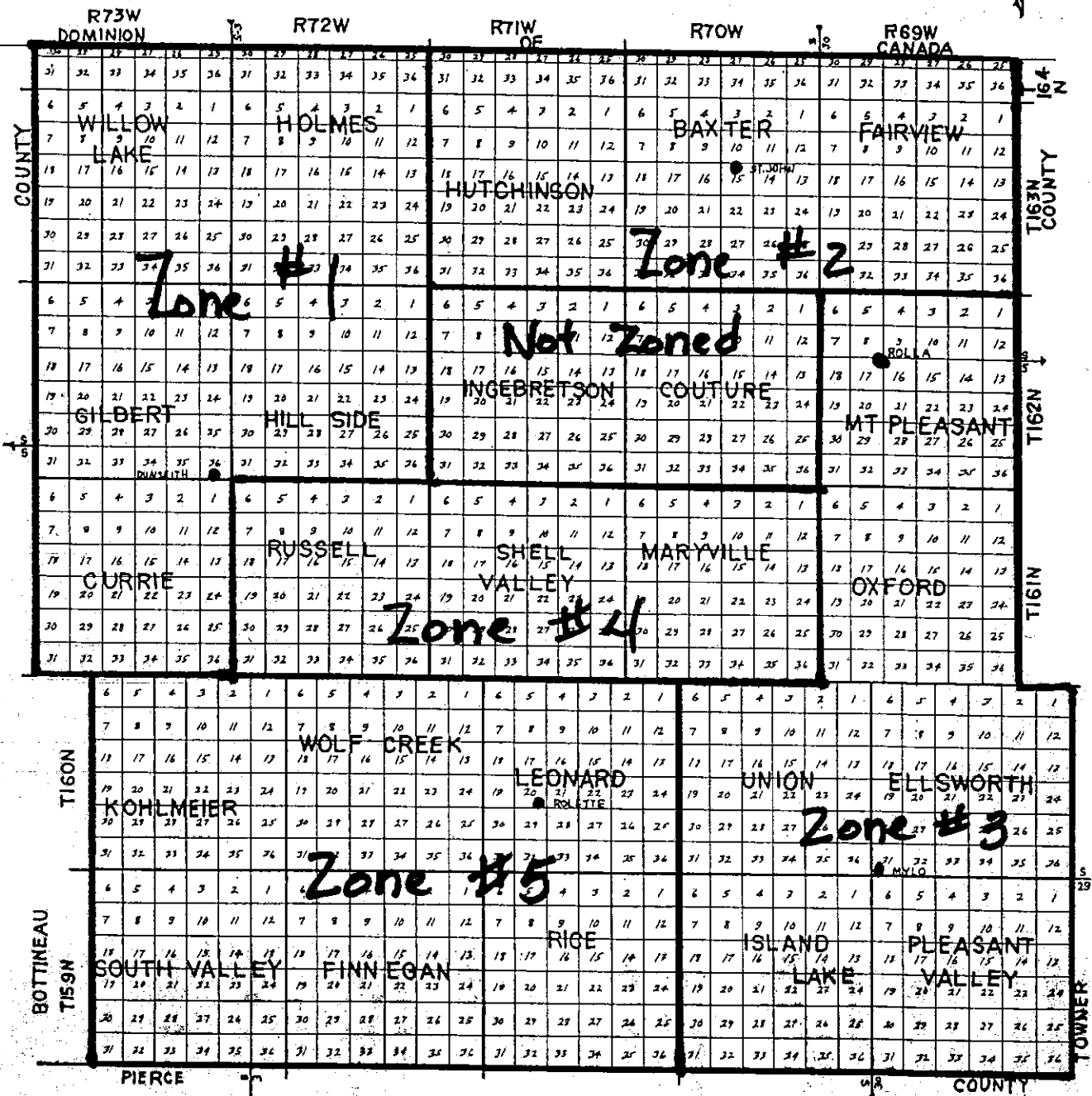


## ROLETTE COUNTY



County building inspectors are as follows:

• Zone 1	Rodney Armentrout	228-2003
• Zone 2	Bob Leonard	477-3941
• Zone 3	Mark Heinz	656-3209
• Zone 4	Dennis Danielson	246-3247
• Zone 5	Sherwood Haakenson	366-4394

## ROLETTE COUNTY ZONING RESOLUTION

A Resolution providing for the zoning of the unincorporated areas of Rolette County, a Municipal Corporation of the State of North Dakota in accordance with the Provisions of Chapter 11-33, Century Code, empowering the Board of County Commissioners to establish Zoning Districts, and provide for County Zoning, by regulating the location, size, height and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands and for the purposes dividing the unincorporated area of Rolette County, North Dakota into zones or districts of such number, sizes and shapes as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this Resolution.

Whereas, the Board of County Commissioners of Rolette County deems it in the interest of the public health, safety, morals, comfort, and general welfare of said county and its residents to establish a general plan of zoning for the unincorporated areas of said Rolette County.

Now, therefore, be it resolved, by the Board of County Commissioners of Rolette County, North Dakota:

### **SECTION 1. REPEAL**

All other zoning regulations and amendments thereto adopted under the authority of Chapter 11-33 of the North Dakota Century Code are hereby repealed.

## SECTION 2. PURPOSE

For the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, the Board of County Commissioners of Rolette County, finds it necessary and advisable to regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, set-back building lines, sizes of yards, courts and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins and trailer coaches and the uses of land for trade, industry, residence, recreation or other purposes and for such purposes divides the unincorporated area of the county into districts or zones.

## SECTION 3. DISTRICTS

For the purpose of carrying out the provisions of this Resolution, the unincorporated areas of the County is hereby divided into the following zones:

1. Zone #1 comprising the unorganized townships of Willow Lake, Holmes, Gilbert, Hillside, Currie and excluding all property owned and used by the International Peace Gardens.
2. Zone #2 comprising the unorganized townships of Hutchinson, Baxter and Fairview.

3. Zone #3 comprising the unorganized townships of Mt. Pleasant, Oxford, Union, Ellsworth, Island Lake and Pleasant Valley.

4. Zone #4 comprising the unorganized township of Russell and the organized townships of Shell Valley and Maryville.

5. Zone #5 comprising the unorganized townships of Wolf Creek, Finnegan, Rice, Leonard and the organized townships of Kohlmeier and South Valley.

That each of the said Zoning Districts shall be divided into the following districts:

1. Agricultural Land.

2. Residential, which shall be designated as "R" Districts.

3. Business and Commercial, which shall be designated as "B" Districts.

4. No Alcoholic Beverages, which shall be designated as "NAB" Districts. Only Willow Lake and Holmes Townships shall have this designation.

5. Industrial, which shall be designated as "I" Districts.

#### SECTION 4. ZONING MAP

The location and boundaries of the zoning districts are hereby established as shown on the maps attached and made a part of the Resolution. The maps shall be kept on file with the County Auditor and shall be regularly updated to show any change in the zoning boundary lines resulting from conditional permits.

## SECTION 5. AGRICULTURAL

Land in any district may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings or improvements incident to the use for agricultural purposes of the land on which such buildings shall be located. For the purpose of this Resolution, "agriculture" shall include agriculture, farming, dairying, pasturage, horticulture, and animal and poultry husbandry. No regulation or restriction shall prohibit or prevent the use of the land or buildings for farming or any of the normal incidents of farming. Minimum requirements for an agriculture classification shall be 10 acres of land, with the owner making at least 50% of his income from agriculture.

## SECTION 6. CLASSIFICATION OF USES

For the purposes of this Resolution, the various uses of buildings and premises shall be classified as follows:

### "R" Districts (Residential)

The following uses and no other shall be deemed Class "R" uses and permitted in all "R" Districts:

1. Single or two-family dwellings including mobile homes or modular homes and buildings accessories thereto, but excluding tents, campers and motor homes, except that not more than one motor home may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such excluded use shall not be continued for more than one (1)

year.

2. Tourist homes.
3. Church, school, fire station, publicly-owned playground.
4. Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by him as his private residence providing such use does not involve any extension or modification of said dwelling which will alter its outward appearance as a dwelling and providing such use does not involve any outward evidence of such use other than a sign as authorized in other sections of this resolution.
5. Hospital or rest home for other than insane or mental cases.

The above uses shall be permitted only provided such use is not noxious, dangerous or offensive.

"B" District (Business)

The following uses and no other shall be deemed Class "B" uses and permitted in all "B" districts:

1. Any use permitted in an "R" district shall be permitted in a "B" district.
2. Apartment house, rooming house, hotel, living quarters over business establishments, restaurant, lunchroom, garage.
3. Retail store or shop, repair shop, beauty parlor, funeral home, mercantile establishment, bank, office or office building, studio.
4. Lodge or Community Hall
5. Gasoline filling and service stations complying with state

regulations.

6. Indoor theater, bowling alley, dance hall, skating rink.
7. Job printing, newspaper printing plant.
8. Builder's supply, ice storage and sales, plumbing and heating supply.
9. Dairy, locker plants.

The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, fumes, flame or vibration.

"I" District (Industrial District)

1. Any use permitted in a "B" District shall be permitted in a "I" District.
2. This district is intended to provide areas for industrial development and those lands uses which are generally not compatible with agriculture, commercial, or residential land uses.
3. For all "I" Districts a Conditional Use Permit must be approved before areas can be designated as an "I" District.

**SECTION 7. CONDITIONAL USES**

The following uses shall be considered conditional uses and shall be permitted only after a conditional use permit has been obtained in accordance with these zoning regulations.

1. Schools, hospitals and sanitariums.
2. Multiple family dwellings.

3. Airports.
4. Livestock sales rings.
5. Commercial feedlots.
6. Stockyard or slaughter of animals.
7. Rock crushers, concrete and asphalt mixing plants, sand and gravel pits, or any such excavation or surface mining.
8. Amusement parks, commercial baseball or athletic fields.
9. Race tracks or fairgrounds.
10. Open air theaters.
11. Commercial radio and television towers exceeding fifty feet in height.
12. Storage of explosives or blasting agents.
13. Wastewater treatment plant.
14. Refuse disposal areas conducted under a landfill or sanitary landfill method.
15. Commercial grain elevators.
16. Cemetery.
17. Animal hospital or kennel.
18. Wrecking, salvage or junk yard.
19. Fish hatcheries, beekeeping, fur farms, and dog kennels.

#### SECTION 8. PROHIBITED USES

Any land uses which are not listed in any section as a permitted use or as a conditional use shall be considered a prohibited use and may not be allowed.



## SECTION 9. NON-CONFORMING USES

a. A non-conforming use existing at the time this resolution takes effect may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

b. Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this resolution, but not completed, may be completed and put to such non-conforming use, providing it is done within one (1) year after this resolution takes effect.

c. Any building or structure, existing as a non-conforming use at the time this resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction.

## SECTION 10. LAKESHORE AREAS

1. In all Zones, no new platting or subdividing of land shall be permitted in shore land areas unless the minimum size of building lot, which shall not be further subdivided for building purposes, is at least 150 feet wide running along the lake shore and a minimum of 20,000 square feet in area; shore land areas shall include all lands within 1,000 feet from the lake and 300 feet from permanent streams.

2. No two family or multiple dwelling shall be erected or building altered to accommodate more than one family as a residence on any one lot or portion thereof.
3. The aforesaid minimum size of building lot shall not apply to lots within existing subdivision plats which have not been vacated, but in those subdivision plats the minimum size of building lots shall be a lot as now platted.
4. Set back from the water in shore land areas for all buildings and structures, except piers, hoists, unenclosed decks and outbuildings not exceeding 600 square feet, shall be not less than 50 feet from the normal high water line. If the contour of the land is such, this minimum need not be followed, the owner must seek the approval of the Zoning Board for a variance.
5. In a Zone comprised of all land within 1000 feet of lake shore, or within 1000 feet of then existing lake water, a building permit or Zoning Certificate for dwelling purposes or to construct a new sewer system shall not be issued unless it provides for a waste water system designed and to be operated so as not to allow effluent to reach the lake, but a waste water drain constructed more than 100 feet from lake water and constructed according to Farmers Home Administration, Environmental Protection Agency and State Health Department standards or better shall be deemed to comply herewith; and that beyond said 100 foot zone from lake water, no permit or

Zoning Certificate shall be issued for dwelling purposes unless it provides for a waste water system constructed according to Farmers Home Administration, Environmental Protection Agency and State Health Department standards or better; provided, however, that holding tanks designed and operated so as not allow effluent to reach lake water may be used without restriction; and that approval of a sewage treatment plan shall be at the sole and absolute discretion of the Rolette County Zoning Board for any new development.

6. Removal of trees from the shore land areas shall in so far as practicable protect the scenic beauty, control erosion, and keep to a minimum effluent and nutrient flow from the shore land. In the event a disease necessitated removal of all trees from a given area, a new planting should begin immediately.

#### SECTION 11. OUTDOOR ADVERTISING

1. Signs not larger than three square feet in area are permitted in any district when the use of the sign is in direct relation to the use of the premises.
2. An outdoor advertising sign or billboard, other than those mentioned in paragraph 1 of this section, shall be deemed a structure and shall require a zoning certificate before being erected, constructed or replaced.
3. No outdoor advertising sign, except those mentioned in

paragraph 1 of this section, shall be placed nearer any street or road than the minimum set-back building line.

4. No outdoor advertising sign more than three square feet in size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same more than three feet.
5. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.

#### SECTION 12. MINIMUM TRACT AREA PER FAMILY

1. No single family dwelling shall be erected or moved on a tract of less than 130,000 square feet, and no sub-dividing of this tract.
2. No two-family dwelling shall be erected or moved on a tract of less than 200,000 square feet, and no sub-dividing of this tract
3. No multiple dwellings.

#### SECTION 13. MINIMUM LOT WIDTH

No dwelling shall be erected in any district on a lot having a frontage of less than fifty (50) feet on a public thoroughfare unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot be practicably be enlarged to comply with this regulation.

#### SECTION 14. SET-BACK BUILDING LINES

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within seventy (70) feet of the right-of-way side line of any road or street. If there is not established right-of-way line for any road or street, said side line shall be deemed to be one hundred (100) feet from the center of the road.

#### SECTION 15. SIDE YARDS

For every building erected in an "R" District and for every dwelling erected in any district, there shall be a minimum side lot clearance on each side of said building of not less than ten (10) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breeze way or other permanently constructed connections shall be construed to be a part of the main building for the purposes of this section. All other accessory buildings shall be at least twenty (20) feet from any dwelling.

Provided, however, that an accessory building located not less than twenty (20) feet to the rear of the main buildings may be erected not less than five (5) feet from a side lot line except on a corner lot, provided that it will be not less than twenty (20) feet distant from any existing residence. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

#### SECTION 16. CORNER LOTS

The set-back building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. If possible, the side yard clearance on the side street should conform to the set-back line for an inside lot on said road or street.

#### SECTION 17. REAR HOUSES

No dwelling or apartment house shall be erected or altered or used unless the same shall have access to a public street, and, if located in the rear of another building and has not immediate street frontage, then a permanent easement for access shall be provided over an unoccupied strip of land at least twenty (20) feet in width and such reserved strip may not form a part of any lot width or lot yard or lot area required by this resolution.

#### SECTION 18. MAXIMUM HEIGHT OF BUILDINGS

No building shall be erected in any district to a height in excess of two and one-half ( $2\frac{1}{2}$ ) stories or in excess of thirty-five (35) feet, measured from the natural grade at the building line to the highest point on the roof, except that these provisions shall not apply to the height of a church spire, belfry, clock tower, wireless tower, chimney, water tank, elevator bulkhead, or other mechanical appurtenances when erected upon and as an integral part of such building.

## SECTION 19. MINIMUM SIZE OF DWELLINGS

Every dwelling or residence shall have a first-floor space designated and used for living quarters of not less than six hundred (600) square foot per family unit exclusive of basements, utility rooms, porches, garages, breeze ways, terraces, attics or partial stories.

## SECTION 20. PARKING FACILITIES

1. All dwellings and apartment houses shall provide parking space off the road or street and outside of the public right-of-way, together with means of ingress and egress thereto, for not less than one motor vehicle per dwelling unit or apartment. Not less than two hundred (200) square feet of area shall be deemed necessary for each such vehicle.
2. All Class "B" and "I" uses shall provide parking space off the road or street outside of the public right-of-way and not more than three hundred (300) feet distant from an entrance to said establishment of an area of not less than two hundred (200) square feet for each one hundred (100) square feet of area of the first floor of said establishment which it serves.
3. All Class "B" and "I" uses shall provide adequate parking space off the road or street.

## SECTION 21. ZONING CERTIFICATE

The position of Zoning Inspector is hereby created for each of the zones established by this resolution to be appointed by the Rolette

County Planning Commission. He/she shall keep in each zone a record of all applications for Zoning Certificates and the action taken thereon.

Before constructing, changing the use of, or altering any building, including accessory buildings, or changing the use of any premises, application shall be made to the Zoning Inspector for a Zoning Certificate. The application shall indicate the exact location of the proposed construction, alteration or change of use and shall include a plot plan, showing the proposed location and dimensions, height of the building and the proposed use. Within ten (10) days after receipt of the application, the Zoning Inspector shall issue a Zoning Certificate if the application complies with the requirements of this resolution and the application is accompanied by the proper fee.

Each Zoning Inspector shall be paid a fee up to and not exceeding twenty-five Dollars (\$25.00) for issuing a Zoning Certificate. A fee of \$50.00 shall be paid by the applicant upon filing an application for amendment, conditional use permit, variance permit or any other activity which requires an advertised public hearing.

Applications must be made and Zoning Certificates obtained, for all excavations for dirt, sand and gravel. The certificate must provide that all pits created from such excavation must be filled within six (6) months after such removals, except in the case of established gravel pits, which must be filled before being abandoned.

## SECTION 22. CONDITIONAL USE PERMITS

1. Requirements for Conditional Uses: A Conditional Use Permit may



be granted following compliance with procedure set forth in this section if the conditional use is one set forth in the District Regulations, provided that no application for a conditional use shall be granted unless all of the following conditions are found to be present:

- A. The conditional use will not be detrimental to or endanger the public health, safety or general welfare;
- B. The existing permitted uses in the area will not be substantially impaired or diminished by the establishment of the conditional use;
- C. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
- D. Adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided;
- E. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public roads and streets; and
- F. The conditional use shall conform to all provisions of the district in which it is located.

The Conditional Use Permit may be issued for a specified period of time with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the conditional use has any detrimental effects on neighboring uses or districts. The Permit

shall be granted for a particular use and not for a particular person or firm.

2. Applications: Application for a Conditional Use Permit

shall be submitted by the property owner to the Planning Commission on forms provided by the Commission. The application shall include

A. The name and address of the applicant.

B. The date of the application.

C. A description of the site and the immediate surrounding area.

D. A preliminary map showing boundary lines and location of structures to be developed on the site.

E. Location of existing structures on adjacent property.

F. Parking plan showing off street parking areas and/or loading areas.

G. Names and addresses of adjacent property owners.

H. Any reasonable information the Planning Commission deems necessary.

I. Payment of the required filing fee.

3. Planning Commission Recommendation: The Planning Commission, upon receipt of an application for a Conditional Use Permit, shall at its next regular meeting, specify a time and date within the next thirty days for a public hearing for the proposed conditional use. Following the public hearing, the Planning Commission shall consider the application and make a

recommendation to the County Commission within thirty days.

4. Public Hearing and Notice: The Planning Commission shall publish a notice of the public hearing in the official county newspaper at least ten days before the hearing. Notice shall include the date, time, place and purpose of the hearing. In addition to the published notice, the Planning Commission may require that notice be mailed to those persons designated by the Planning Commission.

5. County Commission: Upon receipt of the Planning Commission's recommendations, or if the Planning Commission has not acted within the required time limits of this Article, the County Commission shall hold a public hearing on the proposed conditional use. Following the public hearing, the County Commission may either grant the proposed conditional use, grant the proposed conditional use with additional conditions, or deny the proposed conditional use.

## SECTION 23. VARIANCE PERMITS

1. Definition: To permit a variation in the yard, setback and height requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, or topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare, or where variations may be permitted which

allow unusual arrangement on the lot and still clearly and unmistakable accomplish the intent of these regulations. The Board must find that the granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable or unusual hardship or difficulty. The Variance Permit may be issued for specified period of time with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the variance has any detrimental effects on neighboring uses or districts. The Permit shall be granted for a particular use and not for a particular person or firm.

1. APPLICATIONS: Application for a Variance Permit shall be submitted by the property owner to the Planning Commission on forms provided by the Commission. The application shall include:

- A. The name and address of the applicant.
- B. The date of the application.
- C. A description of the site and the immediate surrounding area.
- D. A preliminary map showing boundary lines and location of structures to be developed on the site.
- E. Location of the existing structures on adjacent property.
- F. Parking plan showing off street parking areas and/or loading areas.

G. Names and addresses of adjacent property owners.

H. Any reasonable information the Planning Commission deems necessary.

I. Payment of the required filing fee.

2. PLANNING COMMISSION RECOMMENDATION: The Planning Commission, upon receipt of an application for a Variance Permit, shall at its next regular or special meeting, specify a time and date within the next thirty days for a public hearing for the proposed variance. Following the public hearing, the Planning Commission shall consider the application and make a recommendation to the County Commission within thirty days.

3. PUBLIC HEARING AND NOTICE: The Planning Commission shall publish a notice of the public hearing in the official county newspaper at least ten days before the hearing. Notice shall include the date, time, place, and purpose of the hearing. In addition to the published notice, the Planning Commission may require that notice be mailed to those persons designated by the Planning Commission.

4. COUNTY COMMISSION: Upon receipt of the Planning Commission's recommendations, or if the Planning Commission has not acted within the required time limits of this Article, the County Commission shall hold a public hearing on the proposed variance. Following the public hearing, the County Commission may either grant the variance permit, grant the variance permit with additional conditions, or deny the variance

permit.

#### SECTION 24. AMENDMENTS

The County Planning Commission may initiate amendments to this resolution from time to time and hold public hearings thereon before submitting any proposed amendment to the Board of County Commissioners, notice to be given as provided by statute.

#### SECTION 25. CERTIFICATE OF COMPLIANCE

1. A certificate of compliance is required before any structure, building or land can be occupied which has been built or structurally altered such that it requires a building permit.
2. The certificate of compliance process is outlined below:
  - A. Upon notification of completion of any work requiring a building permit, the Planning Commission conducts an on-site inspection of the work specified on the building permit.
  - B. If the completed work is found to be in accordance with the zoning ordinance, the Planning Commission will issue a certificate of compliance.
  - C. Reasons for refusing to issue a certificate of compliance must be stated by the Planning Commission in writing within fifteen days after the request of the applicant for the certificate. Notice of such refusal shall be sent in writing to the applicant within one week after such refusal is made.

## SECTION 26. BOARD OF ZONING APPEALS

There is hereby created a District Board of Appeals to consist of three (3) members, namely: The County Commissioner of the District in which the Zone is located, the Mayor of the Incorporated Municipality in the District, and a resident of the unincorporated area involved appointed by the Chairman of the Board of County Commissioners.

The members of the Board of Zoning Appeals shall serve without compensation, and shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement of the Zoning Laws or of this Resolution or any amendments thereto.
2. To authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where owing to specific conditions a literal enforcement of the provisions of the resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.

In exercising the above-mentioned powers, such board may, in conformity with the provisions of law and this resolution and amendments thereto, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is

taken.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by an officer of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the ground thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice to the parties in interest, and decide the same within thirty (30) days after it is submitted. Upon the hearing, any party may appear in person or by an attorney. Any person adversely affected by a decision of a Board of Zoning Appeals may appeal to the District Court of this county on the ground that such decision was unreasonable or unlawful, as provided in Chapter 11-11.

#### **SECTION 27. ENFORCEMENT**

A. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this resolution or any amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of



a misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars(\$100.00). Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

B. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of law or of this resolution or any amendment thereto, the Board of County Commissioners, the prosecuting attorney of the county, the Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, any institute, injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or preceding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

#### SECTION 28. VALIDITY

Each section, subsection, provision, requirement, regulation or restriction established by this resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not affect nor render invalid the resolution or amendments thereto as a whole or any other part thereof except the particular part so declared to be invalid.

I, Valerie J. McCloud, County Auditor of Rolette County, do hereby certify that the above is a true and correct copy of the Rolette County Zoning Resolution.

Dated this 27<sup>th</sup> day of December, 2001.

Valerie J. McCloud  
Rolette County Auditor

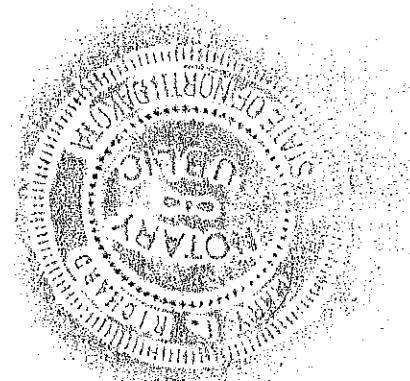
STATE OF NORTH DAKOTA)  
  ) SS  
COUNTY OF ROLETTE         )

On this 27<sup>th</sup> day of December, 2001, personally appeared before me, Mary Richard, a Notary Public, within the aforesaid County and State, Valerie J. McCloud to me personally known as the County Auditor, respectively of the said County and acknowledged to me that she executed the above for and on behalf of said County.

Mary I. Richard  
Notary Public for Rolette County,  
North Dakota

My commission expires 7-22-04

MARY I. RICHARD  
Notary Public, State of ND  
My Commission Expires July 22, 2004



STATE OF NORTH DAKOTA }  
ROLETTE COUNTY, N.D. } SS  
I hereby certify that the within instrument  
was filed in this office for record on the 27th  
day of December, A.D. 2001, at 3:30  
o'clock P. M. and was duly recorded in  
Book "59" of Misc. Page 158-183.  
Colleen J. Bertsch  
County Recorder  
By \_\_\_\_\_ Deputy

**AMENDMENT TO THE ROLETTE COUNTY ZONING RESOLUTION**

May 7, 2002, Meeting of the Board of County Commissioners, Rolette County, North Dakota.

The Board of County Commissioners approved the following amendment to the County Zoning Resolution:

To provide the following additions:

**Section 5 - Agricultural**

Animal Feeding Operations of 1000 animal units or more, shall be required to acquire a Conditional Use Permit

**Section 7 - Conditional Uses**

20. Animal Feeding Operations

**Section 29. Definitions**

**"Animal feeding operation"** means a place where: livestock of 1000 animal units or more have been, are, or will be confined, concentrated and fed for 45 or more days in any 12 month period; pasture, crops, or other vegetation are not normally managed or sustained for grazing during the normal growing season; and, animal waste or manure accumulates. This term does not include an animal wintering operation. Adjoining animal feeding operations under common ownership are considered to be one animal feeding operation, if they use common areas or systems for manure handling.

**"Animal wintering operation"** means the confinement of livestock used or kept for breeding purposes in a feedlot or sheltered area at any time between October 15 and May 15 of each production cycle under circumstances in which these animals do not obtain a majority of their feed and nutrients from grazing. The term includes the weaned offspring of cattle and sheep, but it does not include (1) breeding operations of more than 1,000 animal units or (2) weaned offspring which are kept longer than 120 days and that are not retained for breeding purposes.

**"Livestock"** means any animal raised for food, raw materials or pleasure, including, but not limited to, beef and dairy cattle, bison, sheep, swine, poultry and horses. Livestock also includes fur animals raised for pelts.

NO Fee

**"Animal Units"** - An "animal unit equivalent" is a unit-less number developed from the nutrient and volume characteristics of manure for a specific livestock type. The term "animal units" is used to normalize the number of animals (e.g., head) for each specific livestock type which produce comparable bulk quantities of manure. The animal unit equivalents for types of livestock and the numbers of livestock for facility size thresholds of 300 animal units (a.u.), and so forth, are listed in the following table.

Livestock Type	Animal Unit Equivalent	Equivalent Numbers of Livestock (hd) for Three Sizes (a.u.) of Animal Feeding Operations		
		1,000 a.u.	2,000 a.u.	5,000 a.u.
1 horse	1.33	750 hd	1,500 hd	3,750 hd
1 dairy cow	1.33	750	1,500	3,750
1 mature beef	1.0	1,000	2,000	5,000
1 beef feeder- finishing	1.0	1,000	2,000	5,000
1 beef feeder-backgrounding	0.75	1,333	2,667	6,667
1 mature bison	1.0	1,000	2,000	5,000
1 bison feeder	1.0	1,000	2,000	5,000
1 swine, > 55 lbs	0.4	2,500	5,000	12,500
1 goose or duck	0.2	5,000	10,000	25,000
1 sheep	0.1	10,000	20,000	50,000
1 swine, nursery	0.1	10,000	20,000	50,000
1 turkey	0.0182	55,000	110,000	275,000
1 chicken	0.01	100,000	200,000	500,000

I, Valerie J. McCloud, County Auditor of Rolette County, do hereby certify that the above is a true and correct copy of the Amendment to the Rolette County Zoning Resolution.

Dated this 8<sup>th</sup> day of May, 2002.

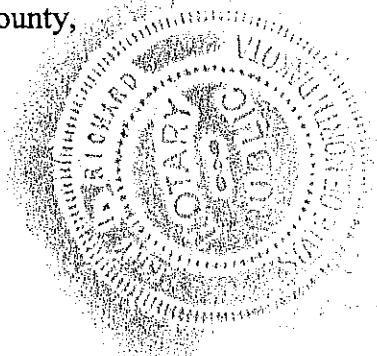
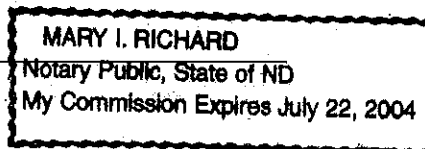
Valerie McCloud  
Rolette County Auditor

STATE OF NORTH DAKOTA )  
 ) SS  
COUNTY OF ROLETTE )

On this 8<sup>th</sup> day of May, 2002 personally appeared before me, Mary Richard, A Notary Public, within the aforesaid County and State, Valerie J. McCloud, to me personally known as the County Auditor, respectively of the said County, and acknowledged to me that she executed the above for and on behalf of said county.

Mary Richard  
Notary Public for Rolette County,  
North Dakota

My commission expires \_\_\_\_\_



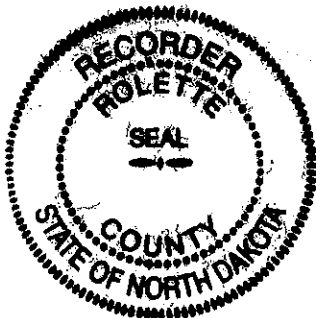
No Fee

AMENDMENT TO THE ROLETTE COUNTY ZONING RESOLUTION

To provide that Lots 1-2-3-4-5-6 of Three Sisters Cove, Second Addition, of Government Lot 2, Section 3, Township 163 N, Range 71 W, be designated as a "R" (Residential), instead of agricultural.

Dated this 7<sup>th</sup> day January, 2003.

Valerie J. McCord  
Rolette County Auditor



STATE OF NORTH DAKOTA } ss  
ROLETTE COUNTY, N.D.

I hereby certify that the within instrument  
was filed in this office for record on the 7<sup>th</sup>  
day of January A.D. 20 03 at 4:15  
o'clock P. M. and was duly recorded in  
Book "59" of Miscellaneous 642.

Colleen J. Bertsch  
County Recorder

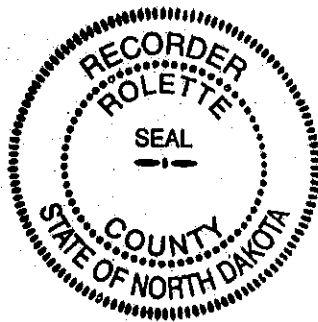
By \_\_\_\_\_ Deputy

AMENDMENT TO THE ROLETTE COUNTY ZONING RESOLUTION

To provide that Lots 1-2-3-4-5-6-7 of Wye Acres Addition to Lake Upsilon, of the E1/2 of Section 3, Township 163 N, Range 71 W, be designated as a "R" (Residential), instead of agricultural.

Dated this 9<sup>th</sup> day October, 2003.

Valerie McCleod  
Rolette County Auditor



STATE OF NORTH DAKOTA  
ROLETTE COUNTY, N.D. } ss  
I hereby certify that the within document  
was filed in the office for record on the 10th  
day of October, A.D. 2003 at 1:25  
P.M. and was duly recorded of  
Book "60" Miscella Page 335.  
Colleen J. Bertsch  
County Recorder  
By SB

no fee R.C. Auditor

## AMENDMENT TO THE ROLETTE COUNTY ZONING RESOLUTION

December 6, 2005, Meeting of the Board of County Commissioners, Rolette County,  
North Dakota.

The Board of County Commissioners approved the following amendment to the County Zoning Resolution:

## Section 7 - Conditional Uses

**Change Item 11 from:**

11. Commercial radio and television towers exceeding fifty feet in height.  
to read:
11. All towers exceeding fifty feet in height.

I, Valerie J. McCloud, County Auditor of Rolette County, do hereby certify that the above is a true and correct copy of the Amendment to the Rolette County Zoning Resolution.

Dated this 7<sup>th</sup> day of December, 2005.

Valerie J. McCord  
Rolette County Auditor

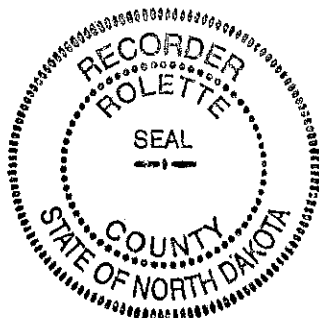
STATE OF NORTH DAKOTA }  
COUNTY OF ROLETTE } SS

On this 7<sup>th</sup> day of December, 2005 personally appeared before me, Janet Webster, a notary public, within the aforesaid County and State, Valerie J. McCloud, to me personally known as the County Auditor, respectively of the said County, and acknowledged to me that she executed the above for and on behalf of said county.

Carol M Webster  
Notary Public for Rolette County,  
North Dakota

My commission expires \_\_\_\_\_

North  
expires on 22, 2010



ROLETTE COUNTY, ND Fee 10.00  
I certify the within instrument was filed for record  
53600 in Book 61 MISCELL \_\_\_\_\_ Page 0693  
Recorded 12/07/2005 at 09:00 AM  
COLLEEN J. BERTSCH, Recorder  
By \_\_\_\_\_ Deputy *Colleen J Bertsch*

AMENDMENT TO THE ROLETTE COUNTY ZONING RESOLUTION

June 5, 2007 Meeting of the Board of County Commissioners, Rolette County, North Dakota.

The Board of County Commissioners approved the following amendment to the County Zoning Resolution:

To provide that Lots 1-2 of 1<sup>st</sup> Addition to Wye Acres Addition to Lake Upsilon, of Lots 4 & 5 of Section 2, Township 163 N, Range 71 W, be designated as a "R" (Residential), instead of agricultural.

Dated this 5<sup>th</sup> day June, 2007

*Valerie McCloud*

Rolette County Auditor

STATE OF NORTH DAKOTA

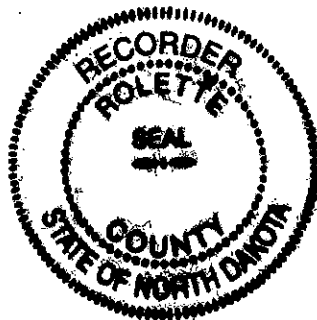
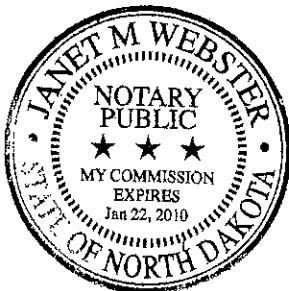
COUNTY OF ROLETTE

On this 5<sup>th</sup> day of June, 2007 personally appeared before me, Janet Webster, a notary public, with the aforesaid County and State, Valerie J. McCloud, to me personally known as the County Auditor, of the said county, and acknowledged to me that she executed the above for and on behalf of said county.

*Janet M. Webster*

Notary Public for Rolette County  
North Dakota

My commission expires on Jan 22, 2010



ROLETTE COUNTY, ND Fee .00 Page(s) 1 of 1  
I certify the within instrument was filed for record  
55138 in Book 63 MISCELL Page 0072  
Recorded 06/06/2007 at 04:30 PM  
COLLEEN J. BERTSCH, Recorder  
By \_\_\_\_\_ Deputy

*Colleen J. Bertsch*

*Not Rec RC Auditor*



## AMENDMENT TO THE ROLETTE COUNTY ZONING RESOLUTION

April 20, 2010 Meeting of the Board of County Commissioners, Rolette County, North Dakota.

The Board of County Commissioners approved the following amendment to the County Zoning Resolution:

To provide that a portion of Gov't Lot 6, Section 10, Township 163, Range 72 as Lots 1 thru 9, Pelican Cove - West Addition; a portion of Gov't Lots 6 & 7, Section 10, Township 163, Range 72 as Lots 1 & 2, Pelican Cove - South Addition & a portion of Gov't Lot 7, Section 10, Township 163, Range 72, as Lots 1 thru 23, Pelican Cove - East Addition, be designated as a "R" (Residential), instead of agricultural.

I, Valerie J. McCloud, County Auditor of Rolette County, do hereby certify that the above is a true and correct copy of the Amendment to the Rolette County Zoning Resolution.

Dated this 20<sup>th</sup> day of April, 2010.

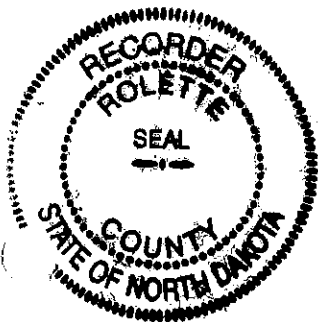
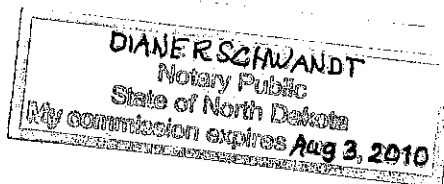
Valerie J. McCloud  
Rolette County Auditor

STATE OF NORTH DAKOTA  
COUNTY OF ROLETTE

On this 26<sup>th</sup> day of April, 2010 personally appeared before me, Diane Schwandt, Notary public, with the aforesaid County and State, Valerie J. McCloud, to me personally known as the County Auditor, of the said county, and acknowledged to me that she executed the above for and on behalf of said county.

Diane F. Schwandt  
Notary Public for Rolette County  
North Dakota

My commission expires on \_\_\_\_



ROLETTE COUNTY, ND Fee \$0.00  
I certify the within instrument was filed for record  
58356 in Book 66 MISCELL Page 405  
Recorded 4/26/2010 at 1:23 PM  
COLLEEN J. BERTSCH, Recorder  
By \_\_\_\_\_ Deputy Colleen J. Bertsch

## AMENDMENT TO THE ROLETTE COUNTY ZONING RESOLUTION

April 20, 2010 Meeting of the Board of County Commissioners, Rolette County, North Dakota.

The Board of County Commissioners approved the following amendment to the County Zoning Resolution:

### Section 10 - Lakeshore Areas

Change Item 1 from:

1. In all Zones, no new platting or subdividing of land shall be permitted in shore land areas unless the minimum size of building lot, which shall not be further subdivided for building purposes, is a least 150 feet wide running along the lake shore and a minimum of 20,000 square feet in area; shore land areas shall include all lands within 1,000 feet from the lake and 300 feet from permanent streams.

to read:

1. In all Zones, no new platting or subdividing of land shall be permitted in shore land areas unless the minimum size of building lot, which shall not be further subdivided for building purposes, is a least 100 feet wide running along the lake shore and a minimum of 20,000 square feet in area; shore land areas shall include all lands within 1,000 feet from the lake and 300 feet from permanent streams.

I, Valerie J. McCloud, County Auditor of Rolette County, do hereby certify that the above is a true and correct copy of the Amendment to the Rolette County Zoning Resolution.

Dated this 20<sup>th</sup> day of April, 2010.

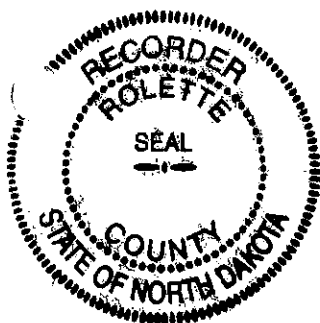
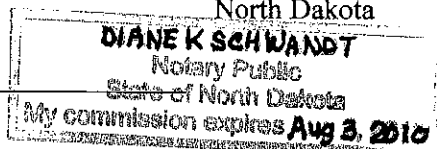
Valerie J. McCloud  
Rolette County Auditor

STATE OF NORTH DAKOTA  
COUNTY OF ROLETTE

On this 26<sup>th</sup> day of April, 2010 personally appeared before me, Diane Schwandt, Notary public, with the aforesaid County and State, Valerie J. McCloud, to me personally known as the County Auditor, of the said county, and acknowledged to me that she executed the above for and on behalf of said county.

Diane K. Schwandt  
Notary Public for Rolette County  
North Dakota

My commission expires on \_\_\_\_\_



ROLETTE COUNTY, ND Fee \$0.00  
I certify the within instrument was filed for record  
58357 In Book 66 MISCELL Page 406  
Recorded 4/26/2010 at 1:23 PM  
COLLEEN J. BERTSCH, Recorder  
By \_\_\_\_\_ Deputy Colleen J. Bertsch

**AMENDMENT TO THE ROLETTE COUNTY ZONING RESOLUTION**

April 19, 2011 Meeting of the Board of County Commissioners, Rolette County, North Dakota.

The Board of County Commissioners approved the following amendment to the County Zoning Resolution:

To provide that Lots 1-2 of 2<sup>nd</sup> Addition to Wye Acres Addition to Lake Upsilon, a portion of Gov't Lots 5 & 6 of Section 3, Township 163 N, Range 71 W, be designated as a "R" (Residential), instead of agricultural.

Dated this 19<sup>th</sup> day April, 2011

*Valerie McCloud*

Rolette County Auditor

STATE OF NORTH DAKOTA

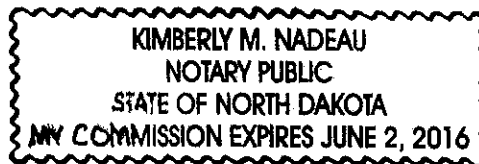
COUNTY OF ROLETTE

On this 19<sup>th</sup> day of April, 2011 personally appeared before me, Kimberly Nadeau, a notary public, with the aforesaid County and State, Valerie J. McCloud, to me personally known as the County Auditor, of the said county, and acknowledged to me that she executed the above for and on behalf of said county.

*Kimberly M. Nadeau*

Notary Public for Rolette County  
North Dakota

My commission expires on June 2, 2016



ROLETTE COUNTY, ND Fee \$0.00  
I certify the within instrument was filed for record  
Document Number 59508  
Recorded 5/5/2011 at 10:59 AM  
COLLEEN J. BERTSCH, Recorder  
By \_\_\_\_\_ Deputy *Colleen J. Bertsch*

AUDITOR'S OFFICE  
ROLETTE CO., NORTH DAKOTA  
**TRANSFER ENTERED**

Date: 5/5/11

*Valerie McCloud*  
County Auditor

BY *TM*  
Deputy

# AMENDMENT TO THE ROLETTE COUNTY ZONING RESOLUTION

May 6, 2014 Meeting of the Board of County Commissioners, Rolette County, North Dakota.

The Board of County Commissioners approved the following amendment to the County Zoning Resolution:

To provide that Lots 2-4 of Wye Acres West Shore Addition to Lake Upsilon, a portion of Gov't Lots 5 of Section 3, Township 163 N, Range 71 W, be designated as a "R" (Residential), instead of agricultural.

Dated this 6<sup>th</sup> day May, 2014

  
Rolette County Auditor

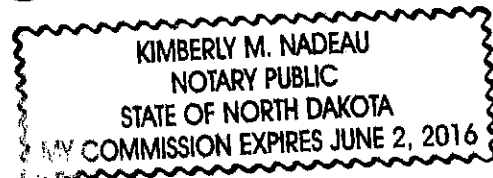
STATE OF NORTH DAKOTA

COUNTY OF ROLETTE

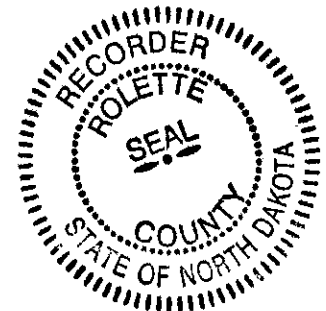
On this 6<sup>th</sup> day of May, 2014 personally appeared before me, Kimberly Nadeau, a notary public, with the aforesaid County and State, Valerie J. McCloud, to me personally known as the County Auditor, of the said county, and acknowledged to me that she executed the above for and on behalf of said county.

  
Notary Public for Rolette County  
North Dakota

My commission expires on June 2, 2016



ROLETTE COUNTY, ND Fee \$0.00  
I certify the within instrument was filed for record  
Document Number 63458  
Recorded 7/21/2014 at 2:03 PM  
Sarah M Bruce, Recorder  
By \_\_\_\_\_ Deputy Sarah M Bruce



## AMENDMENT TO THE ROLETTE COUNTY ZONING RESOLUTION

### Section 3. Districts

Add 6. Recreational District, which shall be designated as "Rec" Districts.

### Section 6. Classification of Uses.

Amend Residential from

- #1 Single or two-family dwellings including mobile homes or modular homes and buildings accessories thereto, but excluding tents, campers, and motor homes, except that not more than one motor home may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such excluded use shall not be continued for more than one (1) year.

To read

- #1 Single or two-family dwellings including mobile homes or modular homes and buildings accessories thereto.

Add

#### **"R" District (Recreational District)**

1. INTENT AND PURPOSE: This district intended to provide areas for rural recreational development and those land uses associated with rural vacation or seasonal residential developments and recreational vehicle parks for short-term or seasonal parking.
2. PERMITTED USES: The following uses shall be permitted in this district.
  - A. General Farming Operations
  - B. Single family lake cabins, cottages, and RV's, intended for seasonal use.
  - C. Golf courses, miniature golf and driving tees operated for commercial purposes.
  - D. Parks, picnic shelters, playgrounds, or community buildings.
  - E. Utility facilities necessary to serve the area.
  - E. Customary accessory uses and structures located on the same tract with the principle use, including barns, sheds, barbecue ovens, fireplaces, private boat docks (located on streams, rivers, lakes, reservoirs or other water areas) and similar uses.
3. CONDITIONAL USES: The following uses shall be considered conditional uses and shall be permitted only after a conditional use permit has been obtained in accordance with these zoning regulations.
  - A. Commercial lake resort.
  - B. Commercial boat, docks, sales, rental, construction and repair and sale of bait and fishing equipment, fuel and other commercial recreational activities.
  - C. Commercial campgrounds (tent and /or recreational vehicle).
  - D. Manufactured homes.
  - E. Camps and campgrounds operated by nonprofit, charitable or religious institutions.
  - F. Commercial retail operations, such as grocery, eating, drinking and fuel businesses.

4. **PROHIBITED USES:** Land uses which are not listed in this Section as a permitted use or as a conditional use shall be considered a prohibited use and shall not be allowed in this zoning district without following the amendment or variance procedures of these regulations.
5. **DIMENSIONAL STANDARDS:** Apply only to Section 2, B
- A. Lot size- not less than 12,000 square feet if served by a sewer collection system common to other adjoining users; not less than one (1) acre if the sewer is drained into an onsite user owned drainage field.
- B. Setbacks:
1. Front yard- 30 feet from lotline, 50 feet from any shoreline with the exception of boathouses, ramps, docks or retaining walls or 100 feet from the centerline if abutting a federal, state, county or township road.
  2. Side yard- 15 feet from lotline, 50 feet from any shoreline with the exception of boathouses, ramps, docks or retaining walls or 100 feet from the centerline if abutting a federal, state, county or township road.
  3. Rear yard- 15 feet from lotline, 50 feet from any shoreline with the exception of boathouses, ramps, docks or retaining walls or 100 feet from the centerline if abutting a federal, state, county or township road.
- C. Lot coverage by buildings: Not more than fifty percent of the lot shall be covered by the principal building and all accessory buildings.

I, Valerie J. McCloud, County Auditor of Rolette County, do hereby certify that the above is a true and correct copy of the Amendment to the Rolette County Zoning Resolution.

Dated this 1<sup>st</sup> day of July, 2014.

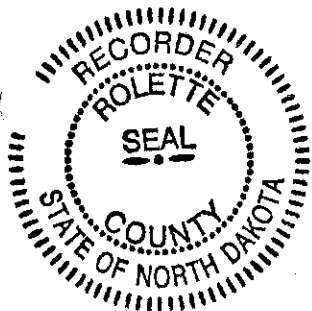
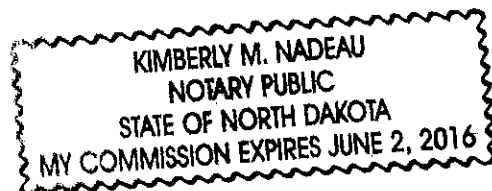
Valerie McCloud  
Rolette County Auditor

STATE OF NORTH DAKOTA  
COUNTY OF ROLETTE

On this 1<sup>st</sup> day of July, 2014 personally appeared before me, Kimberly Nadeau, Notary public, with the aforesaid County and State, Valerie J. McCloud, to me personally known as the County Auditor, of the said county, and acknowledged to me that she executed the above for and on behalf of said county.

Kimberly M. Nadeau  
Notary Public for Rolette County  
North Dakota

My commission expires on June 2, 2016



ROLETTE COUNTY, ND Fee \$0.00  
I certify the within instrument was filed for record  
Document Number 63459  
Recorded 7/21/2014 at 2:03 PM  
Sarah M Bruce, Recorder  
By \_\_\_\_\_ Deputy

Sarah M Bruce

**AMENDMENT TO THE ROLETTE COUNTY ZONING RESOLUTION**

July 1, 2014 Meeting of the Board of County Commissioners, Rolette County, North Dakota.

The Board of County Commissioners approved the following amendment to the County Zoning Resolution:

To provide that Lot 1 of WyeKnot West Shore Park Addition to Lake Upsilon, a portion of Gov't Lots 1 & 5 of Section 3, Township 163 N, Range 71 W, be designated as a "Rec" (Recreational), instead of agricultural.

Dated this 1<sup>st</sup> day July, 2014

Valerie McCloud  
Rolette County Auditor

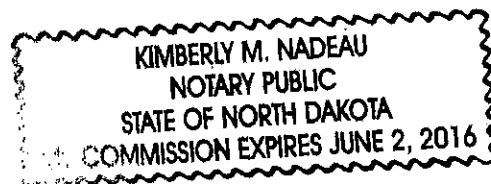
STATE OF NORTH DAKOTA

COUNTY OF ROLETTE

On this 1<sup>st</sup> day of July, 2014 personally appeared before me, Kimberly Nadeau, a notary public, with the aforesaid County and State, Valerie J. McCloud, to me personally known as the County Auditor, of the said county, and acknowledged to me that she executed the above for and on behalf of said county.

Kimberly M. Nadeau  
Notary Public for Rolette County  
North Dakota

My commission expires on June 2, 2016



ROLETTE COUNTY, ND Fee \$0.00  
I certify the within instrument was filed for record  
Document Number 63460  
Recorded 7/21/2014 at 2:03 PM  
Sarah M Bruce, Recorder  
By \_\_\_\_\_ Deputy Sarah M Bruce



**AMENDMENT TO THE ROLETTE COUNTY ZONING RESOLUTION**

October 20, 2015 Meeting of the Board of County Commissioners, Rolette County, North Dakota.

The Board of County Commissioners approved the following amendment to the County Zoning Resolution:

To provide that Outlot I, of Section 9, Township 162 N, Range 69 W, be designated as a "B" (Business), instead of agricultural.

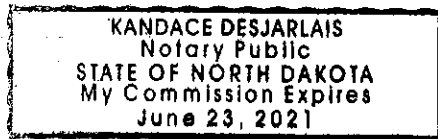
Dated this 20<sup>th</sup> day October, 2015

Valerie McCloud  
Rolette County Auditor

STATE OF NORTH DAKOTA

COUNTY OF ROLETTE

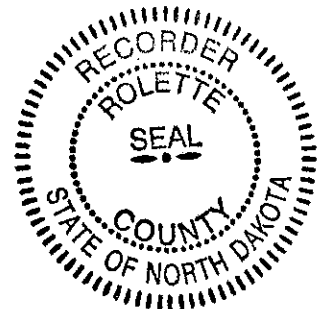
On this 20<sup>th</sup> day of October, 2015 personally appeared before me, Kandace Desjarlais, a notary public, with the aforesaid County and State, Valerie J. McCloud, to me personally known as the County Auditor, of the said county, and acknowledged to me that she executed the above for and on behalf of said county.



Kandace Desjarlais  
Notary Public for Rolette County  
North Dakota

My commission expires on June 23, 2021

ROLETTE COUNTY, ND Fee \$0.00  
I certify the within Instrument was filed for record  
Document Number 64849  
Recorded 11/6/2015 at 1:55 PM  
Sarah M Bruce, Recorder  
By \_\_\_\_\_ Deputy Sarah M Bruce






# AMENDMENT TO THE ROLETTE COUNTY ZONING RESOLUTION

September 6, 2016 Meeting of the Board of County Commissioners, Rolette County, North Dakota.

The Board of County Commissioners approved the following amendment to the County Zoning Resolution:

To provide that Outlot A, of Section 7, Township 160 N, Range 69 W, be designated as a "B" (Business), instead of agricultural.

Dated this 7<sup>th</sup> day September, 2016




Rolette County Auditor

STATE OF NORTH DAKOTA

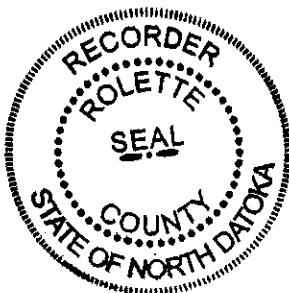
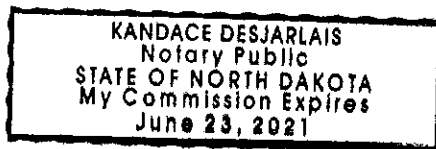
COUNTY OF ROLETTE

On this 7<sup>th</sup> day of September, 2016 personally appeared before me, Kandace Desjarlais, a notary public, with the aforesaid County and State, Valerie J. McCloud, to me personally known as the County Auditor, of the said county, and acknowledged to me that she executed the above for and on behalf of said county.



Notary Public for Rolette County  
North Dakota

My commission expires on June 23, 2021



ROLETTE COUNTY, ND Fee \$0.00

I certify the within instrument was filed for record

Document Number 65778

Recorded 9/7/2016 at 10:07 AM

Sarah M Bruce, Recorder

By RL Deputy

