements) to be dedicated or reserved for public use; with the purposes indicated thereon; and of any area to be reserved by deed covenant for common use of all property owners.

(15) Building setback lines, accurately shown with dimensions.

(16) Where required, detailed engineering drawings, cross-sections or profiles of streets, utility lines, catch basins or other installations of improvements as installed.

(17) Certification by registered surveyor to the effect that the plat represents a survey made by him, and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.

(18) Notarized certification by the owners of the land of the adoption of the plat and the dedication of sewers, water distribution lines and other improvements and of streets and other public areas.

7.2.2 Final Plat Submission Requirements

The subdivider shall apply on appropriate forms to the Zoning Commission for approval of the final plat, if he/she holds a valid approval of the preliminary plat.

(1) The subdivider shall submit the final plat to the Zoning Commission at least two (2) weeks before the regularly scheduled meeting of the Zoning Commission.

(2) The final plat shall comply with all provisions of this ordinance and conditions and requirements set forth as a part of review and approval of the preliminary plat. All filing fees shall be paid to the city at the time of filing the final plat for approval.

(3) The Zoning Commission may require the subdivider to submit detailed drawings for grading of the lots, blocks, streets, detailed drawings for pavement, curb, gutter and sidewalk, drawings for installation of water, sanitary and storm sewer facilities.

7.2.3 Review Process

(1) If the Zoning Commission finds the final plat in conformance with the requirements stipulated for approval of the preliminary plat, it shall approve the final plat after a public hearing.

(2) For subdivisions outside of the city corporate limits, a print of the final plat shall be submitted to the Cass County Auditor. The approval of the County Commission is necessary for all plats outside of the city.

(3) The subdivider shall prepare an estimate of the cost of providing the required improvements based on the design standards for street and sewer and water lines (if applicable).

(4) If all conditions and requirements have been met, the Zoning Commission shall approve the final plat.

7.3 Amendment of Township Plan

Upon final approval of a subdivision involving the creation of new streets, the widening, decreasing or vacation of existing streets or alleys, or the creation, enlargement or decrease of other lands devoted to public use, the Zoning Commission shall, at the same time, and without further public hearing, approve such change in streets, alleys or public lands as an amendment to the Township Plan.

7.4 Filing of Subdivision Plat

The subdivider, upon approval of the final plat, shall file the plat with the Register of Deeds of Cass County. Sale of any lot prior to filing of the final plat is in violation of this ordinance.

ARTICLE 8, DESIGN STANDARDS

8.1 Conformance

The subdivider shall prepare the preliminary and final plat in conformance with the standard set forth herein.

8.2 Street Design

8.2.1 The arrangement, character, classification, extent, width, grade, and location of all streets shall conform to the Township Plan and shall be designed in relation to existing and planned streets, topographic conditions, existing natural features, public convenience and safety and the proposed uses of land served by such streets and to the most advantageous development of adjoining uses.

8.2.2 Where it is not shown on the Township Plan, the arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing streets in surrounding areas or conform to a plan approved by the Zoning Commission to meet a particular situation.

8.2.3 Where a subdivision abuts or contains an existing or proposed major street or highway, the Zoning Commission may require service streets, reverse frontage lots with screen planting in a reservation strip along the rear property line, deep lots with rear service alleys abutting the primary street or highway, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.

8.2.4 Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Zoning Commission may require a street approximately parallel to and on each side of the right-of-

way, at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.

8.2.5 Reserve strips in private ownership controlling access to streets are prohibited.

8.2.6 Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.

8.2.7 A tangent at least one hundred (100) feet long shall be introduced between reverse curves on major streets.

8.2.8 When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than four hundred (400) feet for local and collector streets, and of such greater radii as the Zoning Commission shall determine for special cases.

8.2.9 Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than ninety (90) degrees.

8.2.10 Urban street rights-of-way shall be not less than the following:

- (1) Major streets, eighty (80) feet;
- (2) Local streets, sixty six (66) feet;
- (3) Cul-de-sac, one hundred (100) feet in diameter for a turnaround;
- (4) Alleys, residential district, twenty (20) feet;

8.2.11 Half streets are prohibited except where essential to the reasonable development of the subdivision and in conformity with the other requirements of this ordinance and where the Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

8.2.12 Cul-de-sacs shall not be longer than one thousand (1,000) feet.

8.2.13 General considerations for intersection design are that:

- (1) Intersections of more than two (2) streets at a point shall not be permitted.

(2) Alleys shall be discouraged in residential districts but may be provided in commercial and industrial districts.

8.2.14 Dead-end streets without a suitable turnaround are prohibited.

8.3 Block Design

The length, width, and shape of blocks shall be suited to the planned use of land, zoning requirements, needs for convenient access, control of safety of street traffic, and the topographic conditions.

8.3.1 Residential block length shall not exceed one thousand (1,000) feet.

8.3.2 The width of blocks shall generally be sufficient to allow two (2) tiers of lots.

8.3.4 Blocks intended for commercial and industrial use shall be specifically designated for such purposes with adequate space set aside for off-street parking and delivery facilities. The Zoning Commission may require service drives or frontage roads along arterial and collector streets for commerce and industry.

8.3.5 Where frontage is on an arterial street, the long dimension of the block should front on it.

8.4 Lot Design

For residential low density a north-south lot orientation is encouraged.

8.4.1 Residential lot dimension where public water and sewer is available:

(1) Minimum width at building line, seventy five (75) feet.

(2) Minimum lot area, eleven thousand (11,000) square feet.

8.4.2 Residential lots dimensions, where public water and sewer is not available shall be:

(1) Minimum width at building line, two hundred and fifty (250) feet.

(2) Minimum lot area, five (5) acres.

8.4.3 For non-residential lots, the provisions of appropriate zoning districts shall apply.

8.4.4 All lots shall front a public street.

8.4.5 Side lot lines shall be substantially at right angles.

8.4.6 In case a parcel is subdivided into smaller parcels, such parcels shall be arranged as to allow the resubdivision of any such parcels into normal lots in accordance with this ordinance.

8.4.7 Lot lines shall follow the township boundaries.

8.4.8 Double frontage lots shall be avoided except where essential to provide separation of development from arterial streets.

8.4.9 Depth and width of lots reserved or laid out for commercial or industrial uses shall be adequate to provide for off-street parking and service facilities required by the type of use and development and the provisions of the appropriate zoning district.

8.5 Street Names

8.5.1 The Zoning Commission may disapprove the name of any street shown on the plat which has already been used elsewhere in the area, or because of similarity that may cause confusion.

8.5.2 Where a street maintains the same general direction, except for curvilinear changes for a short distance, the same name shall continue for the entire length of the street.

8.5.3 A name assigned to a street, which is not presently a through street, shall be continued for the separate part of a through street.

8.6 Utility Easements

8.6.1 Easements across lots or along rear or side lot lines shall be provided for utilities where necessary and shall be at least five (5) feet wide on each side of the lot line and shall be designated as "utility easement".

8.6.2 All lots shall be served by underground electric, cable television and telephone lines unless waived by the Zoning Commission due to topographic conditions or excessive costs.

8.6.3 All utility lines for electric power, cable television and telephone service carried overhead shall be placed in utility easement.

8.6.4 Utility lines installed in the utility easement shall not be closer than one foot to the property line or three (3) feet to any monument.

8.7 Grading and Drainage

8.7.1 When required; the subdivider shall provide a detailed grading and drainage plan showing the grades of streets and drainage improvements.

8.7.2 The drainage facilities shall be located in street right-of-way or in drainage easements.

8.7.3 The grading and drainage system shall be approved by the Zoning Commission.

8.7.4 Grading established in any subdivision shall not be changed without approval of the Zoning Commission.

8.7.5 No street grade shall be less than one half of one percent.

8.8 Drainage Way Easement

Where a subdivision is traversed by a water course or drainage way an adequate drainage way easement shall be provided. The location, width, alignment and grading of such easement shall be set by the Zoning Commission to accommodate the anticipated discharge from the property being subdivided and also the anticipated run-off from the adjoining properties.

8.9 Tree Planting

The planting of trees of an appropriate species and at appropriate locations may be required by the Zoning Commission. Shelter belts shall be placed at least two hundred (200) feet from all rights-of-way.

ARTICLE 9, REQUIRED IMPROVEMENTS

Before installation of improvements in any subdivision, the Zoning Commission shall make a determination for improvements required, based on a schedule of improvements including the standards, and class of construction.

9.1 Completion Assurance

To cover the cost of improvements, as determined by the Zoning Commission, the subdivider may post a bond or submit a letter of credit from an acceptable financial institution in an amount sufficient to complete such improvements. The form and surety of the bond shall be approved by the Zoning Commission.

9.2 Survey Monuments

The subdivider shall install survey monuments in all lots and block corners in the subdivision in accordance with the requirements of the State of North Dakota.

9.3 Public Water

9.3.1 Water mains shall be installed so as to provide individual service to each lot within the subdivision.

9.3.2 Water mains shall extend to the boundary of the subdivision, except where in the opinion of the Zoning Commission, it is deemed impractical.

9.3.3 A rural water supply shall comply with the requirements of Cass County and State of North Dakota.

9.4 Sanitary Sewer

All subdivisions within one-half (1/2) mile of the cities of Buffalo and Tower City shall be provided with sewer and water to each lot.

9.5 Grading and Surfacing

The full width of all rights-of-way shall be graded in accordance with Cass County street standards.

9.6 Installation of Improvements

Construction of all improvements is contingent on approval by the Zoning Commission. The subdivider shall be responsible for furnishing the necessary data required for such approval.

ARTICLE 10, ADMINISTRATION AND ENFORCEMENT

10.1 Organization

To administer these regulations the following bodies are hereby vested with authority to act in behalf of Tower Township.

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

10.2 The Code Administrator

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

10.2.1 Duties

10.2.1.1 Issue all zoning certificates, permits and maintain records thereof.

10.2.1.2 Issue all building and repair permits.

10.2.1.3 Maintain zoning related records and zoning district map including records of all amendments, conditional uses and variances.

10.2.1.4 Receive, file and forward to the Zoning Commission all applications for zoning amendments, site approvals, conditional uses and plats of subdivision.

10.2.1.5 Prepare and publish notices and notify adjoining property owners.

10.2.1.6 Notify, in writing, the property owner or user upon finding violation of these regulations and cite the nature of violation clearly and require compliance within a reasonable time. If the notification is not replied to or steps are not taken to correct the violations within 30 (thirty) days, the Code Administrator shall make a report of the findings to the Zoning Commission.

10.2.2 Interpretation of Regulations

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

10.2.3 Building Permit Applications

Any person or persons intending to construct or reconstruct or relocate a building or make alteration, shall, before proceeding with the work, or commencing any excavation in connection with it, shall obtain a permit from the Code Administrator. These regulations shall also apply to the mobile homes.

10.2.3.1 Each application for a building permit shall be accompanied by a legal description and a map showing the actual dimension of the lot to be built upon, the size, shape and location of the building for observing the yard requirements of these regulations.

10.2.3.2 The application shall specify type of the building, structure, and material of which it is composed, the part or portion of the lot to be occupied by the principal building and accessory buildings and the probable building cost, together with such additional plans and specifications as required by these regulations.

10.2.4 Building Permits

The Code Administrator shall issue a building permit if the proposed building or structure conforms to zoning and building provision of these regulations. If the Code Administrator denies a permit because of nonconformance with these regulations, he shall inform the applicant of his/her right to appeal to the Zoning Commission.

10.2.5 Building Permit Fees

The Code Administrator shall charge and collect a fee according to the Resolution of Fees and Schedules established by the Tower Township Zoning Commission.

10.2.6 Certificate of Occupancy or Use

The Code Administrator shall issue a certificate of occupancy upon inspection of the completed building, including placement of mobile homes and manufactured homes and assurance that all provisions and conditions set forth by the authority of these regulations are met. In the event the Code Administrator finds violations and deviations from the terms and conditions of these regulations, he shall make a report and recommendation for action to the Zoning Commission.

10.2.7 Conditional Use and Site Approval Permits

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

10.2.8 Variances

The Code Administrator shall issue a permit if the Zoning Commission reverses the decision. The terms of the variance or special use shall be stipulated in the permit.

10.3 The Zoning Commission

The Zoning Commission shall consist of the three Tower Township Supervisors and appointed members. Where a city is exercising extraterritorial zoning jurisdiction one member may be appointed by each city to the Tower Township Zoning Commission.

10.3.1 Duties

10.3.1.1 To hear and act on all applications for amendments to zoning districts and take action for approval, denial or approval with modification.

10.3.1.2 To hear and act on all applications for conditional uses and site approvals in the manner prescribed in these regulations and take action for approval or denial.

10.3.1.3 To study, examine and take action on issues which may adversely affect the natural resources and farming operations in Tower Township.

10.3.2 Notice of Hearings

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

10.3.3 Meetings

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

10.4 Violations and Penalties

Any person who violates any provision of these regulations or fails to comply with any of its requirements including the conditions or modification of use, building or structure shall upon conviction thereof forfeit not more than \$200 and in addition pay all expenses involved in the case. Each day such violation continues shall constitute a separate offense.

ARTICLE 11, PROCEDURES FOR AMENDMENTS, CONDITIONAL USES, VARIANCES AND PLATS OF SUBDIVISIONS

11.1 Zoning District Amendments

11.1.1 Public Hearing Notice

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

11.1.2 Public Hearings

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

11.1.3 Data Submission Requirements

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

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

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

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

11.1.3.4 A fee shall be paid in accordance with the schedule established by the Tower Township Zoning Commission.

11.1.4 Deliberation and Decision

Following the hearing, the Zoning Commission, upon due deliberation, shall make a report of its findings and decides on the proposed amendment within thirty (30) days after the hearing. In making its finding,

the Zoning Commission shall ascertain as to whether the proposal for zoning district amendment is consistent with the Tower Township Plan and meets all requirements of these regulations and other regulations of the Tower Township.

11.2 Conditional Use Permits

11.2.1 Purpose

The development of these regulations is based upon division of the Tower Township into districts, within which district the use of land and building bulk and locations of building and structures are mutually compatible and substantially harmonious. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as permitted uses in any particular district, without consideration, in each case, of impact of those uses upon neighboring premises. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses.

11.2.2 Public Hearing Notice

Shall be the same as the provisions set forth for public hearing notice for zoning district amendment in Section 11.1.1.

11.2.3 Public Hearings

Shall be the same as the provisions set forth for public hearing for zoning district amendment in Section 11.1.2.

11.2.4 Data Submission Requirements

Shall be the same as the provisions set forth for data submission requirements for zoning district amendment in Section 11.1.3.

11.2.5 Deliberation and Decision

Shall be the same as the provisions set forth for deliberation and decision for zoning district amendment in Section 11.1.4

11.2.6 Standards

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

11.2.6.1 That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

11.2.6.2 That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

11.2.6.3 That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

11.2.6.4 That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

11.2.6.5 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic impact on the area.

11.2.6.6 That the conditional use shall substantially conform to all applicable regulations of the district in which it is located.

11.2.7 Conditions and Guarantees

11.2.7.1 Prior to the decision on any conditional use, the Zoning Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the Tower Township and to secure compliance with the standards and requirements specified herein. In all cases in which conditional uses are granted, the Zoning Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

11.2.7.2 No alteration of a conditional use shall be permitted unless approved by the Zoning Commission. Where the Zoning Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Zoning Commission action unless the use is commenced, construction is underway or the current owner possesses a valid building permit.

11.3 Variances

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

11.3.1 Public Hearing Notice

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

11.3.2 Public Hearings

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

11.3.3 Data Submission Requirements

Petitions for variances shall be submitted with the following information.

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

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

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

11.3.4 Deliberation and Decision

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

11.3.5 Standards

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

11.3.5.1 That special conditions and circumstances exist which are peculiar to the premises and which are not applicable to other premises in the same zoning district.

11.3.5.2 That literal interpretation of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

11.3.5.3 That the special conditions and circumstances have not resulted from actions of the applicant.

11.3.5.4 That granting the variance requested will not confer upon the applicant any special privileges that are denied by these regulations to other premises.

11.3.6 Justification

11.3.6.1 That the reasons set forth in the application justify the granting of the variance.

11.3.6.2 The variance is the minimum which would make possible a reasonable use of the premises.

11.3.6.3 That the granting of variance will be in harmony with the general purpose of these regulations and will not be injurious to the surrounding premises, neighborhood or the city and will not be contrary to the comprehensive plan and the purposes of these regulations.

11.3.6.4 That there is practical difficulty or unnecessary hardship in use of the premises if the strict application of the regulations were to be carried out.

11.3.7 Authorized Variances

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

11.3.7.1 To reduce not by more than twenty percent (20%) the applicable requirements for lot area and lot width.

11.3.7.2 To reduce the applicable off-street parking or loading facilities by no more than fifty percent (50%) of the requirements.

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

11.3.7.4 To permit conversion of an existing building to a permitted residential use provided that it shall not conflict with the above standards.

11.4 Plats of Subdivisions

The review and action on the preliminary and final plats, including the development plans shall be subject to the provisions of Articles 7,8 and 9 of these regulations.

11.4.1 Notice of Public Hearing

The Zoning Commission shall hold a public hearing for preliminary plat and a public hearing for the final plat , the notice of which shall be published at least one week prior to the hearing in the official paper. The notice of the hearing shall include : (1) the time and place of hearing; (2) name and location of the property to be subdivided; and (3) time and place for public inspection of the documents before the hearing.

11.4.2 Public Hearing

The Zoning Commission at the hearing shall listen to all persons who may speak in favor of against the proposed plat of subdivision. Upon completion of its review, the Zoning Commission, it shall approve, modify or deny the plat of subdivisions.

11.5 Citizens Protest


If a protest to the zoning amendment, conditional use permit, variance or subdivision plats is signed by the owners of 20% or more of the area of the lots or parcels of land extending one hundred fifty (150) feet, excluding the roads rights-of-way, from the property , the action of the Zoning Commission shall not become effective except by a vote of three-fourths (3/4) of the members.

11.6 Enactment

These regulations are adopted on this *14* day of *July* 1998 by the Tower Township Board of Supervisors.



Chairman, Tower Township



Clerk, Tower Township

