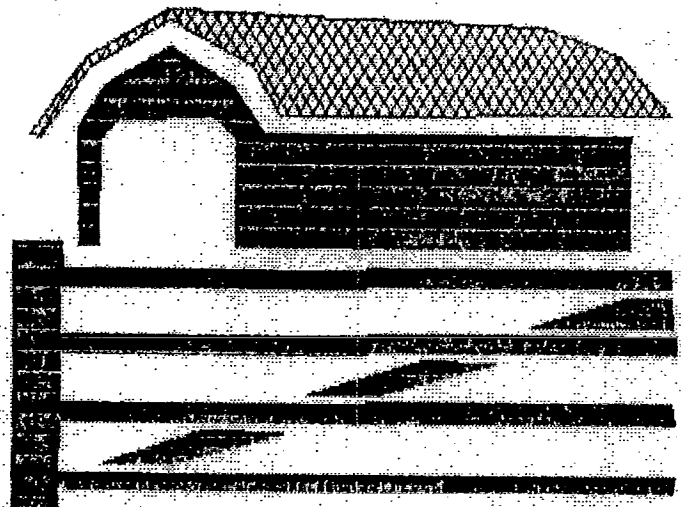
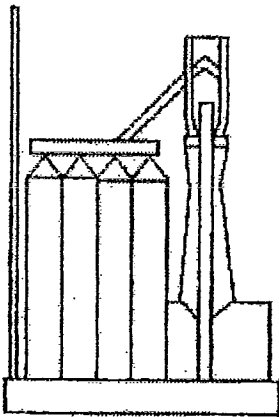


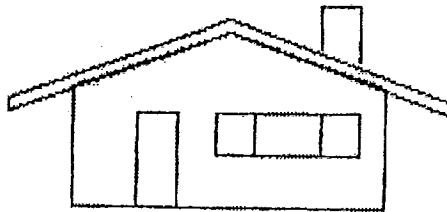
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# WALBURG TOWNSHIP ZONING ORDINANCE

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RESOLUTION

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


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

WHEREAS, after filing of the proposed amended "Walburg Township Zoning Ordinance", the Walburg 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 Walburg Township Zoning Commission has approved this draft of the amended "Walburg Township Zoning Ordinance" and recommends it be adopted by the Walburg Township Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Walburg Township Board of Supervisors hereby adopts the amended "Walburg Township Zoning Ordinance".

Approved and adopted this 22 day of Dec., 1992.

  
Chairman

ATTEST:

  
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 Walburg 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 ordinances of Walburg Township in conflict with this ordinance are hereby repealed.
- V. Title: This ordinance shall be known as "Zoning Ordinance of Walburg Township".
- VI. Effective Date: This ordinance shall become effective after a public hearing adoption by the Walburg Township Board of Supervisors.

## Article II

### General Provisions

- I. Jurisdiction: The jurisdiction of this ordinance shall include all unincorporated areas of Walburg 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 Allowed: 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 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 building or 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 or structure shall be reconstructed in conformance to this ordinance.
- VI. Non-Conforming Lots:
1. When an undeveloped non-conforming lot (a lot is undeveloped if it has no substantial structure upon it) can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimums, then the lot may be used as proposed just as if it were conforming. However, no use that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a non-conforming lot.
  2. Subject to the following sentence, if, on the date this ordinance becomes effective, an undeveloped non-conforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the non-conforming lot nor his successors in interest may take advantage of the provisions of this section. This shall not apply to a non-conforming lot if a majority of the developed lots located on either side of the street where such lot is located and within 500 feet of such lot are also non-conforming. The intent of this is to require

non-conforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.

VII. 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.

VIII. 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 principal use of the property and located on the same lot as the principal 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 recreational vehicles.

6. Dwelling, Farm: A single family dwelling 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: The use of land or buildings for the exclusive purpose of concentrated feeding or fattening of livestock for marketing. The application of feedlot regulations shall be limited to non-farm related enterprises.
11. 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.
12. Salvage Yard: Any land or building used for the storage, sale, or dismantling of obsolete vehicles, junk, and other machinery.
13. Lot: a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

The Township and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this ordinance.

14. Manufactured Housing: A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 600 or more square

feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with permanent foundation when connected to the required utilities.

15. Non-Conforming Lot: A lot existing at the effective date of this ordinance (and not created for the purposes of evading the restrictions of this ordinance) that does not meet the minimum area requirement of the district in which the lot is located.
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. Overlay District: A set of zoning requirements that is imposed in addition to those of the underlying district.
18. Principal Use: The main or primary function or activity that takes place or is intended to take place on a lot.
19. Registered Vehicle: A vehicle registered with the State of North Dakota and therefore, carrying the minimum vehicle insurance.
20. Setback: The open space extending the full width of a lot between a building and the centerline of a public road.
21. Structure: Anything constructed or erected.
22. Structural Alteration: Any change in the supporting members or any substantial change in the roof or exterior walls of a building.
23. Use: The activity or function that actually takes place or is intended to take place on a lot.
24. Variance: The grant of relief from the requirements of the ordinance.

### Article III

#### District Regulations

- I. Establishment of District Regulations: For the purpose of this ordinance, the area of Walburg Township is zoned into four districts: agricultural, residential, commercial, and floodplain.

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. Floodplain Overlay District: The Floodplain Overlay District applies to those areas of the Township where the 100 year floodplain has been determined. This district places additional requirements on the use of land in each subsequent zoning district. Please refer to the Walburg Township Floodplain Ordinance.

III. 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: All other lawful use of land may be permitted on conditions as set by the Township Board of Supervisors.
- D. Dimensional Standards:
  1. Setbacks: Structures - 150 feet  
Windbreaks - No shelter belt or major tree planting shall be established closer than 7 rods from the center of a road on the north and west sides of a road nor 6 rods from the center of a road on the south and east side of a road.
  2. Minimum Lot Size: Two Acres (87,120 sq. ft.)



3. Minimum Lot Width Having Street Frontage: 100 feet

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 publicly owned 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. 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.
  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.
  7. Home occupations.

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 fronting a public street.
- c. Lot Coverage by Buildings: Not more than 25 percent of the area of the lot shall be covered by the principal 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 principal building or structure.
- 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 15 feet.
- d. Rear Yard Required: A rear yard of 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. 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
  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
- 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. Minimum Lot Width: 100 feet fronting a public street
3. Yard Requirements:
  - a. Front Yard: 150 feet
  - b. Building Height Limits: Three stories, but not exceeding thirty-five (35) feet.
  - c. Side Yards Required: 15 Feet.
  - d. Rear Yard Required: Five (5) feet.
4. Parking Stalls: 4 stalls 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.

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

**WALBURG**

TOWNSHIP 138 N

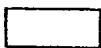
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NORTH

KEY



Agricultural District

Date Adopted:

12/22/92

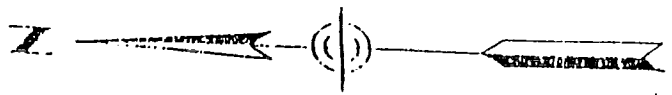
BY:

Andrew Levo

Chair, Township Board

Amended: \_\_\_\_\_

\_\_\_\_\_



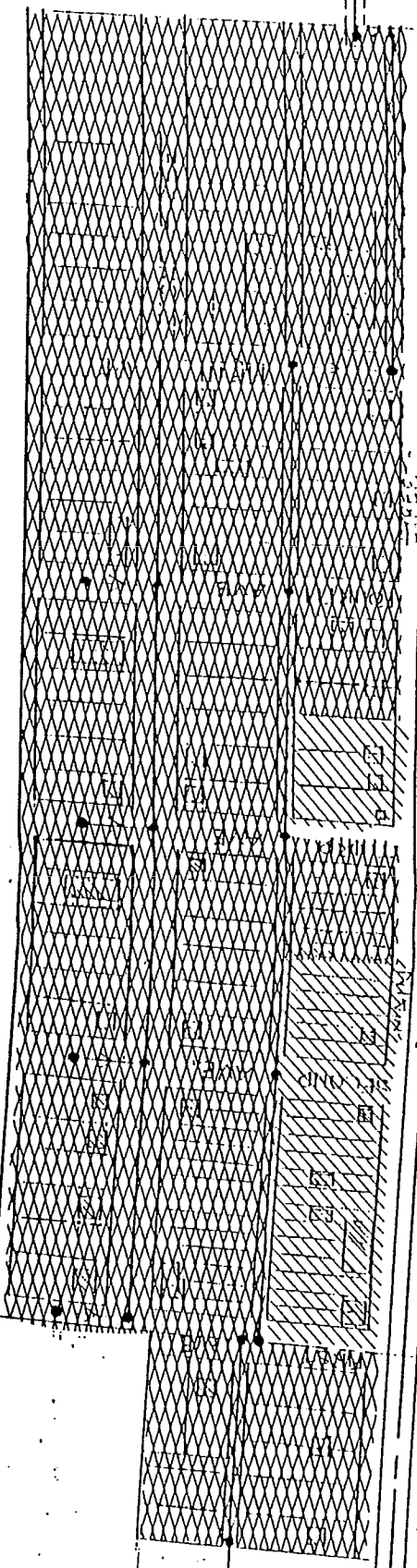
Date Adopted: 12/22/92

BY: *Charles Lerner*  
Chair, Township Board

Amended: \_\_\_\_\_

Agricultural District  
 Residential District  
 Commercial District

1/4 LINE



CASS COUNTY HWY #6  
D.N.R.R.

