

APPLE CREEK TOWNSHIP
ZONING REGULATIONS
AND PROCEDURES RELATING TO ZONING

June 6, 1988

BE IT RESOLVED BY THE BOARD OF TOWNSHIP SUPERVISORS OF APPLE CREEK TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA:

For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the township and lessen and avoid congestion in the public streets and highways it is hereby provided as follows:

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

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

Both the "Zoning Regulations" and the "Apple Creek Township Comprehensive Plan" were adopted by the Apple Creek Township Board of Supervisors on August 11, 1980. These zoning regulations were amended on June 6, 1988.

ARTICLE I DESIGNATION OF ZONING AREAS.

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

Land is presumed to be zoned agricultural unless specifically zoned for another use. Zoning classifications in Apple Creek Township are as follows,

1. Agricultural
2. Residential Subdivision
3. Mobile Home Subdivision
4. Recreation
5. Light Commercial
6. Heavy Commercial

ARTICLE II BUILDING AND CONSTRUCTION REQUIREMENTS

Consider
revising

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

The Township Board, however, may in its discretion allow replacement of non-conforming buildings or structures or an enlargement, structural alteration or movement of a nonconforming building or structure if conforming to the strict letter of the regulation for the district in which the premises is located would result in practical difficulties or unnecessary hardship to an applicant requesting such replacement, enlargement, structural alteration or movement. The Township Board must balance such difficulties or hardships with other considerations such as public interest and the effect on the surrounding neighborhood. Further, the Township Board must receive signed approvals by owners of 80% or more of the township acreage within one (1) mile of the premises in question or by 80% or more of the resident landowners residing within one (1) mile of the premises in question before authorization by the Board may be given. Any authorizations by the Township Board pursuant to this article in no way sets precedent for future requests as each case shall be decided on its own facts and circumstances.

All construction, alteration, equipment and maintenance of all residential, commercial structures and accessory buildings constructed or re-constructed within the area of Apple Creek Township shall conform to the document known as the "Uniform Building Code" with all its amendments, and shall comply with the document known as the "Uniform Plumbing Code" with all its amendments. Electrical wiring in any structure is required to meet N.D. Electrical Code and be inspected by a state inspector.

ARTICLE III WATER AND SEWER

Whenever a building is to be erected and not connected to a central water supply, evidence shall be submitted showing that the system and the method of disposal is considered as being safe and satisfactory by the State Health Department. Whenever a building to be erected is not connected to an approved sanitary sewer system, evidence shall be submitted showing that the system and the method of disposal is considered satisfactory by the State Health Department. Such information shall include leaching

capabilities of the particular soil in question. Central sewer and/or water systems shall be prepared, planned and approved by a certified engineer to meet the requirements of the number of structures included in such a central sewer and/or water system.

ARTICLE IV BUILDING INSPECTOR AND PERMITS

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

No permit as required by said regulation shall be issued until the fee prescribed in this section shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure shall have been paid.

The fee for each permit shall be as set forth in the following table:

PERMIT FEES

TOTAL VALUATION	PERMIT FEE
\$1.00 to \$500.00.	\$10.00
\$501.00 to \$2,000.00.	\$10.00 for the first \$500.00, plus \$1.00 for each \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$500,000.00.	\$25.00 for the first \$2,000.00, plus .25 of one percent for the amount from \$2,000.00 to \$500,000.00
\$500,000.00 and up.	\$1,270.00 for the first \$500,000.00, plus .15 of one percent for each additional \$1,000.00 or fraction thereof
Demolition permit	\$25.00
Moving permit	\$25.00

The determination of value or valuation under any of the provisions of these regulations shall be made by the building inspector. The value to be used in computing the building and alterations permit fees shall be the total value of all construction work for which the permit is issued as well as all finished work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent equipment.

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

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

ARTICLE V RESIDENTIAL AND MOBILE HOME SUBDIVISIONS

To preserve our rural character, the minimum size lots of any subdivision shall be at least two acres or more for three single family dwellings served by individual sewer and water systems. Lot sizes smaller than two acres shall only be three considered if they are served by central sewer and water and are in an area compatible for such high density usage. The township, by law, is not compelled to improve or maintain

section lines or to improve a section line to provide roads to subdivisions.

40 acres is the minimum amount of land that will be considered by the Zoning Board or Township Board for a subdivision. This is to prevent spot zoning. The Apple Creek Township Board discourages spot zoning, but will consider requests for one single family dwelling on 5 acres or more on an individual basis. Procedures listed for subdivision development will be followed in each case.

The Zoning Board and Township Board will consider several factors in considering proposed subdivisions and their individual lot sizes. Those factors shall include, but are not exclusively limited to, location to other existing subdivisions, access to roads, topography of area, location in regard to existing agricultural land, or any other factors as delineated in the Comprehensive Plan or the Board feels should be considered in its decision.

Any residence within the township that does not qualify as agricultural will be zoned residential and taxed residential. This includes any residence on 40 acres or more that does not qualify as agricultural usage. Anyone wishing to put one single family dwelling on 40 acres or more shall follow subdivision procedures and are required to have a building permit. Any such one single family dwelling on 40 acres or more may be excused from dedicating their road to Burleigh County if they wish to build and maintain it privately. Such road shall be considered a private driveway. Any approach or culvert necessary for access to their private driveway shall be approved by the Burleigh County Engineer's office subject to Township Board approval on any township road.

ARTICLE VI APPLE CREEK TOWNSHIP ZONING BOARD

The Apple Creek Township Zoning Board shall consist of the three members of the Apple Creek Township Board plus two other residents of Apple Creek Township. These two members shall be elected at the Township Annual Meeting for a term of two years. Vacancies shall be filled by appointment by the remaining members of the Zoning Board and shall serve until the next scheduled Annual Meeting. The Zoning Board shall hear all requests for zoning changes and other matters pertaining to zoning and a majority decision will be final. All decisions shall be recorded in regular township meeting minutes.

ARTICLE VII MOBILE HOME SUBDIVISIONS

As of 1980, the Board recognizes the importance of providing for, and establishing areas for mobile homes. We believe the owners of mobile homes will be best represented by areas specifically developed for mobile homes. Mobile home subdivisions shall constitute areas zoned for ownership of land for each mobile home owner. Any mobile home in a mobile home subdivision shall be put on a permanent foundation. Regulations shall apply to mobile home subdivisions as applied to any subdivision in Apple Creek Township, and Subdivision procedures shall be followed. No subdivision in Apple Creek Township shall allow both mobile homes and other types of single family dwellings in the same subdivision. A mobile home subdivision shall contain only mobile homes and a residential subdivision shall contain no mobile homes.

ARTICLE VIII SUBDIVISION ESTABLISHMENT PROCEDURES

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

1. Request a public hearing for a zoning change from the Township Board at its regular monthly meeting on the first Monday of each month. The public hearing will be properly advertised by the Township Board and held within 60 days of the request, normally at the next regular monthly meeting.

2. A fee of \$50.00 will be charged and must be prepaid to hold a public hearing for zoning change requests. If a zoning change is granted, a fee of \$5.00 per lot will be charged to consider the plats and covenants.

3. If the zoning change is granted by the Township Board the proposed subdivision plat and restrictive covenants shall be presented to the Board at a public hearing at least 30 days after the zoning change but within six months of the zoning change. More than one public hearing may be held to satisfy the Board or subdivision developer's requests. Each hearing shall be held within 60 days of the previous hearing.

4. Proposed plat shall be properly surveyed by a certified professional surveyor. Roads within the subdivision must be dedicated to and approved by Burleigh County before lots may be sold. Any easements necessary to provide access to the subdivision must also be obtained and such easements presented to the Board before lots may be sold. Building permits will not be issued until dedication

and approval of roads within the subdivision is received by the Township from Burleigh County. No roads within a subdivision will be allowed to be maintained privately with the exception of one single family dwelling on 40 acres or more. Refer to the fourth paragraph under Article V. on page five of this document for such exclusion.

5. Land zoned to any other use than agricultural shall be taxed by its zoned classification from date of zoning change. Taxes on homes under construction shall be prorated from date of construction to completion. For example, if you began construction in July and were half completed at the end of the year, you would only pay 1/4 of normal taxes on the structure. Taxes on the land will be charged at residential rate from date of zoning change to developer or date of purchase by home owner.

6. Plat and covenants shall be properly recorded with Burleigh County Register of Deeds Office upon signed approval of Apple Creek Township Board. One copy of plat and restrictive covenants and verifications from Burleigh County, both which have been recorded with the Burleigh County Register of Deeds Office, shall remain on file with the Apple Creek Township Clerk. All landowners governed by such restrictive covenants shall comply with all such contingencies listed therein. Failure of the landowners to comply will constitute a violation of these zoning regulations and can be punishable by the Township Board accordingly.

7. No building, alterations or moving permits shall be issued unless all conditions of Article XII have been met.

ARTICLE IX VARIANCES

The Township Board may vary or adjust the strict application of any of the requirements of these regulations in the case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of the provisions of the regulations would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved, but in no other case.

No adjustment in the strict application of any provisions of these regulations shall be granted by the Township Board unless it finds:

1. That there are special circumstances or conditions, fully described in the findings of the Township Board, applying to the land or buildings for which

the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or building in the neighborhood, and have not resulted from any act of the applicant taken subject to the adoption of these amended regulations, whether in violation of the provisions of the regulations, or not.

2. That, for reasons fully set forth in the findings of the Township Board, the circumstances or conditions so found are such that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of said land or building, and the granting of the variances is necessary for the reasonable use of the land or building, and that the variance, as granted by the Township Board, is the minimum variance that will accomplish the relief sought by the applicant.
3. That the grant of the variance will be in harmony with the general purposes and intent of these regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Township Board shall prescribe any conditions applying thereto that it may deem necessary or desirable to carry out the general purposes of these regulations or preserve the neighborhood or general welfare from injury.

ARTICLE X SPECIAL USE PERMITS

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

1. The keeping, raising or harboring of more than two dogs at any one residence. The term dogs shall be construed as meaning both male and female.
- * 2. The use of land for a commercial livestock feed lot. Such a feed lot shall require at least 160 acres in total

area, and shall be located at least one mile from the nearest residential dwelling.

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

A. The proposed use is in harmony with the purpose of the regulations.

B. The proposed use will not adversely affect the health and safety of the public and the workers and residents, or farming in the area and will not be detrimental to the use or development of adjacent properties or of the general neighborhood.

C. The proposed use will comply with all appropriate regulations for the district in which it will be located.

D. The proposed use will comply with all special regulations established by the Board and all special conditions necessary for the sanitation, safety and general welfare of the public.

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

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

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

ARTICLE XI EXISTING USES

Any lawful use of the land or buildings existing at the date of passage of this resolution, and located in an area in which it would not be permitted as a new use under the provisions of this regulation, is hereby declared to be a non-conforming use, and not in violation of this regulation at the date of adoption of such regulation. Provided,

however, a non-conforming use shall be subject to, and the owner shall comply with the regulations.

ARTICLE XII AMENDMENTS

The Township Board may, from time to time, amend these regulations by supplementing, changing, modifying, or repealing any of the regulations, restrictions, or other provisions hereof, or of existing amendments, after a public hearing, due notice of which shall have been given at least fifteen (15) days before the date of such hearing. The amendments shall be published and shall be recorded with the Register of Deeds in Burleigh County as provided by law.

ARTICLE XIII ENFORCEMENT

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

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

A violation of any provision of this regulation or a violation or refusal or failure to comply with any regulation, order, requirement, decision, or determination made under authority conferred by this regulation, order, requirement, decision or determination made under authority conferred by this regulation shall be punishable by a fine of not more than \$100.00 or by imprisonment in the county jail for not more than 90 days or by both such fine and imprisonment. The Court shall have power to suspend sentence and to revoke such suspension. Each day any such violation or refusal or failure to comply continues shall constitute a separate offense.

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

All regulations or parts of regulations in conflict with this resolution are hereby repealed. This resolution shall be in full force and effect from and after its passage on August 11, 1980, and its amendment on June 6, 1988.

ARTICLE XIV DEFINITIONS

For the purpose of this resolution certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and plural shall include the singular; the word "building" shall include the word "structure" and "premises" and the word "shall" is mandatory and not directory.

1. ALLEY: A public way which affords only secondary access to abutting property.
2. AGRICULTURE DISTRICT: Shall include any lands or areas so designed by the Township Board under authority of this resolution.
3. AUTO WRECKING: See "Junk Yard".
4. ACCESSORY BUILDINGS: A subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.
5. APARTMENT: A room or suite of rooms in a multiple dwelling intended to be designed for use as a residence by a single family.
6. BASEMENT: A story having part but not more than one-half (1/2) its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for business or dwelling purposes other than by a janitor employed on the premises.
7. BILLBOARD: See "sign", outdoor advertising.
8. BLOCK: The property abutting one side of a street and lying between the two nearest intersection streets, or between the nearest such street and railroad right-of-way, undivided acreage, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development.
9. BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property. When a structure is divided into

- separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.
10. BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.
 11. BUILDING INSPECTOR: The building inspector of the existing agency or his authorized representative.
 12. BUILDING LINE: A line established, in general, parallel to the front street line beyond which no part of a building shall project, except as otherwise provided by this resolution.
 13. COMMERCIAL DISTRICT: Any neighborhood commercial or major commercial district.
 14. DISTRICT: A section or sections of the unincorporated area of Apple Creek Township for which the regulations governing the use of the buildings and premises of the height and area of buildings, are uniform.
 15. DWELLING: Any building, or portion thereof, which is designed or used for residential purposes.
 16. DWELLING: single-family: A building designed for or occupied by one family.
 17. DWELLING: multiple: A building or portion thereof designed for or occupied by more than two families.
 18. FAMILY: A group of one or more persons occupying a premise and living as a single house-keeping unit as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.
 19. FARM: A zoned area of Apple Creek Township containing at least forty (40) acres, which is used for the growing of the usual farm products, such as vegetables, fruit trees, and grain, and their storage on the area, as well as for raising thereon the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the commercial feeding of garbage or offal to swine or other animals.
 20. FILLING STATION: Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuel or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
 21. FLOOR AREA RATIO: The floor area of the building or buildings on a zoning lot, divided by the area of that zoning lot. A floor area of a building or buildings is

the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls, or from the centerline of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes, but need not include a basement or portion of a basement used for storage or the housing of mechanical or central heating or the basement apartment of a custodian in a multi-family dwelling, except that portion of said custodian's dwelling unit which is in excess of fifty (50) percent of the total basement floor area. In calculating floor area, the following need not be included:

- A. Attic space providing structural head room of less than 7 feet, six inches;
 - B. Uncovered steps;
 - C. Terraces, Breezeways and open porches;
 - D. Automobile parking space in basement or private garage, but not to exceed 600 square feet for a single-family dwelling, 800 square feet for a two-family dwelling, and 200 square feet per car space required by the provision of this resolution for any other use.
22. FRONTAGE: All the property on one side of a street or highway between two intersecting streets or highways (crossing or terminating) measured along the line of the street or highway, or if the street or highway is dead ended, then all of the property abutting on one side between an intersecting street or highway and the dead end of the street or highway.
23. GARAGE, PRIVATE: An accessory building housing not to exceed 3 motor driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.
24. GARAGE, PUBLIC: Any building or premises used for equipment, repairing, hiring, selling or storing motor driven vehicles.
25. HEIGHT OF BUILDING: The vertical distance measured from the highest of the following levels:
- A. The street curb level;
 - B. The established or mean street grade in case curb has not been constructed.
26. HOME OCCUPATION: Any occupation or profession carried on by a member of the immediate family, residing on the premises; in connection with which there is used no sign other than a name plate to more than one square foot in area or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling; in which no person is employed other than a domestic service; and in which no mechanical equipment is used except such as is permissible for purely domestic or household purposes.

27. HOTEL: A building in which lodging, with or without meals, is provided and offered to the public for compensation, and which is open to transient guests. Hotels include motels and automobile courts, but do not include group dwellings as defined herein.
28. INDUSTRIAL DISTRICT: Any industrial district.
29. JUNK YARD: The use of more than 200 square feet of the area of any lot whether inside or outside a building, or area of any lot whether inside or outside a building, or the use of any portion of that half of any lot that adjoins any street, for the storage, keeping, or abandonment of junk, including scrap metals, rags, paper or other scrap materials and equipment, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.
30. LOT: A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, including the open space required by this resolution and having its principal frontage upon a street or upon an officially approved place.
31. LOT, CORNER: A lot abutting upon two or more streets at their intersection.
32. LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.
33. LOT, DOUBLE FRONTAGE: A loting having a frontage on two non-intersecting streets, as distinguished from a corner lot.
34. LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Burleigh County; or a parcel of land, the deed to which was recorded in the office of the Recorder of Deeds prior to the adoption of this resolution.
34. LOT ZONING: A tract of land occupied or to be occupied by a principal building and its accessory buildings, together with such open spaces and yards as are required under the provisions of this resolution, having not less than the minimum area required by this resolution for a zoning lot in the district in which said land is situated, and having its principal frontage on a street or a permanent, enclosive, not-obstructed easement of access of right of way to a street, not less than 20 feet wide. A "zoning" lot need not necessarily coincide with a "record lot" as herein defined.
36. LOT LINE-REAR: The lot line generally opposite or parallel to the front street line.
37. NON-CONFORMING USE: Any building or land lawfully occupied by a use at the time of passage of this resolution or amendments thereto, which does not conform after the passage of this resolution or amendments thereto with the use regulation of the district in which it is situated.

38. RESIDENTIAL DISTRICT: Any residential district designed as such under authority of this resolution.
39. SALVAGE YARD: A place where used parts of automobiles or other equipment are collected and processed for resale.
40. SIGN: Any device for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.
41. SIGN-OUTDOOR ADVERTISING: Sign, including billboard, which directs attention to a business, commodity, service, entertainment or other activity conducted, sold or offered elsewhere than on the premises upon which the sign is located.
42. STORY: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
43. STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.
44. STREET LINE: A dividing line between a lot, tract or parcel of land and a contiguous street.
45. STRUCTURE: Anything constructed or erected, the use of which requires permanent location on a ground or attached to something having a permanent location of the ground.
46. STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
47. TEMPORARY STRUCTURE: A structure such as a tent or a building of sectional construction whose design and construction is such that it will be used for only a short period of time or that it can be readily moved to another location.
48. USE: The term referring to--
- A. Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied and
 - B. Any occupation, business, activity or operation carried on (or intended to be carried on) in a building or other structure or on land, or
 - C. A name of a building, other structure or tract of land which indicates the purpose for which it is arranged, designed, intended, maintained or occupied.

49. DIVISION: The division of a lot, tract or parcel of land into lots or parcels of land for the purpose, whether immediate or future, of sale or of building development, including any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights of way whether public or private, for access to or from such lots or parcels of land, and/or including the creation of new or enlarged parks, playgrounds, plaza or open spaces. "Subdivision" includes the resubdivision of one or more lots as parcels of land in a subdivision made and recorded prior to or after the date these resolutions are adopted. However, the division of land for agricultural purposes into parcels of 40 or more acres, not involving any new street or easement of access, shall be exempted from these resolutions.

Approved this 6 day of June, 1988, by the Apple Creek Township Board.

JB
Juadita Braun
Chairman

PL
Patrick Lengenfelder
Supervisor

AV
Allen Voegele
Supervisor

**APPLE CREEK TOWNSHIP
ZONING REGULATIONS
AMENDMENT 02-1**

A MOTION MADE MARCH 4, 2002, TO AMEND AND RE-ENACT ARTICLE IV OF THE 1988 AMENDED ZONING REGULATIONS OF APPLE CREEK TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA RELATING TO ACCESSORY BUILDINGS.

BE IT ORDAINED BY THE BOARD OF TOWNSHIP SUPERVISORS OF APPLE CREEK TOWNSHIP, NORTH DAKOTA.

ARTICLE IV: BUILDING INSPECTOR AND PERMITS. Amendment. Article IV of the Zoning Regulation is hereby amended and re-enacted as follows:

Section I. ACCESSORY USES

A. *Dwelling Premises*

All allowable accessory buildings to a residence shall comply with the maximum area, side wall height and overall building height limitations.

Accessory building/s for the area computations found in Table 1 on Page 2 shall include the following buildings:

1. barns,
2. stables,
3. storage buildings,
4. attached and detached garages provided that one thousand (1,000) square feet of attached garages may be exempted from the maximum allowable accessory building area computations delineated in the table.

When combined land parcels are used:

1. the land parcels must all be owned by the same person applying for the building permit, and
2. the land parcels must be contiguous.

MEMORANDUM

TO: ACT ZONING BOARD MEMBERS

FR: PAUL ZENT, ^{DE} ACT SUPERVISOR

DT: MAY 24, 1994

RE: ZONING REGULATION AMENDMENT RECOMMENDATION

The Apple Creek Township Zoning Regulations do not address building size limits. At the time they were drafted it was intended not to restrict building size. Since then, it has come to our attention that by not addressing building size limits at the township level, the Burleigh County Ordinances take effect.

I believe that Apple Creek Township should be more liberal in issuing building permits than allowed by the county. Therefore, I propose the following criteria be added to the ACT Zoning Regulations, dated and approved June 6, 1988.

ACREAGE	MAXIMUM BUILDING SIZE (SF)
2 - 4	1500
5 - 9	1800
10 - 14	2400
15 - 19	2800
20 - 24	3200
25 - 29	3600
30 - 34	4000
35 - 39	4400
40 and over	4800

1. These values would pertain to only land within the ACT Zoning Board jurisdiction.
2. The maximum building size values would be for a combination of all out buildings located on the land.
3. When combined land parcels are used, they must all be owned by the same person applying for the building permit and the land parcels must be contiguous.
4. The maximum building size values would be used if the land owner had a home currently on the property.
5. If no home exists, building size would be limited to a maximum of 1800 sf, no matter how acres are owned.

* This supplement will adhere to the process described in ARTICLE XII, AMENDMENTS; of the ACT ZONING REGULATIONS.

DWELLING PREMISES ACCESSORY BUILDING SIZE LIMITS				
LOT SIZE		Maximum Area of All Accessory Building(s) (SF)	Maximum Side Wall Height (FT)	Maximum Bldg Height (FT)
Acres	Square Feet			
< 2.0	< 87,120	1,400	14	25
2	87,120	1,800	14	25
3	130,680	1,800	14	25
4	174,240	1,800	14	25
5	217,800	2,178	14	25
6	261,360	2,614	14	25
7	304,920	3,049	14	25
8	348,480	3,485	14	25
9	392,040	3,920	14	25
10	435,600	4,356	14	25
11	479,160	4,792	14	25
12	522,720	5,227	14	25
13	566,280	5,663	14	25
14	609,840	6,098	14	25
15	653,400	6,534	14	25
16	696,960	6,970	14	25
17	740,520	7,405	14	25
18	784,080	7,841	14	25
19	827,640	8,276	14	25
20	871,200	8,712	14	25
21	914,760	9,148	14	25
22	958,320	9,583	14	25
23	1,001,880	10,019	14	25
24	1,045,440	10,454	14	25
25	1,089,000	10,890	14	25
26	1,132,560	11,326	14	25
27	1,176,120	11,761	14	25
28	1,219,680	12,197	14	25
29	1,263,240	12,632	14	25
30	1,306,800	13,068	14	25
31	1,350,360	13,504	14	25
32	1,393,920	13,939	14	25
33	1,437,480	14,375	14	25
34	1,481,040	14,810	14	25
35	1,524,600	15,000	14	25
> 35		15,000	14	25

Table 1

Bldg 30
DJS
MAJ
mazer

B. *Non-dwelling Premises*

Construction of a garage, barn, or storage building on property where no home dwelling exists is allowed prior to the construction of the principal dwelling provided the following conditions are met:

1. A petition waiving any objection to the proposed outbuilding is signed by sixty percent (60%) of all owners of land within one-quarter (1/4) of the request.
2. A garage, barn, or shed constructed pursuant to this section shall be limited to not more than one structure, which shall comply with the following area, side wall height and overall building height limitations found in Table 2.

NON-DWELLING PREMISES ACCESSORY BUILDING SIZE LIMITS

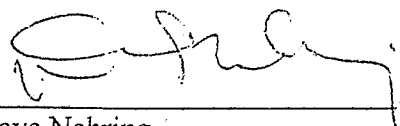
Lot Size	Maximum Area Accessory Building	Maximum Side Wall Height	Maximum Build Height
< 10.0 Acres	1,200 Square Feet	14 Feet	25 Feet
10.0 – 34.0 Acres	1,800 Square Feet	14 Feet	25 Feet
> 34.0 Acres	2,400 Square Feet	14 Feet	25 Feet

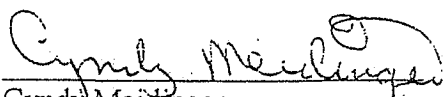
Table 2

ACTION TAKEN:

Motion made and approved/disapproved by the ACT Zoning Board, March 4, 2002,

with a vote of 5 YES 0 NO 0 NOT VOTING.


Dave Nehring
ACT Zoning Board Chairman


Cyndy Meidinger
ACT Clerk

3-4-02