

# **SHERIDAN COUNTY ZONING PLAN**

Effective August 2, 1994

RESOLUTION

WHEREAS, the 1993 North Dakota Legislature passed House Bill 1057 which requires the Sheridan County Board of County Commissioners (Commissioners) to establish zoning requirements for solid waste disposal and incineration facilities;

WHEREAS, HB 1057 further provided that the Commissioners may impose a tipping or other fees on solid waste and incineration facilities;

WHEREAS, for the purpose of promoting health, safety, morals, public convenience, general prosperity, and public welfare, the Commissioners created a planning Commission to prepare a Comprehensive Plan for the County;

WHEREAS, the Commissioners see the need to protect and guide development in non-urban areas, lessen governmental expenditures, conserve and develop natural resources, and secure safety from flood, fire, and other dangers;

WHEREAS, the Planning Commission has investigated existing conditions in the county, prepared a Comprehensive Plan and recommended County Commission approval of the plan;

WHEREAS, the Planning Commission has prepared and proposed zoning regulations to assist with the implementation of the plan and recommended County Commission approval of the regulations;

ACCORDINGLY, THEREFORE BE IT RESOLVED THAT:

A. Sheridan County, by and through the Commissioner, adopted the Sheridan County Plan as a statement in documented text setting for explicit goals, objectives, policies, and standards of the county to guide public and private development with the county;

B. Sheridan County, by and through the Commissioners, adopts the Sheridan County Zoning Regulations to assist in the implementation of the Comprehensive Plan;

ADOPTED: August 2, 1994

By: Sheridan County Commissioners

ATTEST:

Armin Erdmann

Shirley A. Murray

Arthur Waltz

Gordon Felchle

## DEFINITIONS

*AGRICULTURAL DISTRICTS.* All lands and areas used for: cultivating the soil, producing crops and/or raising livestock, and so designated by the Board of County Commissioners on the District Zoning Map.

*AMMENDMENT.* Any change, revision, or modification of the text of these regulations or the District Zoning Map.

*BUILDING HEIGHT.* The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; and to the average height between the plate and the ridge of a gable, hip or gambrel roof.

*CERTIFICATE OF ZONING COMPLIANCE.* A certificate stating that a use is permissible under the zoning district regulations.

*COMMERCIAL DISTRICT.* The area designated by the Board of County Commissioners on the District Zoning Map which provides for the grouping of retail merchandising, light industry and service activities.

*COMMERCIAL FEED LOT.* Any building, structure, enclosure, or premises used, designed, or intended for the commercial feeding of two or more animals which is operated as a separate pursuit and not incidental to farming.

*COMMERCIAL SAND AND GRAVEL OPERATIONS.* The use of land for the purpose of opening a sand and gravel pit for sale or resale, or the processing of the material of a sand or gravel pit for sale or resale.

*CONDITIONAL USE.* Any use to which the Planning and Zoning Commission shall attach specific conditions.

*COUNTY HIGHWAYS AND ROADS.* Any and all roads over which the Board of County Commissioners has authority and for which said Commissioners provide maintenance.

*DEVELOPMENT.* Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

*DISTRICT.* The areas of the County for which the regulations governing the use of land and the use, density, bulk, height, and location of structures and buildings are uniform.

*EASEMENT.* A vested or acquired right to use land, other than as a tenant, for a specific purpose; such right held by someone other than the owner who holds title to the land.

*FARM.* A single tract of land or contiguous tracts of agricultural land containing a minimum of 10 acres and which normally provides a farmer, who is actually farming the land or engaged in the raising of livestock or other similar operations normally associated with farming and ranching.

*GEOPHYSICAL EXPLORATION.* Any method of obtaining of petroleum related geophysical surveys.

*HEARING.* A public meeting held before the Planning and Zoning Commission whenever the same is required by law.

*INDUSTRIAL DISTRICT.* The area designated by the Board of County Commissioners on the District Zoning Map which provides for the grouping of manufacturing, assembly, heavy commercial and excavation activities.

*LOT.* A tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage, area and to provide such yards and other open space as are herein required.

*LOT FRONTAGE.* The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

*LOT WIDTH.* The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the rear of the required front yard.

*MINERAL OPERATIONS.* Any operation involved in the search, exploration, or prospecting of any substance or mineral which involves the penetration of the land surface by digging, drilling, or excavating.

*MOBILE HOME.* A structure, transportable in one or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

*MOBILE HOME PARK.* A tract of land designed and developed to accommodate mobile homes, each occupying a portion of the site on a lease or rental basis, and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for residential occupancy.

*MULTI FAMILY DWELLING.* A residential building designed for occupancy of two or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**NON-CONFORMING USE.** Any building or tract of land lawfully occupied by a use, at the time of the passage of these regulations or amendments thereto, which does not conform with the provisions of this regulation or amendments thereto.

**PARKING SPACE.** An area for the purpose of storing one parked vehicle. For the purpose of this Regulation, one parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. In computing off street parking, additional space shall be required off street for access drives to parking areas.

**PERMITTED USE.** Any use which complies with the requirements of a zoning district.

**RECREATION DISTRICT.** The areas designated by the Board of County Commissioners to the District Zoning Map which provide for general or specific recreational use.

**RECREATION VEHICLE.** A vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy and is designated for vacation or recreation purposes but not a residential use.

**RECREATION VEHICLE PARK.** A tract of land, designed and utilized, and operated on a fee or other basis as a place for the temporary parking of occupied recreation vehicles.

**RESIDENTIAL DISTRICT.** The area designated by the Board of County Commissioners on the Zoning District Map for development of residential dwelling units.

**RIGHT OF WAY.** The area, either public or private, over which the right of passage exists. The right of way shall not be considered as land area when computing lot size.

**SETBACK.** The line within a property defining the required minimum distances between any structure or use and the adjacent right of way or property line of any lot.

**SIGHT LINE.** An area of unobstructed vision at a street intersection defined by lines of sight between points at a given distance from the intersecting street right of way lines.

**SUBDIVISION.** The division of land into two or more lots for the purpose, immediate or future, of sale or lease for building development, and any plat or plan which includes the creation of any part of one or more streets, public easements, or other right of way, whether public or private, for access to or from any such lot, tract, or parcel, and the creation of new or enlarged parks, playgrounds, plazas, or open spaces.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either: (1) Before the improvement or repair is started, or (2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for

improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) Any alteration of a structure listed on the National register of Historic Places or a State Inventory of Historic Places.

**TEMPORARY PERMITS.** Permits issued by the County Board of Commissioners for certain uses before operation of said uses are allowed in the County.

**TRACT.** A plot, piece, or parcel of land, other than a lot which is recorded in the Office of the Register of Deeds.

**TRANSMISSION LINE.** Overhead electrical lines of 46 KV or larger.

**USE.** The specific purpose for which land or a building is used.

**VARIANCE.** A relaxation of the terms of the zoning regulation in any specific case where a literal enforcement of any provision or resolution would result in great practical difficulties, unnecessary hardship, or injustice.

**WORK CAMP.** A mobile home park designed and intended for the temporary residence of construction employees of a developer, contractor, or sub contractor for use during the construction period of the project.

**ZONING DISTRICT MAP.** The map showing the zoning districts of the County officially adopted by the Board of County Commissioners.

## **I. GENERAL PROVISIONS**

### **1.1 Title**

These regulations and the District Zoning Map shall be known as the County Zoning Regulations.

### **1.2 Authority**

The Zoning Regulations have been enacted pursuant to the authority granted by the North Dakota Legislature to promote the health, safety, morals, public convenience, general prosperity and public welfare of the citizens of the County

It has been made and adopted in accordance with regulations the County Comprehensive Plan.

### **1.3 Purpose and Intent and Jurisdiction**

The Zoning Regulations were designed specifically to promote the sound and desirable location and use of buildings, structure, and the sound and desirable occupancy, use or condition of use of land and other natural resources found within the County.

It is intended that the restrictions and regulations found within the Zoning Regulations shall govern all land and other property located within the County over which the County Board of Commissioners is empowered by law to regulate.

The area within three miles adjacent to a municipality shall be a zone of coordination for development between the County and the municipality. The city Council or Commission in the affected city shall be given special notice at least 10 days prior to a hearing on all and any action pending on amendments to the County Zoning Regulations and on an application for a Conditional Use Permit within three (3) mile zone. The notice shall state the time, place and purpose of the hearing during which the city can express its objections to the amendment.

The Board of Supervisors for organized townships with the County shall be given notice at least ten (10) days prior to a hearing on any action pending on amendments of the Zoning Regulations or on application for a Conditional Use Permit if such amendment or approval will affect any land in the organized township. The notice shall state the time, place and purpose of the hearing during which the township supervisors can express objections to the amendment or approval.

#### **1.4 Interpretation**

The provisions of these Regulations shall be minimum requirements.

#### **1.5 Repeal**

All regulations or parts of the regulations, existing regulations, districts, district zoning maps, or resolutions in conflict with the Regulations and its provisions are hereby repealed.

#### **1.6 Effective Date and Compliance**

From this 2<sup>nd</sup> day of August 19, 1994, each structure and use within the County, Not otherwise excepted, shall be in compliance with the provisions of these Regulations.

##### **1.6.1 Exceptions**

###### **1. Non-Conforming Uses**

Any structure or use which was lawful before the Regulations were passed, but would be prohibited, regulated or restricted under the terms of the Regulations or under amendments to these Regulations is a Non-Conforming Use.

The lawful existence or use of such non-conformities which are present at the time of the adoption or amendment of these Regulations may be continued even though such use or existence does not conform with the provisions of these Regulations. However, the intent of the Regulations is that while such non-conformities may continue in their present state their survival will not be encouraged, nor shall they be enlarged upon, expanded, or extended.

If a non-conforming use ceases for a period of more than twenty-four (24) months, any future use of that structure, land or other property shall be in conformity with the regulations of the district in which it is located.

If a non-conforming structure is damaged or has deteriorated and the cost of repairs exceeds 50% of assessed value of the structure, the use of such structure shall be discontinued unless permanently changed to a conforming use.

#### 1. Variances

The Board of County Commissioners may adjust the application or enforcement of any provision or of a resolution in any specific case where a literal enforcement of such provision would result in great practical difficulties, unnecessary hardship, or injustice, in an effort to avoid such consequences; provided such action shall not be contrary to the public interest or general purposes thereof.

#### 2. Maximum Height Requirements

The following shall be exempt from maximum height requirements in all districts: Antennas, belfries, chimneys, cupolas, flag poles, ventilators, water tanks, windmills, or other appurtenances usually required to be placed above roof tops and not intended for occupancy.

### **1.7 Conditional Uses**

A conditional use is one which may be permissible within a designated district, but specific conditions must be met prior to and after approval of the conditional use. An application for approval of the conditional use must be submitted to the Planning Commission and a public hearing held before any action is taken for approval of the conditional use.

### **1.8 Permits**

A permit shall be required before construction, alteration, or use begins for a new, altered, conditional and special conditional uses. No permit is required for maintenance or repair of existing structures which are in conformity with these Regulations. No permit is required for buildings that are for farm buildings permitted by these regulations.



Permits are specifically required by these regulations whenever any structure is moved onto, constructed, or altered on any property within the jurisdiction of the County. This section applies to trailer and mobile homes as well as more permanent structures.

Application for a permit shall be made and approved before any movement or construction begins within the County. Once secured, the permit shall be posted in a conspicuous place during and until the project is completed or otherwise ready for use.

No electrical hookups may be made in the County by any utility company unless the owner or occupier has posted such permit in accordance with the above provisions.

The county Auditor and the County States Attorney shall be responsible for the enforcement of this provision.

## **1.9 Amendments**

Because no area is static and to allow for flexibility in response to circumstances and needs not foreseen at the time of the enactment of these Regulations, the Board of County Commissioners, on its own motion or by recommendation, may amend or repeal any provision of these Regulations after a public hearing held pursuant to State Law.

## **1.10 Application Forms**

All information and data to be submitted by the applicant as required by official County Application Forms is hereby incorporated by reference into the Zoning Regulations. Application forms are available from the County Auditor.

## **1.11 ISSUANCE OF PERMITS**

\*\*All applications for a new use, altered use or a Certificate of Zoning Compliance are to be submitted to the County Auditor, with the application fee. The County Auditor will review the application and if it is in order will issue the appropriate permit. In the event the Auditor believes that the application is out of the ordinary, the Auditor will forward the application to the Planning Commission for their review. The Planning Commission will within 10 days of notification of the application from the Auditor approve or deny the permit.

## **1.12 APPLICATION FEE**

\*\*All applications filed with the County Auditor for Permits, Amendments to the Zoning Regulations or for a Certificate of Zoning Compliance shall be accompanied by the following fees:

- |                                 |           |
|---------------------------------|-----------|
| 1. Conditional Use Permit       | \$150.00  |
| 2. Variance                     | \$ 150.00 |
| 3. Special Condition Use Permit | \$ 150.00 |

4. Amendment to the Zoning Regulation	150.00
5. Temporary Use Permit	100.00
6. New Use Permit	50.00
7. Altered Use Permit	50.00
8. Certificate of Zoning Compliance	50.00

\*\*Amendments 1.11 and 1.12 were adopted 7-2-96 as follows on pages 21, 22 and 23 of this plan.

### **1.13 BUILDING PERMIT FEE SCHEDULE**

\*\*All building permit applications are to be filed in the County Auditor’s office with the accompanied fee:

Building permit fee: 1/10<sup>th</sup> of 1 % of the cost of construction, with a minimum fee of \$5.00 and a minimum of \$50.00 for residential and commercial property.

\*\* Amendment 1.13 was adopted 4-3-2001.

### **1.14 STATE BUILDING CODE ADOPTED**

\*\*All buildings erected in Sheridan County are to comply with state and federal laws as stated by the ND building code.

\*\* Amendment 1.14 was adopted 3-16-2004.

### **1.15 WIND ENERGY FACILITIES GENERAL PROVISIONS**

1. \*\*Public hearing required.  
A preliminary public hearing shall be conducted in the county concerning site location, needs of the operation and company employees regarding roads, housing, community facilities and County and community services. These hearings are separate from any environmental impact statement process that may be required.
2. Definitions  
“Wind Energy Facility” shall mean one or more wind turbine(s) rated at a combined 150 kilowatts nameplate capacity or larger.
3. General requirements.
  - a. Wind turbines and related towers shall be painted a non-reflective, non-obtrusive color.
  - b. Wind turbines and related towers shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
  - c. Each wind tower shall be marked with a visible identification number to assist with provision of emergency services, and the permittee shall file with the local fire and sheriff departments, a wind energy facility map identifying wind turbine locations and numbers.
  - d. Wind turbines shall not be artificially lighted, except to the extent required by FAA or other applicable authority.

- e. The design of buildings and related structures at wind energy facility sites shall, to the extent reasonably possible, use materials, colors, textures and location that will blend the wind energy facility to the natural setting and existing environment.
  - f. At wind energy facility sites, the location and construction of access roads and other infrastructure shall, to the extent reasonably possible, minimize disruption to farmland, the landscape and agricultural operations within Sheridan County.
  - g. The permittee shall promptly replace or repair all fences or gates removed or damaged during all phases of the wind energy facility's life, unless otherwise negotiated with the affected landowner. When the permittee installs a gate where electric fences are present, the permittee shall provide for continuity in the electric fence circuit.
  - h. The permittee shall ensure that, following completion of construction of a wind energy facility, all County roads will be repaired or restored to a condition at least equal to the condition prior to construction of such facility, as inspected and approved by Sheridan County Superintendent of Highways.
  - i. The permittee shall place electrical line, known as collectors, and communication cables underground when located on private property. Collectors and cables shall also be placed within or adjacent to the land necessary for wind turbine access roads, unless otherwise negotiated with the affected landowner. (Does not apply to feed lines).
  - j. The permittee shall place overhead feeder lines on public rights of way, if a public right of way exists, or the permittee may place feeder lines on private property. A change of routes may be made as long as the feeders remain on public right of way and approval has been obtained from the governmental unit responsible for the affected right of way. When placing feeders on private property, the permittee shall place the feeder in accordance with the easement negotiated with the affected landowner.
4. Setback requirements.
- a. Each wind turbine shall be set back from the nearest occupied dwelling, commercial building or publicly used structure or facility a distance not less than 1.25 times its total height and five hundred (500) feet, whichever is greater.
  - b. Each wind turbine shall be set back from the nearest public road or above ground communication or electrical lines a distance not less than 1.1 x total height from the center line of the existing right of way.
  - c. Each wind turbine shall be set back from the wind energy facility perimeter a distance not less than 1.1 times the maximum height of the wind turbine. A variance may be granted if an authorized representative or agent of the permittee and those affected parties of adjoining properties with associated wind rights sign a formal and binding agreement expressing all parties' support for a variance that may reduce the setback requirement.
5. Minimum ground clearance.
- The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than seventy five (75) feet.
6. Restoration of property.
- Within one hundred eighty (180) days of termination or abandonment of leases or easements for a wind energy facility in Sheridan County, the current permittee shall cause, at its own expense, removal of all structures to a depth of three (3) feet below pre-construction grade.
7. Transfer of permit.

Prior to any change in ownership or controlling interest of any entity owning a wind energy facility permitted in Sheridan County, application shall be made to the Sheridan County Planning and Zoning Commission, requesting transfer of the wind energy facility siting permit. Approval of such transfer shall be conditioned upon explicit agreement by the new permittee to comply with all provisions of the original permit. The application may be in letter form and shall be signed by the authorized representatives or agents of both the current permittee and the prospective permittee.

## **II. ADMINISTRATION AND ENFORCEMENT**

2.1 The County Zoning Regulations shall be administered and enforced by the County Planning Commission, the County Auditor, and County Board of Commissioners, and County States Attorney.

2.2 Right to Appeal

Any person, or persons, jointly or severally, aggrieved by a decision made by the Board of County Commissioners under Chapter 11-33 of the North Dakota Century Code may appeal to the District Court in the manner provided by law.

2.3 Violations

Whenever a violation of these Zoning Regulations occurs, or is alleged to have occurred, any person may file a written complaint with the County Auditor. Such complaint shall state fully the cause and the basis of the complaint. The County Auditor shall make a record of the complaint, inspect the site or structure complained thereof and present the complaint along with the findings to the Planning Commission.

2.5 Remedies and Enforcement

If it is determined that any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or if any building, structure or other property is used in violation of the Regulation, the County Auditor shall notify the States Attorney of such violation. The States Attorney shall then institute appropriate action to:

1. Prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
2. Restrain, correct, or abate such violations;
3. Prevent the occupancy of the building, structure, or land;
4. Prevent the illegal act, conduct, business, or use in or about the premises;
5. And/or impose the penalties provided under Chapter 11-33 of the North Dakota Century Code.

## **III. SPECIAL PROVISIONS**

### 3.1 Objectives

Because certain activities, conditions, and uses may affect other districts and may be detrimental in certain areas unless proper safeguards are taken, the following regulations have been enacted to protect the welfare of the citizens of the County.

These provisions shall apply to all districts unless states otherwise within these Zoning Regulations.

### 3.2 Temporary Permits

#### 3.2.1 When Required

Except for those temporary uses which require a Special Conditional Use Permit or are otherwise exempt, a temporary permit shall be obtained for all temporary uses in the County. Temporary permits will be issued at the discretion of the County Board of Commissioners if it is satisfied that the issuance of a permit would be in the best interest of the citizens of the County.

The following are examples of uses for which a temporary permit is required. The list is not, however, exclusive.

1. Public gatherings for single or multiple purpose events, such as bazaars, carnival, fairs, musical events, races, revivals, rodeos, etc.
2. Temporary buildings and yards for construction materials and equipment.
3. Parking lots for public events.
4. Temporary office space.

3.2.2 Temporary permits will be valid for such period of time as set by the Board of County Commissioners. Fees and renewal will also be at the discretion of the Board.

## IV. DISTRICTS

### **Districts and Boundaries**

#### **4.1 District Classifications**

In order to classify, regulate, and restrict the location of businesses, industries, residences, and the location of buildings designed for specified uses, to regulate and limit the weight and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population; unincorporated areas under the zoning jurisdiction of the County are divide into the following districts, said districts being known as

- A - AGRICULTURAL DISTRICT
- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT

I - INDUSTRIAL DISTRICT  
RC- RECREATION DISTRICT

#### **4.2 Application of District Regulations**

The regulations within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
  - a. To exceed the height or bulk.
  - b. To accommodate or house a greater number of families.
  - c. To occupy a greater percentage of lot area.
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required; or in any other manner contrary to the provisions of these regulations.
3. No part of a yard, other open space, off-street, or loading space required about or in connection with any building for the purpose of complying with these regulations, shall be included as part of a yard, open space, off-street parking, or loading space similarly required for any other buildings.
4. No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein, Yards or Lots created after the effective date of these regulations shall meet at least the minimum requirements established by these regulations.

#### **4.3 District Zoning Map**

The boundaries of the zoning districts appear on the map designated as the District Zoning Map. The District Zoning Map and all notations, references, and other information shown thereon are part of these Zoning regulations and have the same force and effects as if said map and all notations, references, and other information shown thereon were all fully set forth and described herein. A properly attested copy of the District Zoning Map is on file with the County Auditor.

#### **4.4 Uses, Permitted and Conditional**

1. Agricultural - A

a. Objectives

It is the purpose of these regulations to encourage the use of land in this district for agricultural activities and to discourage any use which would be detrimental to carrying out the primary function of the land for agriculture.

b. Permitted Uses

1. Agricultural operations and those buildings and structures incidental to agricultural operations;
2. Churches and cemeteries;
3. Schools;
4. Public and Private conservation areas;
5. Recreational activities that do not disturb the land or agricultural operations.

c. Conditional Uses

1. Electrical power transmission lines;
2. Industrial, municipal, and commercial pipelines;
3. Radio, television, and telephone microwave transmitting stations;
4. Water reservoirs, water storage tanks, pumping stations and sewer lift stations;
5. Railway trackage and spurs;
6. Non-farm residences;
7. Livestock auction rings;
8. Commercial feedlots;
9. Confined hog feeding operations;
10. Coal excavation and mining;
11. Commercial sand and gravel operations;
12. Airports;
13. Government Facilities;
14. Sewage lagoons and sewage disposal plants;
15. Geophysical exploration.
16. Wind turbines and related infrastructure (Including met towers)\*\*adopted 02-05-2008

- d. See Section V for building standards and Section VI for conditions which must be met before approval of a conditional use will be considered.

2. Residential - R

a. Objectives

It is the purpose of these regulations to encourage use of land in this district for residential activity and to provide regulations for the orderly development of residential use in the County.

b. Permitted Uses

1. Those permitted in District A;
2. Greenhouses and nurseries;
3. Public parks and playgrounds;
4. Community centers;
5. Essential public facilities to serve the immediate area;
6. Single family dwellings.

c. Conditional Uses

- d. See Section V for building standards and Section VI for conditions which must be met before approval of a conditional use will be considered.

3. Commercial - C

a. Objectives

It is the purpose of these regulations to provide for the grouping of retail merchandising, light industry, and service activities into central areas. The Board of County Commissioners recognizes the importance of these activities to the various cities with the County and will give special notice to City Councils and Commissioners in nearby municipalities whenever an amendment to the zoning regulation is sought to establish a Commercial District.

b. Permitted Uses

1. Agricultural operations and those buildings and structures which are incidental to agricultural operations;
2. Dry cleaning, pressing, tailor shops, and Laundromats;
3. Electrical and plumbing shops;
4. Lumberyards
5. Professional offices including banks, insurance, real estate, medical clinics, newspapers and lawyers;
6. Retail and service uses including grocery, drugs, hardware, clothing, furniture stores, bakeries, restaurants, taverns, automobile service stations, used and new car lots, print shops, barber and beauty shops, and sale and service of appliances.
7. sales and service of farm implements;
8. hotels and motels;
9. theaters;



10. bowling alleys and other recreational buildings;
11. Clubs and lodges.

c. Conditional Uses

1. Residential dwellings;
2. Warehouses,
3. Grain and feed mills;
4. Government facilities;
5. Railroad trackage;
6. Special events and construction sheds and offices.

- d. See Section V for building standards and Section VI for conditions which must be met before approval of a conditional use will be considered.

4. Industrial - I

a. Objectives

It is the purpose of these regulations to encourage the use of land in this district for industrial activities and to provide for the grouping of heavy commercial and industrial uses into central areas where they will not adversely affect the land uses.

b. Permitted Uses

1. Agricultural operations and those buildings and structures which are incidental to agricultural operations;
2. Grain elevators and grain storage facilities;
3. Equipment sales, service or repair facilities;
4. Lumber yards;
5. Trucking and freight terminals;
6. Vocational training schools;
7. Warehouses.

c. Conditional Uses

1. Manufacturing and processing plants;
2. Sanitary landfills, sewage lagoons and sewage disposal plants;
3. Fertilizer plants;
4. Coal Gasification Plants;
5. Refineries and petrochemical plants;
6. Fuel storage tanks and terminals;
7. Electrical power generating plants;
8. Airports
9. Salvage and junk yards;

10. Livestock auction rings;
11. Commercial feedlots and confined hog operations;
12. Electrical power transmission lines;
13. Industrial, municipal and commercial pipelines;
14. Radio, television, and telephone microwave transmitting stations;
15. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations;
16. Railway trackage and spurs;
17. Coal excavation and mining;
18. Commercial sand and gravel operations;
19. Solid waste incinerators;
20. Welding shops;
21. Geophysical exploration.

5. Recreational - RC

a. Objectives

It is the purpose of these regulations to encourage the use of land in this district for recreational activities and to provide areas for general recreational activities.

b. Permitted Uses

1. Agricultural operations and those buildings and structure which are incidental to agricultural operations;
2. Recreational activities and those buildings and structures which are incidental thereto;
3. Single family permanent type seasonal dwellings;
4. Mobile homes on permanent type foundations on single lots;
5. Churches and incidental buildings.

c. Conditional Uses

1. Commercial and retail establishments including lodging accommodations operated in conjunction with recreational uses in the district and for the convenience of the patrons and residents thereof;
2. Multi-family dwellings;
3. Water reservoirs, storage tanks and pumping stations;
4. Sewer lift stations.

- c. See Section V for building standards and other conditions which must be met before approval of a conditional use will be considered.

## **V. BUILDING STANDARDS AND DISTRICT REGULATIONS**

### **5.1 Scope**

These standards and regulations are applicable in all districts unless otherwise requires under these regulations.

### **5.2 Standards**

#### **5.2.1 Minimum Lot Size**

1. Lots served by public water supply and public sewer systems.
  - a. Minimum width - 75 feet.
  - b. Minimum area - 10,000 square feet.
2. Lots not served by public water supply and sewer systems.
  - a. Minimum width - 1000 feet.
  - b. Minimum area - 40,000 square feet.
3. Septic tank sewage disposal systems shall not be allowed for multi-family dwellings.

#### **5.2.2 Maximum Building Intensity**

1. Single family dwellings and accessory structures.
  - a. Not more than 50% of the lot.
2. Buildings of 3 or more stories.
  - a. Not more than 50% of the lot.
3. Buildings other than single family dwellings or buildings of 3 or more stories and accessory structures.
  - a. Not more than 60% of the lot.

#### **5.2.3 Maximum Height**

1. Single family dwellings.
  - a. 35 feet.

2. Accessory structures
  - a. 25 feet.
3. Principal structures other than single family dwellings.
  - a. 50 feet.

#### **5.2.4 Setback Requirements**

1. Adjacent to primary highways - State
  - a. 250 feet from road.
2. Adjacent to secondary highways - Farm to Market County
  - a. 200 feet from road.
3. Adjacent to rural roads - Twp
  - a. 125 feet from road.
4. Adjacent to lakes, ponds, streams, rivers, etc.
  - a. 100 feet from the high water mark.
5. Between structure and side lot line.
  - a. 15 feet.
6. Between structure and rear lot line.
  - a. 30 feet.

#### **5.2.5 Fences**

1. Recreational Districts.
  - a. None within 30 feet of shoreline nor may visual access to the water be restricted.
2. Other than recreational districts.
  - a. None in sight line.

#### **5.2.6 Parking Facilities**

1. Commercial Districts

- a. Adequate off street for all employees and rolling equipment on and 1 to 1 ratio and for visitors and customers - 1 space per management employee.

2. Industrial Districts.

- a. Adequate off street for all employees and rolling equipment on a 1 to 1 ratio and ratio and for visitors and customers - 1 space per management employee.

3. Districts other than commercial and industrial.

- a. Adequate off street.
- b. Permissible on setbacks and yards.

### **5.2.7 Outdoor Storage of Materials**

1. Commercial and Industrial Districts.

- a. Prohibited on front yard and in sight lines.

2. All Districts.

- a. Unsightly storage of old cars, junk, trash, etc., prohibited.

### **5.2.8 Building Construction**

1. All Districts.

- a. Permanent type construction.

### **5.2.9 Buffer Strips**

1. Industrial Strips

- a. Sight and sound barrier approved by Planning and Zoning Commission when adjacent to residential areas.

### **5.2.10 Landscaping**

1. Industrial Districts

- a. Front yard, except for walks, driveways, parking areas planted with grass or other grounds cover.

## **VI. CONDITIONAL USES**

### **6.1 Definition**

A conditional use is one which may be permissible under these regulations within a designated district, but to which specific conditions are attached. The County Planning Commission and the County Board or Commission must be satisfied that the granting of a conditional use permit will promote the health, safety and well being of the citizens of the County.

### **6.2 Public Hearing Required**

Application for approval of a conditional use, in addition to other pertinent information must be submitted to the Planning Commission and a public hearing held before any action is taken for approval of the conditional use.

### **6.3 Fees and Notice to Public**

Fees are payable in advance. Included within the fee will be the cost of publishing notice of the hearing. The County Auditor will be responsible for publishing the notice in the appropriate newspapers and will also be responsible for posting notice at the affected site. The County Commission will set a fee schedule.

### **6.4 Procedure for Approval of a Conditional Use**

#### **6.4.1 Application**

Application for approval of a conditional use shall be submitted on an approval form to the County Auditor.

#### **6.4.2 Additional Information Required**

The following information shall be submitted to the Planning Commission for all conditional uses. Additional information for particular uses may also be required under these regulations. The applicant is responsible for ascertaining whether the particular conditional use for which they are seeking approval requires the submission of such additional information.

1. A description and map of the site and its relationship to the surrounding area.
2. Preliminary maps showing the location of structures to be developed or used at the site.
3. Topographic maps in 5' contours of the site.

4. Classification of soils of the site.
5. The location of existing utilities and proposed utility extensions.
6. Parking plans showing off-street parking areas, loading areas, and transfer stations.
7. A schedule showing participated starting and completion dates.
8. Written approval of respective highway authorities for new access roads.
9. Names and addresses of adjacent property owners.
10. Copies of all plans and specifications which have been submitted to governmental departments and agencies.
11. Any additional information deemed necessary.

## **VII. PROCEDURE TO BE FOLLOWED WHEN A PUBLIC HEARING IS REQUIRED**

### **7.1 A public hearing is required whenever an applicant is made for any of the following:**

1. Amendments to the Zoning Regulations.
2. Approval of a Conditional Use.
3. Approval of a Variance.

#### **7.1.1 Application for the above shall be submitted on an approved form to the County Auditor.**

**7.1.2 All fees are payable in advance at the time the application is submitted.** Included in such fees shall be the cost of publication of public notice of the hearing. The County Commission will establish a fee schedule.

**7.1.3 Upon receipt of the application,** the Planning Commission Chairman shall set a date for the public hearing.

**7.1.4 The applicant shall be notified of the hearing date** by the County Auditor or their designated representatives.

**7.1.5 Prior to the hearing date the applicant** shall submit any additional information required under the zoning regulations to the County Auditor.

- 7.1.6 Notice of the hearing shall be published** once a week for two consecutive weeks in the official newspaper of the county, and in such other newspapers as the Planning Commission shall deem necessary. The County shall be responsible for publication of such notice and shall also post notice of the hearing at the affected site.
- 7.1.7 Following the public hearing**, the Planning Commission shall submit its recommendations concerning the proposed action to the Board of County Commissioners for a final decision.
- 7.1.8 Upon approval and adoption** by the Board of County Commissioners of the application, notice shall be published in the official newspaper of the County once a week for two consecutive weeks. The County Auditor shall file proof of such publication in the office of the County Auditor and shall also file a certified copy of the resolution in the Office of the Register of Deeds.
- 7.1.9 If no petition for a separate hearing** is filed pursuant to N.D.C.C. 11-33-10, the resolution or amendment shall take effect upon the expiration of the time for filing said petition.

## **VIII. Crew Camp Housing**

### **Definitions**

#### **As used in the ordinance:**

(1) "Crew Housing Facilities" means one or more lodging units or skid units, ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis, which are not real property, as defined in NDCC ss57-02-04 and are not mobile homes as defined in NDCC ss57-55-01.

(2) "Crew Housing Permit" means a right granted by Sheridan County to locate crew housing facilities on property within the jurisdiction of Sheridan County under this ordinance and enjoy attendant services and facilities provided by the city or county.

(3) "Skid Unit" means a structure or group of structures, either single or multi-sectional, which is not built on a permanent chassis and is ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis.

#### **Crew Housing Conditional Use Permit**



A Temporary Crew Housing Permit authorizes a conditional use, the issuance of which is subject to the procedures contained in this zoning ordinance. It is allowable as a conditional use in Agricultural, Commercial and Industrial Districts. The applications shall be submitted to the Sheridan County Planning and Zoning Commission.

Private individuals in an Agriculture Zoned District can not have more than three (3) camper sites, or would need to apply for Temporary Crew Housing Permit

### **Applicant Background Information**

The Applicant for a Temporary Crew Housing Permit shall provide the following information or documents:

- (1) Consent to background investigation of the owner of the temporary crew housing facility.
- (2) Consent to background investigation of the owner of the real estate upon which the temporary crew housing facility will be located.
- (3) A list of vendors expected to provide services at or to the temporary crew housing facility.
- (4) Applicant's history of residency, employment and business ownership for five (5) years prior to the date of application. If the applicant is a partnership, the required information and consents shall be furnished for all the partners. If the applicant is a corporation or limited liability company, information shall be provided as to the applicant's status as a subsidiary, if any, of any other corporation or limited liability company, the purposes for which the applicant was organized, and the names and addresses of all officers, directors, managing agents and the names and addresses of all stockholders or interest holders owning more than five percent (5%) of the capital stock of such corporation.
- (5) Whether the applicant has ever engaged in the business of owning or operating a temporary crew housing facility or similar operation before, and if so, the dates and locations of such ownership or operation.
- (6) Whether during the five (5) years immediately preceding the date of the application, the applicant, or any of the applicant's officers, directors, managing agents or partners have been convicted of a violation of the laws of the United States of America or of any

state or municipality; and if so, the dates, location and courts in which such convictions were obtained.

(7) Whether the applicant has any agreement, understanding or intention to have any agreement or understanding with any person or entity to obtain for another person or entity or to transfer to another person or entity the license obtained or to use the license for any other purpose other than the specific use described in the application, and if so, the names and addresses of such persons and the conditions of such agreements.

### **Application Procedure**

An application for a Temporary Crew Housing Permit shall be signed by the applicant or authorized representative and shall include the following information:

- (1) The legal description of the property upon which the temporary crew housing will be located.
- (2) A description of the units together with a numbering system that clearly identifies the occupied quarters for the purpose of emergency responses.
- (3) A description of how the proposed units are set and/or anchored.
- (4) A statement that roads to be constructed within the facility meet county specifications.
- (5) The name, address and contact information of the applicant.
- (6) The, address and contact information of the onsite manager.
- (7) A copy of any lease of real estate or personal property involved.
- (8) Plot plans drawn to scale showing housing units, additional structures, setbacks, utilities, drainage, ingress, and egress, parking plans, screens, buffers and fencing. Plot plans shall be provided to the Sheridan County 911 Emergency Coordinator on a current basis.
- (9) An occupancy list to be maintained and provided to the Sheridan County 911 Emergency Coordinator on a current basis.
- (10) Unit spacing adequate to accommodate emergency services.

- (11) A list of housing rules and regulations.
- (12) On-site security plan, including plans for controlled access to the facility and a maximum six-foot (6') high chain link fence encompassing the facility.
- (13) Fire and emergency evacuation plan.
- (14) Copy of the permit, or approval, issued by the North Dakota State Health Department, McLean – Sheridan Rural Water and First District Health Unit including water, refuse disposal and septic or sewer discharge plan.
- (15) Pay an annual Planning and Zoning fee in the amount of fifty cents (\$.50) per square foot of the area of the legal description provided as required in Section (1) above. In the event there are multi-storied crew housing units, the annual fee shall include another fifty cents (\$.50) per square foot of the stories after the ground story.
- (16) A copy of plans for closing the temporary crew housing and cleaning up and reclaiming the real property.
- (17) Submit a surety bond to ensure the proper clean-up and reclamation according to the following schedule:

0-100 person camp	\$75,000.00
101-250 person camp	100,000.00
250-500 person camp	250,000.00
501-1200 person camp	500,000.00

The surety bond shall be forfeited too Sheridan County if the Temporary Crew Housing Facility is not dismantled and the area restored to its unoccupied condition as set out in the written plan and agreement provided to the county. The bond will also be forfeited if any of the following events or conditions occur:

- (a) The Sheriff's Department or any other law enforcement agency receives or services ten (10) complaints due to noise, fighting, unruly behavior or other acts prohibited by the North Dakota Century Code within a three (3) month period of time at the Temporary Crew Housing Facility.

- (b) The Sheriff's Department or any other law enforcement agency receives or services three (3) complaints due to noise, fighting, unruly behavior or other acts prohibited by the North Dakota Century Code for any single individual at the Temporary Crew Housing Facility and said individual is permitted to remain at or in the Temporary Crew Housing Facility by the applicant or the applicant's agent.
- (c) The Temporary Crew Housing Facility fails to appropriately dispose of refuse.
- (d) The occupancy of the Temporary Crew Housing Facility exceeds the number of individuals indicated in the application.
- (18) At a minimum, off-street parking shall be provided on a one-on-one ratio, one parking space per bed and one parking space per employee.
- (19) Temporary Crew Housing Facilities located within Sheridan County must be located along a State Highway. Temporary Crew Housing Facilities located in Sheridan County must be accessible from a State Highway.
- (20) Any additional information deemed necessary by the Zoning Administrator, the Planning and Zoning Commission or the County Commission.

### **Restrictions on Grant Permit**

The Sheridan County Board of Commissioners or the Sheridan County Planning and Zoning Commission may at its discretion deny any application for a Temporary Crew Housing Permit if the applicant is of questionable character or for any other cause which would, in the opinion of the Board of County Commissioners or the Planning and Zoning Commission, render the applicant or the premises to be licensed, improper or unfit for the Temporary Crew Housing Facility, or which would, in the judgment of the Board of County Commissioner or Planning and Zoning Commission, make the granting of the permit contrary to the best interests of the county or its citizens.

### **Prohibited Housing Types**

Recreational vehicles, campers and mobile homes are prohibited as units in a Temporary Crew Housing facility.

### **Prohibited Activities**

No alcoholic beverages, firearms, illegal substances or animals are allowed on the premises of a temporary crew housing facility. No parking shall be allowed between the units. The site shall be maintained free of garbage and junk.

### **Revocation of Permit**

The Board of County Commissioners may review the status of any permit issued pursuant to this Ordinance and take appropriate action to suspend or revoke the same, as provided herein.

#### **(1) Suspension or Revocation for Cause**

Any permit issued pursuant to this Ordinance may be revoked or suspended for cause by the Board of County Commissioners, which cause may include, among other ground, the following:

- (a) The applicant being adjudged bankrupt.
- (b) Applicant's falsifying of any statement or statements in the application process described herein.
- (c) Applicant's conviction, or the conviction of an applicant's officers, directors or agents, of any felony crime under the laws of the United States of America or any state or municipality.
- (d) The applicant's violation of any health or sanitary regulations of Sheridan County or the State of North Dakota.
- (e) The applicant's conduct of business in a disorderly manner or in a manner deemed to be dangerous or detrimental to the public welfare, safety or morals.
- (f) The applicant's, or any agent or employee of the applicant, violation of any term or condition of the permit or any provision of this Ordinance.

#### **(2) Notice – Public Hearing**

Sanctions or penalties under this ordinance may not be invoked without a public hearing if requested by the applicant. The County

Auditor shall give written notification to the applicant that a penalty is being sought under this ordinance. The applicant may notify the County Auditor's office within ten (10) days of such written notification and request a hearing on the proposed penalty. Failure to request the hearing within 10 days of the date of such written notification will be deemed to be acceptance of the penalty without hearing.

If a hearing is requested on the suspension or revocation of a permit, a hearing shall be scheduled by the Board of County Commissioners with a notice specifying the time and place of hearing mailed to the applicant. The hearing shall be recorded electronically.

If, after such hearing, the majority of the Board of County Commissions agrees that sufficient cause exists for the penalty sanctions, the Board shall enter in accordance with the provisions of this ordinance. The Board shall issue written findings, conclusion and order which will be mailed to the applicant.

### **Expansion of Temporary Crew Housing**

In the event an application is to expand an existing Temporary Crew Housing Facility Permit, the expansion shall be treated as a new application, and all conditions, terms and fees shall apply to the new application without consideration for the existing temporary crew housing facility.

### **Renewal of Conditional Use Permit**

Any Temporary Crew Housing Permit granted in accordance with this ordinance shall expire one year from the date of issuance. The permit may be extended by the Planning and Zoning Commission upon written application of the owner of the property or authorized representative provided that the extension is for the same use as specified in the original permit and that the applicant is in compliance with the terms and conditions specified in the original permit.

### **Conditions – Reporting Requirements**

The Board of County Commissioners or the Planning and Zoning Commission may attach any necessary and prudent conditions or reporting requirements to the grant of the conditional use permit.

DOCUMENT NUMBER 108654

AMENDMENTS TO THE SHERIDAN COUNTY  
ZONING PLAN

It was moved by Planning Commissioner Virginia Hoffer to adopt to authorize the County Auditor to issue appropriated permits as is stated in 1.11 and to adopt the fee schedule as is listed in 1.12 to the Sheridan County Zoning Plan, effective July 2, 1996, seconded by Planning Commissioner Melvin Schindler. All voting "Aye" the motion carried.

Dated this 15<sup>th</sup> day of July, 1996.

Shirley A. Murray  
Shirley A. Murray  
Sheridan County Auditor

### 1.11 ISSUANCE OF PERMITS

All applications for a new use, altered use or a Certificate of Zoning Compliance are to be submitted to the County Auditor, with the application fee. The County Auditor will review the application and if it is in order will issue the appropriate permit. In the event the Auditor believes that the application is out of the ordinary, the Auditor will forward the application to the Planning Commission for their review. The Planning Commission will within 10 days of notification of the application from the Auditor approve or deny the permit.



## 1.12 APPLICATION FEE

All applications filed with the County Auditor for Permits, Amendments to the Zoning Regulations or for a Certificate of Zoning Compliance shall be accompanied by the following fees:

1. Conditional Use Permit	\$150.00
2. Variance	150.00
3. Special Condition Use Permit	150.00
4. Amendment to the Zoning Regulation	150.00
5. Temporary Use Permit	100.00
6. New Use Permit	50.00
7. Altered Use Permit	50.00
8. Certificate of Zoning Compliance	50.00

RESOLUTION

WHEREAS, the Planning Commission has proposed as amendment to the Sheridan County Zoning Plan to establish a building permit fee schedule as filed at the County Auditor's Office;

WHEREAS, the Planning Commission has held a public hearing on April 3, 2001 and adopted the building permit fee schedule as filed in the County Auditor's office;

THEREFORE, BE IT RESOLVED THAT, Sheridan County, by and through the County Commissioners, adopts the amendment to establish a building permit fee schedule to the Sheridan County Zoning Plan as filed in the County Auditor's Office.

ADOPTED: April 9, 2001

BY: Sheridan County Commissioners

Gordon Felchle

Eldon J. Ehrman

Shirley J. Jorgensen

ATTEST:

Shirley A. Murray

Shirley A. Murray

### 1.13 BUILDING PERMIT FEE SCHEDULE

All building permit applications are to be filed in the County Auditor's office with the accompanied fee:

Building permit fee:  $1/10^{\text{th}}$  of 1 % of the cost of construction, with a minimum fee of \$5.00 and a minimum of \$50.00 for residential and commercial property.