

PEMBINA COUNTY ZONING REGULATIONS

ADOPTED – AUGUST 6, 1996

AMENDED – MAY 7, 2013

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INTRODUCTION

A. AUTHORITY

The Pembina County Zoning and Subdivision Regulations and Zoning District Map are granted by Chapter 11-33 of the North Dakota Century Code.

B. TITLE

This Regulation shall be known and may be cited and referred to as the "Pembina County Comprehensive Plan and Zoning Regulations".

C. PURPOSE AND INTENT

The purpose and intent of this regulation shall be to promote the health, safety, general welfare and orderly development of Pembina County.

D. SEVERABILITY

If any section, provisions or portion of this regulation is adjudged invalid by a court of competent jurisdiction, the remainder of this regulation shall not be affected thereby.

E. REPEAL

All other regulations or parts of regulations of Pembina County inconsistent or in conflict with this regulation, to the extent of inconsistency or conflict only are hereby repealed.

F. EFFECTIVE DATE

This regulation shall be effective after Notice and Public Hearing and adoption by the Pembina County Board of Commissioners.

G. DEFINITIONS

For the purpose of this regulation, certain words and terms used herein are defined as follows:

1. AGRICULTURE

THE ART OR SCIENCE OF CULTIVATING THE SOIL AND ACTIVITIES INCIDENT THERETO; THE GROWING OF SOIL CROPS IN THE CUSTOMARY MANNER ON OPEN TRACTS OF LAND; THE ACCESSORY RAISING OF LIVESTOCK AND POULTRY.

2. AIRPORT

Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any accessory areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

3. AMENDMENT

Any change, revision or modification of the text of the regulation or the zoning district map.

4. BOARD

The Board of County Commissioners of Pembina County, North Dakota

5. PEMBINA COUNTY PLANNING AND ZONING ADMINISTRATOR

The administrative official designated by the Pembina County Board of Commissioners to administer and enforce the provisions of these regulations.

6. CONDITIONAL USE

ANY USE FOR WHICH THE PEMBINA COUNTY PLANNING AND ZONING COMMISSION SHALL SET SPECIFIC CONDITIONS, ALL OF WHICH MUST BE MET PRIOR TO THE APPROVAL OF SAID USE IN THE DISTRICT.

7. DISTRICT

A section of the County for which the regulations governing the height, area use of buildings and premises are the same.

8. COMMERCIAL FEEDLOT

Any livestock feeding, handling, or holding operation or feed yard where animals are concentrated in an area; 1) which is not normally used for pasture or growing crops or 2) where space per animal is less than 600 square feet.

9. HOTEL OR MOTEL

A building used as a transient abiding place for persons who are lodged for compensation.

10. JUNKYARD

Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including but not limited to, scrap metal, rugs, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles, except those facilities listed as transfer stations, inert waste landfills, or recycling facilities, in the District IV Solid Waste Management Plan.

11. NON-CONFORMING USES

Any building or land lawfully occupied by a use at the time of passage of these regulations or amendment thereto, which does not conform after the passage of these regulations or amendment thereto with the use regulations of the district in which it is situated.

12. SUBDIVISION

The division of land into two or more lots for the purpose of sale or lease for building development.

13. COMMERCIAL USE, INDUSTRIAL USE OR MANUFACTURING PLANT

ANY BUSINESS WHICH ENGAGES IN THE MANUFACTURING, PREPARATION AND OR PRODUCTION OF AND OR SALE OF ANY PRODUCT OR PORTION OF PRODUCT TO THE GENERAL PUBLIC EXCLUDING BUSINESSES WHICH ARE OPERATED OUT OF A RESIDENCE BY THE OCCUPANTS OF THE RESIDENCE.

14. VARIANCE

The grant of relief from the requirements of the ordinance where it can be shown that, due to unusual conditions of the property, strict application of the regulations would result in undue hardship.

GENERAL PROVISIONS

A. JURISDICTION

The jurisdiction of this regulation shall apply to all areas of Pembina County outside the zoning jurisdiction authority accepted by the municipalities and townships. Zoning regulations for solid waste disposal and incineration facilities affect the entire county.

B. ZONING NOT TO EFFECT NORMAL INCIDENTS OF FARMING

Nothing in this regulation shall be applied for the purpose of preventing or prohibiting the use of land or buildings for agriculture or any of the normal incidents of agriculture.

C. AMENDMENTS

The Pembina County Planning & Zoning Commission, from time to time on its own motion or on petition, may supplement or repeal provisions of this regulation after notice and public hearing as provided in Chapter 11-33, Section 11-33-08 of the North Dakota Century Code.

D. NON-CONFORMING USES

1. Lawful non-conforming uses of land or buildings existing at the date of adoption of this ordinance may continue, provided **no** structural alterations, except for normal maintenance, are made, and such non-conforming use **shall not** be extended to occupy a greater area of land than occupied at the time of adoption.
2. No building or structure where a non-conforming use has been discontinued for a period of **two years**, or has changed to a permitted use, shall again be devoted to a non-conforming use.
3. A non-conforming structure destroyed or damaged less than 50% of its fair market value may be reconstructed within one year of such casualty. If damaged more than 50% of its fair market value, such building shall be reconstructed in conformance to those regulations.

E. CONTINUING EXISTING USE

Within the restrictions of Subsection D, nothing in this regulation shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Code Administrator, or the North Dakota State Fire Marshal.

F. CONDITIONALLY PERMITTED USES

Applications for approval of a conditional use shall be submitted to the Pembina County Planning & Zoning Commission. The Commission shall hold a public hearing before action is taken on the application for approval of a conditionally permitted use. Notice of such hearing shall be published in the official county newspaper of general circulation at least one week prior to the hearing.

NO APPLICATIONS FOR A CONDITIONAL USE SHALL BE GRANTED UNLESS THE PEMBINA COUNTY PLANNING & ZONING COMMISSION SHALL FIND ALL OF THE FOLLOWING CONDITIONS PRESENT:

1. The conditional use will not be detrimental to or endanger the public health, safety, morals or general welfare of the county residents.
2. The existing permitted uses in the adjacent land will not in any manner be substantially impaired or diminished by the establishment of the conditional use.
3. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided and responsible parties are identified.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. Any building/construction within the floodway/floodplain requires a conditional permit. PEMBINA COUNTY EMERGENCY MANAGEMENT OFFICE MUST BE CONTACTED TO VERIFY IF THE BUILDING/CONSTRUCTION IS IN A FLOODWAY/FLOODPLAIN. EMERGENCY MANAGEMENT OFFICE WILL SUPPLY THE APPROPRIATE PAPERWORK TO FILE WITH THE CONDITIONAL USE PERMIT REQUEST.
7. The conditional use shall conform to all applicable regulations of the district in which it is located.
8. Based upon the findings of the above listed conditions, the Pembina County Planning & Zoning Commission shall grant or deny a conditional use permit and may grant the permit subject to conditions deemed necessary for the public health welfare and protection of adjoining land owners.

ZONING DISTRICTS

For the purpose of these zoning regulations, Pembina County is at the current time zoned entirely as an Agricultural District. The attached Zoning Map indicates the entire county is zoned as an Agricultural District.

A. AGRICULTURAL DISTRICT

1. PURPOSE

The purpose and intent of the agricultural district is to provide a district that will:

- a. Allow agricultural activities;
- b. Secure economy in governmental expenditures for public services, utilities, and schools;

- c. Regulate non-farm activities that could affect the use of adjoining property owners.

2. PERMITTED USES: NO PERMITS REQUIRED

- a. General agricultural activities including farm dwellings, accessory buildings and agricultural buildings, nurseries and tree farms.
- b. Single family non-farm dwelling, mobile home and/or accessory buildings are permitted uses.
- c. Any land use or development not specifically listed as requiring a conditional use permit below.

3. ZONING REQUIREMENTS FOR ALL OF THE AGRICULTURAL DISTRICT ARE AS FOLLOWS:

1. All buildings, residential, commercial and otherwise, be placed NOT LESS THAN ONE HUNDRED SIXTY (160) FEET FROM THE CENTERLINE OR THREE HUNDRED (300) FEET FROM AN INTERSECTION OF ALL STATE OR COUNTY HIGHWAYS IN THE COUNTY FOR THE PURPOSE OF PREVENTING SNOW ACCUMULATION AND OTHER ROAD HAZARDS.
2. That all shelter belts are planted not less than two hundred (200) feet back from the centerline of any road in the County unless specific permission is granted by the Pembina County Commissioners upon request.
3. That any advertising signs or billboards placed along any roadway shall be placed not less than one hundred sixty (160) feet from the centerline of the road.
4. The following will be conditionally permitted uses: A PERMIT IS REQUIRED AND PUBLIC HEARING WILL BE HELD. THE FEE FOR A PERMIT WILL BE ONE HUNDRED AND 00/100 (\$100.00) DOLLARS.
 - a. Public golf course, playground, recreational area.
 - b. Interstate and Intrastate utility lines, facilities and pipelines not required for local public service provided that;
 - (1) All requirements put upon them by the Pembina County Planning and Zoning Board shall be abided with.
 - (2) The Pembina County Planning and Zoning Commission shall consider the submission provided for herein and shall, before authorizing the issuance of a permit, determine that the proposed utilities or lines do not interfere;
 - (a) With the established future plans of adjoining townships; or
 - (b) The orderly development and safety of the county if any modification of said provisions appears necessary, such modifications shall be noted as a limitation on the zoning permit.

(3) If any overhead utility lines or poles of any company are not in use for three years, the Pembina County Commission may, after notice to the utility company, remove such lines or poles. The expense of removal shall be charged to the responsible utility company.

- c. Commercial grain elevators.
- d. Electric substations and gas regulators provided that for each electric substation where transformers are exposed, there shall be an enclosing wall or fence at least six (6) feet high.
- e. Cemetery or crematory
- f. Radio, television, navigation, or military control station, transmitter or tower.
- g. Wrecking, salvage or junk yards
- h. Public skeet trap and rifle ranges
- i. Dog kennels with five (5) or more adult dogs
- j. Any subdivision
- k. Hotel, motel, restaurant
- l. Any manufacturing plant, commercial or industrial use

ALL CONDITIONALLY PERMITTED USES LISTED BELOW MUST NOT BE LOCATED LESS THAN 2,640 FEET FROM THE NEAREST EXISTING RESIDENCE AND AREAS ZONED RESIDENTIAL

- m. Airports or heliports
- n. Sanitary landfills and incineration facilities. See also the solid waste facility ordinance.
- o. Commercial animal feedlot
- p. Livestock sales rings
- q. Anhydrous storage sites
- r. Propane storage sites
- s. Any hazardous material storage sites
- t. Sewage lagoon

ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of the zoning and subdivision regulations is hereby vested in the Pembina County Planning & Zoning Commission and the Pembina County Zoning Administrator.

A. PEMBINA COUNTY PLANNING AND ZONING ADMINISTRATOR

The Pembina County Zoning Administrator shall be appointed by the Pembina County Planning & Zoning Commission. Duties of the Pembina County Zoning Administrator shall include:

1. Transmit to the Pembina County Planning & Zoning Commission all applications for appeals, variances, or conditional use permits and all applications for amendments to the Pembina County Planning & Zoning Regulations.

B. PEMBINA COUNTY PLANNING & ZONING COMMISSION

The Pembina County Planning & Zoning Commission shall consist of nine members, of whom at least two must be appointed from the governing body of the city that is the County seat, and of whom at most two may be appointed from the Board of County Commissioners. The remaining members shall be appointed from the County at large. Duties of the Pembina County Planning & Zoning Commission shall include:

1. Establishment of rules, regulations, and procedures for the purpose of administering the zoning and subdivision regulations.
2. Assist the Pembina County Zoning Administrator in administering the zoning regulations.
3. Review and study, from time to time, the provisions of the regulations.

C. BUILDING OR DEVELOPMENT PERMIT FEE

1. It shall be unlawful for any person to begin any land use, development or building, where a permit is required by these ordinances, without obtaining a permit.
2. Fees for building (development) permits shall be as follows:
 - a. For any permit \$100.00
3. Any building permit issued by these regulations shall expire one year from the date of issuance.

D. CERTIFICATE OF COMPLIANCE

No building or structure shall be occupied until a Certificate of Compliance shall have been issued by the Pembina County Planning and Zoning Commission for determining the conformity with the specification for which the development permit has been issued.

E. VIOLATIONS AND PENALTIES

It is declared unlawful for any person to violate any of the terms and provisions of these regulations or other official control adopted by the Pembina County Planning & Zoning Commission pursuant thereto. Violation thereof shall be a misdemeanor pursuant to North Dakota Century Code. Violations also may be punishable by a fine of not to exceed one hundred dollars (\$100.00), after written notification for each and every day that any violator fails to comply with the provisions of these regulations. Whenever a violation of these regulations occurs, any person may file a complaint in regard thereto. All fines for violation shall be paid to the Pembina County Treasurer and shall be credited to the general fund of Pembina County.

ADMINISTRATION OF AMENDMENTS

A. INTRODUCTION

Amendments are changes in the zoning regulation. As such, amendments constitute legislative changes, and must be considered by the Board of County Commissioners. There are two types of amendments – text and map amendments. Because the regulation contains one zoning, map amendments would not become necessary until additional districts are drafted into the regulation.

B. APPLICATIONS

Requests for amendments to the zoning regulation should be accompanied by a petition to the Board of County Commissioners. A sample petition form is provided in Appendix I. The form is appropriate for changes in the zoning map. Text amendments should be submitted in writing to the zoning administrator. Also included are a sample "Notice to Surrounding Property Owners" and a public hearing notice for an amendment petition that can be used for alerting interested parties.

C. AMENDMENT PROCEDURES

Figure 1 represents a flow diagram of amendment procedures. The statute authorizes joint commissions to be established between cooperating counties. Membership requirements change, however, under this circumstance.

Once a zoning commission is formed, it becomes the commission's responsibility to report and make recommendations to the Board of County Commissioners and to any counties from adjoining communities. The enabling legislation requires submission of two reports, a preliminary report and a final report, by the zoning commission to the Board of County Commissioners. The preliminary report is prepared as a basis to hold public hearings. While no specifications are given as to what constitutes a "report", at minimum, a proposed zoning regulation should suffice this requirement.

Following the preparation of a preliminary report, a minimum of two public hearings are to be held. Additional hearings may be held, but this is left to the discretion of the zoning commission, and should take into consideration the need to gather input into the process. The hearings are held for the purpose of receiving comments on the provisions of a proposed regulation. Quite frequently, however, discussions and arguments become involved in debating the pros and cons of zoning, not in making recommendations for improving or organizing the regulation. While it is important to determine public sentiment on zoning, this evaluation should be done informally, or be of a secondary purpose at a public hearing.

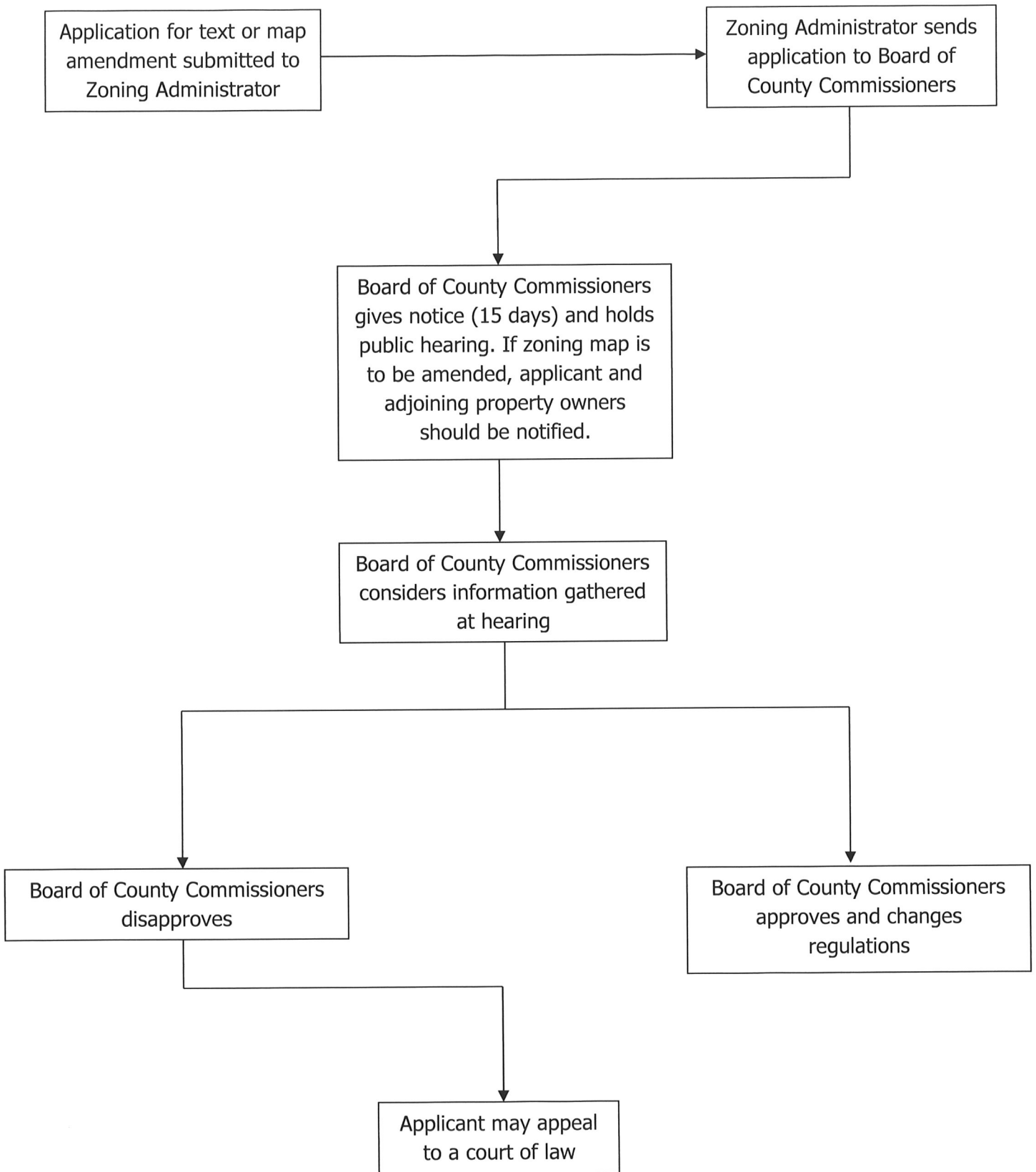
In holding a public hearing, it is also recommended that an attorney be present to answer legal questions. Legal counsel should be present to comment on the ramifications of the zoning regulation and any of its provisions. Similarly, if the regulation was drafted by other than an attorney, that individual should be present to answer questions.

Finally, notice of the public hearings must be published in the county's official newspaper at least fifteen (15) days prior to the hearing. (See Appendix I for a model notification).

The last step in the amendment (or adoption) process is the filing of the amendment with the Board of County Commissioners. Counties with incorporated communities should file the regulation with the municipalities. State law also requires the filing of a district boundary description for any rezoning amendments.

Figure 1

AMENDMENT PROCEDURE



ADMINISTRATION OF VARIANCES

A. INTRODUCTION

Variations are one form of administrative relief – no change is made in the zoning regulation, but a decision is made upon an appeal from an applicant. Because the state enabling legislation does not specify procedure or standards for evaluation requests for variations, this section of the zoning manual has been prepared to assist township zoning boards.

B. APPLICATION FOR VARIANCE

A sample application of variance consideration is included in Appendix I. The application is included as parts of the application for a building permit in order to maintain a complete record of all permit requests on one form. A sample "Notice to Property Owners" is included with the form. An instruction sheet to applicants is also provided to explain legal aspects of a variance request.

C. VARIANCE PROCEDURE

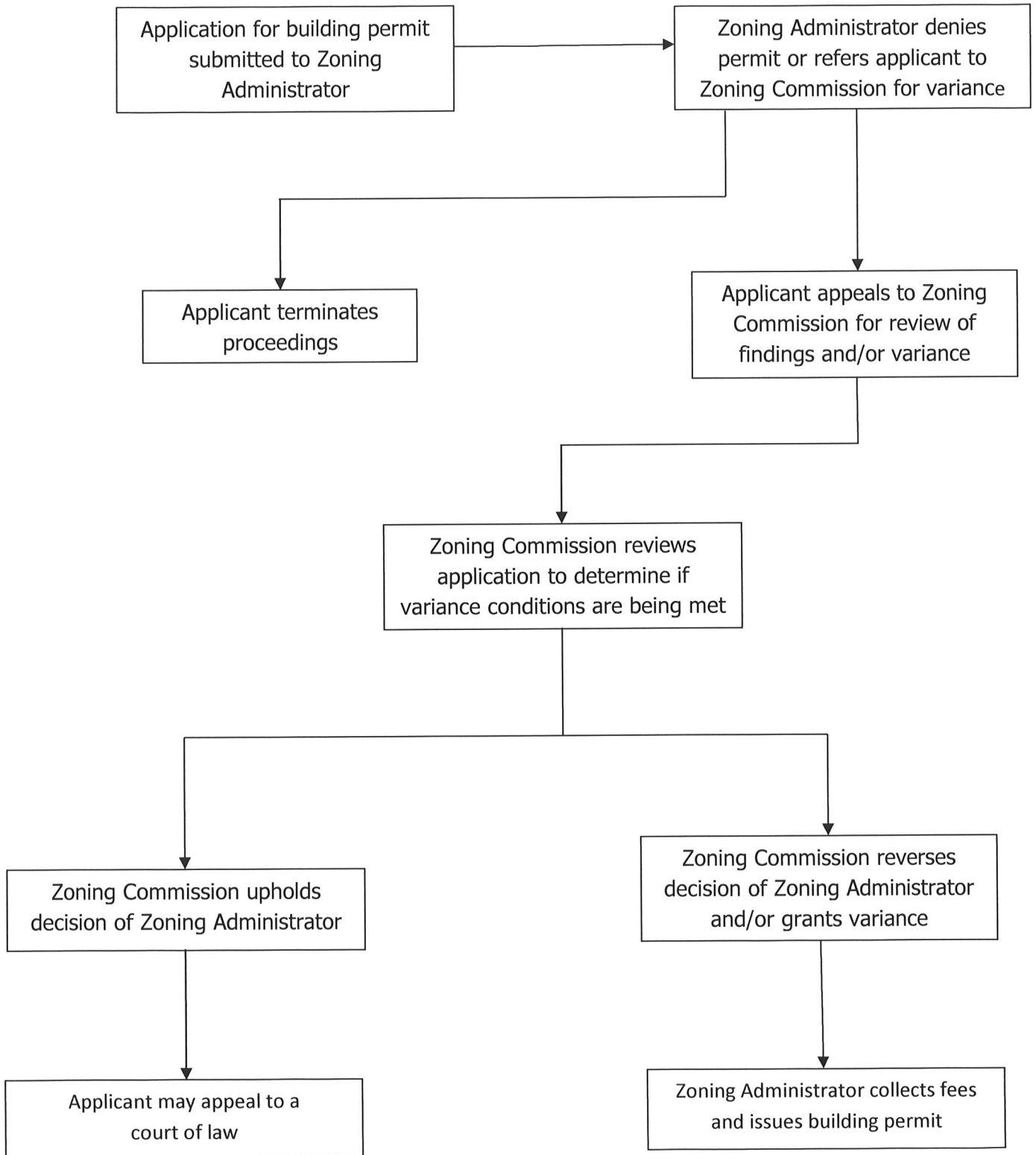
Figure 2 illustrates the procedure to be followed in reviewing a variance application. Upon application for a building permit, the Zoning Administrator would be required to deny the permit because the design of the proposed development would not conform to the zoning regulations.

The Zoning Administrator would forward the variance request to the zoning commission and place the notice of a public hearing in the county newspaper. Notice of hearing should be published at least fifteen (15) days prior to the hearing. Property owners on adjacent property should also be notified of the hearing and of the variance request being considered.

The public hearing is held for the purpose of gathering information concerning the variance and its possible effects on the surrounding properties. The zoning commission is usually not required to reach a decision at a public hearing. For controversial decisions, it may be beneficial to decide at a special session in order to avoid pressure of personal interest. Decisions of the board should be based upon standards in order to avoid emotional decisions. Standards are listed in the zoning regulation. The zoning commission must reach a decision, the commission should decide if the standards for variance approval have been met.

Figure 2

VARIANCE PROCEDURE



ADMINISTRATION OF CONDITIONAL USES

Conditional uses are those uses which are required by law to receive special consideration by the Zoning Commission. This is for the purpose of minimizing any impact or adverse effects the use or development would have on surrounding property.

A. APPLICATION FOR CONDITIONAL USE

The application for conditional use review is included in the application for a building permit. The "Notice to Property Owners" is also applicable to the conditional review procedure.

B. PERMIT PROCEDURE

Figure 3 illustrates the procedure required to issue a conditional permit. Similar to appeal cases, the zoning administrator must refuse to grant a conditional use permit. The authority is delegated to the zoning commission. The zoning commission is, therefore, charged with the responsibility of gathering information concerning the conditional use.

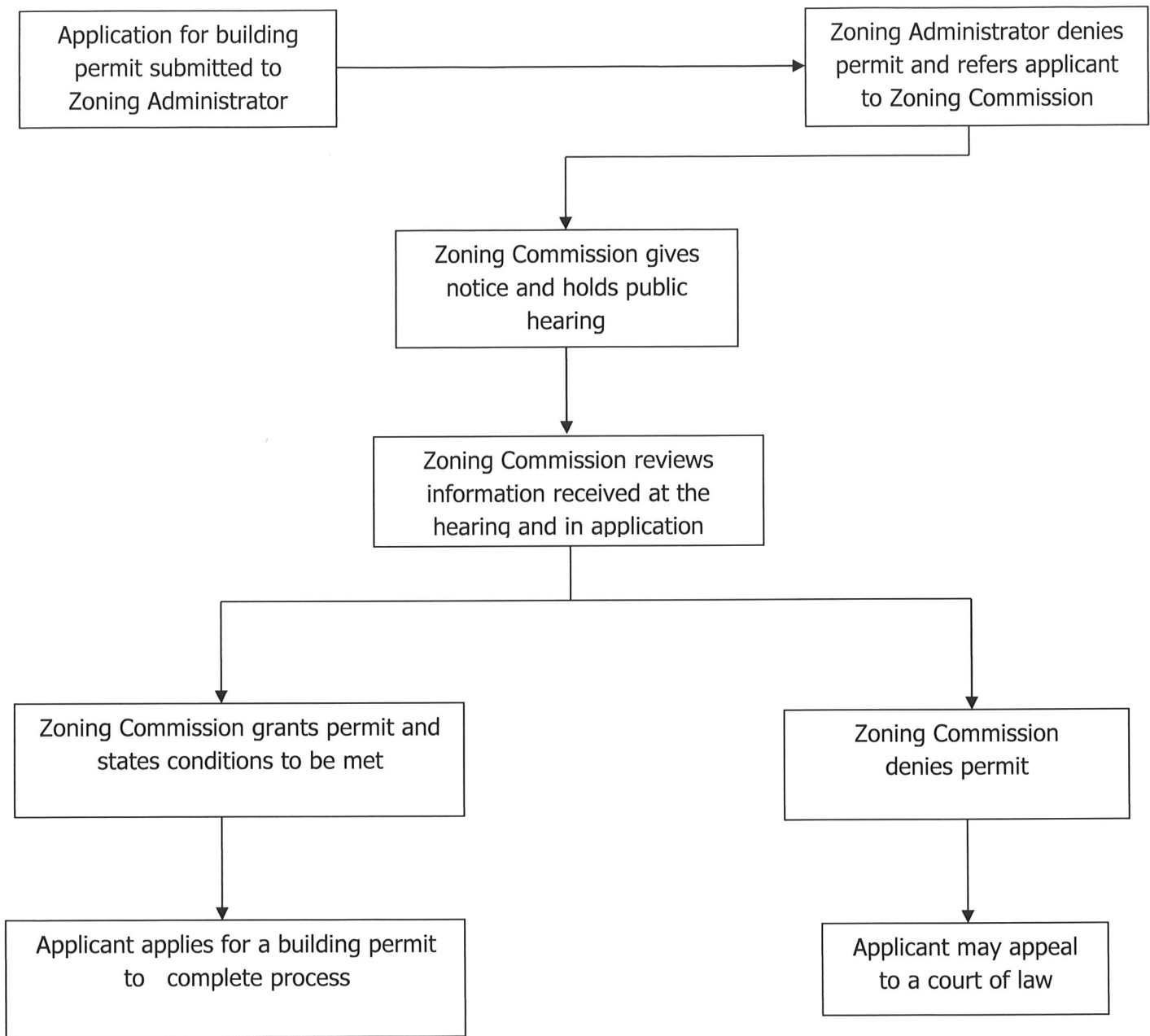
As part of the information gathering process, a public hearing is required. In holding a public hearing, the commission must secure sufficient "findings of fact" to warrant making a decision.

Finally, the zoning commission may place conditions on the issuance of a permit. The conditional requirements, in addition to any stated in the regulation, must be met before the construction or use will be authorized for occupancy or utilization.

After the zoning commission authorized the conditional use permit, the zoning administrator issues a building permit based upon the conditions required by the regulation and the zoning board. Following issuance of a building permit, the zoning administrator becomes responsible for monitoring the construction for conformance with the zoning regulations and any required conditions.

Figure 3

CONDITIONAL USE PROCEDURES



APPENDIX I

ZONING FORMS

BUILDING PERMIT FORM

FILE NO. _____ PERMIT NO. _____ DATE: _____

APPLICANT

NAME _____	ADDRESS _____
PHONE _____	

OWNER

NAME _____	ADDRESS _____
PHONE _____	

LOCATION OF PROPERTY

LEGAL DESCRIPTION _____

PROPOSED LAND USE

(check one)

Residential _____	Number of Household Units _____
Commercial _____	Type of Business _____
Industrial _____	Type of Industry _____
Agricultural _____	
Other (Specify) _____	

STRUCTURE PROPOSED

Type of Structure(s): (If accessory, please indicate)
Accessory Structure to Also be Built? _____ YES _____ NO

Specify Type of Accessory Structure _____

Size of Lot: Length _____ Width _____	Structure Proposed:
Setback _____ feet	Height _____ No. Stories _____
	Length _____ Width _____

If Accessory structure is proposed: Length _____ Width _____ Height _____

(A sketch showing all proposed structures and their location on the lot must be attached)

Type of Action: New Construction _____ Extend _____ Move _____

I certify that the information herein and attached hereto is true and correct to my best belief and knowledge: Signature of Applicant _____

Date: _____

APPEAL RECORD
PEMBINA COUNTY PLANNING & ZONING COMMISSION

Type of Appeal:

Decision of Zoning Administrator* _____

Variance* _____

Conditional Use** _____

Reason for Disapproval: _____

Date Appealed: _____

Hearing: _____

Decision: _____

Type of Amendment Requested: Text _____ Map _____

Amendment Description (Attach separate sheet)

Zoning Commission Hearing Date: _____

Recommendation: _____

*On a separate sheet, enclose a description of the variance or a summary of the reason for requesting an appeal from the Administrator's decision.

**On a separate sheet, enclose an accurate scale drawing or plan of the site, together with characteristics of the lot, structures and any additional information required by the Zoning Commission.

In a separate statement, indicate how proposed use or structure will have no more adverse effects on the health, safety, or comfort of persons living or working in the area; and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than any use permitted in the district.

NOTICE TO APPLICANTS

A variation is a zoning adjustment which permits minor changes of district requirements where individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in the property. Use variations are specifically prohibited. "Variation" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts.

1. A variation recognizes that the same district requirements do not affect all properties equally; it was invented to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is affected by special hardship and unequal treatment under the strict application of the zoning regulation. Where hardship conditions extend to other properties, a variation cannot be granted. The remedy for general hardship is a change of the map or the test of the zoning regulations.
2. You must prove that the combination of the zoning regulation and the uncommon conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions cannot be considered pertinent to the application for a variation:
 - (1) Proof that a variation would increase the financial return from the land, (2) Personal hardship, (3) Self-imposed hardship. In the last case, the recognition of conditions created after the enactment of the zoning ordinance would encourage and condone violation of the law.
3. No variation may be granted which would adversely affect surrounding property or the general neighborhood. All variations must be in harmony with the intent and purposes of the zoning regulation.

PUBLIC NOTICE

Notice is hereby given that on _____, the _____ day of _____, 20_____, at the hour of _____, in the County Courthouse, the Pembina County Planning & Zoning Commission will hold a public hearing on the application of _____ for an appeal of the Zoning Administrator's (decision) (variance) (conditional use) on the following described property:

Description of (appeal) (variance) (conditional use):

Signed by:

Secretary, Pembina County Planning & Zoning Commission

NOTICE TO INTERESTED PROPERTY OWNERS

Refer to Appeal No. _____

Dear Property Owner:

An application for a variance to the Pembina County Zoning Regulations has been filed with the Pembina County Planning & Zoning Commission by:

(Name and Address)

The property is situated in the _____ Zone District and is located at _____

The request, if approved would authorize _____

The Zoning Administrator was required, under the provisions of the Zoning Regulation, to deny the permit because _____

However, the Zoning Commission, under certain conditions and safeguards, may have the authority to grant the request.

A public hearing will be held by the Pembina County Planning & Zoning Commission on _____, 20____, at _____ .M., in the _____, at the Pembina County Courthouse, at which time you may submit your views on the matter in person, by writing, or by representative.

If you know of any interested property owner who, for any reason, has not received a copy of the Notice, it would be greatly appreciated if you would inform them of the time and place of the hearing.

PEMBINA COUNTY PLANNING & ZONING COMMISSION

Dated: _____

BY: _____
Secretary

**NOTICE OF PETITION TO AMEND THE ZONING REGULATION
OF PEMBINA COUNTY, NORTH DAKOTA**

To: Pembina County Board of Commissioners

FROM: Pembina County Planning & Zoning Commission

There is on file in the office of _____ a petition submitted by _____ to amend the zoning regulation of Pembina County, by changing the following described property:

located at _____, from a _____ district to a _____ district.

EXAMPLE:

The East 300 feet of the South 250 feet of the SW ¼ of the SW ¼ of Sec 23, T28N, R4E, of the 5th P.M.

The Pembina County Planning & Zoning Commission will conduct a public hearing on this request on _____, in the _____ at the Pembina County Courthouse at _____ .M. It is your privilege to attend said hearing to express your views concerning the proposed change, or you may submit your comments in writing not later than _____ (A.M.) (P.M.) on _____, 20____.

RESPECTFULLY SUBMITTED,

**PEMBINA COUNTY PLANNING & ZONING
COMMISSION**

DATED: _____

BY: _____
CHAIRMAN

PETITION FOR RE-ZONING

TO: PEMBINA COUNTY BOARD OF COMMISSIONERS

Board Members:

We (I), the undersigned owner(s), of the property described in paragraph 1 below, do hereby respectfully petition your Honorable Body to amend the present Zoning Regulation as hereinafter designated, and in support thereof, the following facts are presented:

1. That the area be re-zoned is contained in the following legal description:

2. That it is requested and desired that the foregoing property be re-zoned from the _____ District.

3. That the reason for requesting the change are as follows: _____

4. That the undersigned below own(s) property within the area which is requested to be re-zoned.
5. That the undersigned have been fully appraised and acquainted with the uses to which the area to be re-zoned may be put if the re-zoning takes place.
6. That in addition to the name(s) given below, there is also attached a plat and an abstractor's certificate giving the names and mailing addresses of property owners within two hundred (200) feet of the perimeter of the proposed change.

Respectfully,

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Description of Property</u>
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NOTICE TO ADJOINING PROPERTY OWNERS
FROM THE PEMBINA COUNTY BOARD OF COMMISSIONERS

A petition for change in the zoning regulations, as applied to the property described as _____

has been filed by _____. The owner of this property is _____.

The petition has been submitted for a re-zoning from the _____ District to the _____ District.

A public hearing will be held by the Pembina County Board of Commissioners on _____, 20____, at _____ (A.M.) (P.M.), at the Pembina County Courthouse in the _____, at which time you may appear if you so desire, either in person or by agent or attorney, in opposition to or support of the proposed change of zoning.

The hearing of this appeal is not limited to those receiving copies of this notice, and if you know of any neighbor or affected property owner, who for any reason, has not received a copy, it would be greatly appreciated if you would inform them of this public hearing.

Respectfully,

PEMBINA COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman

Date: _____

ORDINANCE 95-1

AN ORDINANCE TO ENACT ARTICLE I OF THE 1995 SOLID WASTE ZONING ORDINANCE OF PEMBINA COUNTY, NORTH DAKOTA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PEMBINA COUNTY, NORTH DAKOTA:

Article I, of the 1995 Solid Waste Zoning Ordinance is hereby enacted as follows:

Section 1. SOLID WASTE MANAGEMENT FACILITY

- (i) Solid waste management facilities regulated by this section include all facilities for the incineration or disposal of solid waste or solid waste residue, required to be permitted under North Dakota statute or rule by the North Dakota Department of Health and Consolidated Laboratories (NDDHCL), with the exception of inert waste sites as defined by North Dakota statute. A solid waste management facility that is in compliance with North Dakota law and NDDHCL rules, may be allowed in an Agricultural use zone as a conditional use provided:
 - (a) It is located outside the zoning authority of any city and at least one-half mile from any existing occupied residence.
 - (b) The location must be approved by the Board of County Commissioners of Pembina County
- (ii) Solid waste management facilities not otherwise regulated by state law or rule, such as recycling centers, are regulated by this section. Recycling centers include facilities that handle, in any manner, used tires. Any facility listed in the District IV Solid Waste Management Board's approved plan may be allowed under the term of this Section 1. A recycling facility may be located on a site that is also occupied by an existing residence if the site is owned by the owner of the residence.

Section 2. INERT WASTE FACILITIES

An inert waste facility, whether or not required to be permitted by North Dakota statute or rule by the NDDHCL, that is in compliance with North Dakota law and NDDHCL rules, may be allowed in any Agricultural use zone provided:

- (a) It is located outside the zoning authority of any city and at least one-half (1/2) mile from any existing occupied residence.
- (b) The location must be approved by the Board of County Commissioners of Pembina County.

Section 3. REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its final passage and adoption.

Section 5. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Final passage and adoption: **July 25, 1995**

**RESOLUTION FOR THE ADOPTION OF AN
AMENDMENT TO THE ZONING REGULATIONS
FOR PEMBINA COUNTY**

BE IT RESOLVED:

That the Zoning Regulations for Pembina County, as adopted by the Zoning Commission of Pembina County, as appointed by the Board of County Commissioners thereof, be hereby amended and restated to include the following regulation appropriately denoted in sequence of existing regulations:

In order to prevent snow accumulation which may lead to drainage interruption and resulting flood damage to farm and residential properties, all shelter belts, trees, shrubs, bushes, or other perennial flora, save and except acceptably maintained grass cover, shall be planted not less than 200 feet back from the center line of any assessment drain established or maintained pursuant to Chapters 61-16.1 or 61-21 of the North Dakota Century Code and all buildings, residential, commercial, or otherwise shall be placed not less than 160 feet back from each such center line.

All shelter belts, trees, shrubs, bushes, or other perennial flora, not in conformance with this regulation as of the date of its adoption shall be brought into conformance with this regulation within one (1) year of its adoption and should perennial flora be found to be not on conformity with this regulation within said one (1) years' time from the adoption hereof, the Water Resource Board of Pembina County shall have the authority to remove said non-conforming perennial flora and take whatever actions legal and necessary to insure that the owners of real property from which said non-conforming perennial flora was removed shall be liable for the expense of said removal.

DATED this 14th day of April 1987.

PLANNING & ZONING BOARD OF PEMBINA COUNTY

/s/ W. K. Voorhees
W. K. VOORHEES

FRANK HUGHES

/s/ Everette Bailly
EVERETTE BAILLY

ROGER NELSON

ORVILLE BERNHOFT

/s/ Cameron Wilwant
CAMERON WILWANT

/s/ Dixon Best
DIXON BEST

/s/ Albert Steinke
ALBERT STEINKE

GERALD KEMNITZ

**RESOLUTION FOR THE ADOPTION OF AN
AMENDMENT TO THE ZONING REGULATIONS
FOR PEMBINA COUNTY**

BE IT RESOLVED:

That the Zoning Regulations for Pembina County, as adopted by the Zoning Commission of Pembina County, as appointed by the Board of County Commissioners thereof, be hereby amended and restated to include the following regulation appropriately denoted in sequence of existing regulations:

In order to prevent snow accumulation or other road hazards, all buildings, residential, commercial and otherwise, shall be placed not less than three hundred (300) feet from an intersection of all State or County Highways in the County.

The fee for a conditional permit will be One Hundred and 00/100 (\$100.00) Dollars.

DATED this 7th day of May, 2013

PLANNING & ZONING BOARD OF PEMBINA COUNTY

GARY NILSSON

HETTY WALKER

LAWRENCE GAPP

HUGH RALSTON

KENNETH BRIESE

ANDY ADAMSON JR.

DAROLD JOHNSON

SCOTT RECK

LEE D. MENZIES

Walhalla	St. Joseph	Faison	Neché	Pembina	
LaMoure	Advance	North Cavalier	Bathgate	Carlisle	Joliette
Beaulieu	Akra		Hamilton		
Thingvalla	Park	Lodema	St. Thomas	Midland	Lincoln
Gardar	Crystal	Elora			Drayton

White Areas zoned as Agricultural areas.

NOTICE OF
RESOLUTION ADOPTONG COUNTY ZONING ORDINANCES

The Pembina County Board of County Commissioners herein resolve to adopt the Zoning Regulations as proposed by the Pembina County Planning & Zoning Commission and as amended after public hearing on July 15, 1996.

A complete copy of the Zoning Regulations as amended and as adopted by this resolution are available at the Pembina County Auditor's Office, Pembina County Courthouse, Cavalier, ND 58220 and at the Pembina County Register of Deed Office.

This resolution adopts a comprehensive zoning plan for the County of Pembina and will be applicable to all areas of the County that have not previously been zoned. This resolution is made pursuant to North Dakota Century Code Section 11-33-09.

Any person aggrieved by any provision of this resolution must, within thirty (30) days of the first publication of this notice, file a written petition for separate hearing with the County Auditor. The petition must specify in detail the ground for the objection.

This resolution was passed on the 6th day of August, 1996, on the motion made by Charles Walker, and seconded by Corene Vaughn. All those voting yes: J. Oliver Johnson, Don Anderson, Dwight Longtin. All those voting nay: NONE.

DATED this 6th day of August, 1996.

/s/ Dwight Longtin
DWIGHT LONGTIN, Chairman
Board of County Commissioners

/s/ Dorothy L. Robinson
DOROTHY ROBINSON
Pembina County Auditor