

# **Roland Township**

# **Zoning Ordinance**

**Bottineau County  
North Dakota**

**2nd Edition**

**as revised 2007** & updated 2009 & 2010



## TABLE OF CONTENTS

SECTION I - INTRODUCTION	
A. Authority .....	5
B. Title .....	5
C. Severability .....	5
D. Effective Date .....	5
E. Definitions .....	>5-10
SECTION II - GENERAL PROVISIONS	
A. Jurisdiction .....	11
B. Amendments .....	11
C. Non-Conforming Uses .....	11
D. Non-Conformities and Substandard Lots of Record .....	11-12
E. Shoreland Areas .....	12-14
1. Setbacks .....	>12
2. Removal of Trees .....	12
3. Topography Variance .....	13
4. Filling & Grading-Detrimental .....	13
5. Filling & Grading-Not Detrimental .....	13
6. Sewage Disposal Systems .....	13
7. Boathouses .....	>13
8. Accessory Uses and Structures .....	>14
F. Land Suitability .....	14
G. Signs .....	15
H. Conditionally Permitted Uses .....	15
I. Lot Area Regulations .....	15
J. Property Ownership .....	16
K. Plat Plans .....	16
L. Excavation .....	16
M. Rezoning Application Fee .....	16
N. Transient Site Vending Permits .....	16
O. Foundations .....	16
P. Mobile Home Parks, Trailer Parks & Campgrounds .....	16
Q. Planned Unit Developments .....	17
R. Load Hauling Requirements .....	17
S. Township Guideline for Installation of Approaches on Asphalt Pavement Roads .....	17
SECTION III - ZONING DISTRICTS	
A. Zoning District Map .....	19
B. A - Agricultural District .....	20
C. RR - Rural Residential District .....	21
D. RE - Recreational District RE-1 & RE-2 .....	22-23
E. C - Commercial District .....	23-24
SECTION IV - ADMINISTRATION & ENFORCEMENT	
A. Board of Supervisors .....	25
B. Zoning Board .....	25
C. Board of Appeals .....	25-26
D. Zoning Administrator .....	26
E. Building Permits .....	>26
F. Certificate of Compliance .....	26
G. Violations & Penalties .....	26
H. Fee Schedule .....	>27

ADDENDUM A: ND Health Regulations for Mobile Home Parks, Trailer Parks and Campgrounds

ADDENDUM B: LPG Regulations excerpted from NFPA 58 and Uniform Fire Code

>ADDENDUM C: Nuisance Ordinance No. 1

Followed by: Township Maps, Pre-Application Checklist, Index

# **ROLAND TOWNSHIP ZONING ORDINANCE**

## **PREAMBLE**

This land use Ordinance is adopted under the provisions authorized by the North Dakota Century Code.

## **PURPOSE & INTENT**

The purpose of this Ordinance is to insure, promote and protect the health, safety and general welfare of present and future inhabitants of Roland Township:

- by securing the most appropriate use of the land;
- by preventing undesirable uses of the land;
- by preventing undue concentration of population;
- by providing for the orderly development of undeveloped areas;
- by encouraging and facilitating adequate and economical provision of transportation, water supply, sewage disposal, recreational facilities and other public facilities; and
- by otherwise protecting and preserving the attractive, stable and wholesome environment of Roland Township.

## **DATE OF ADOPTION**

By authorization of the Roland Township Board of Supervisors following a Public Hearing June 11, 2001

2nd Edition Incorporates AMENDMENTS adopted following Public Hearings on March 19, 2002 and October 29, 2002.

>Revisions accepted March 20, 2007 & April 12, 2010

## **SECTION I**

### **Introduction**

A. AUTHORITY

This Ordinance is adopted under the authority granted by Title 58-Townships of the North Dakota Century Code (NDCC).

B. TITLE

This Ordinance shall be known as "Roland Township Zoning Ordinance."

C. SEVERABILITY

If any part of this Ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

D. EFFECTIVE DATE

This Ordinance shall be effective after a public hearing and adoption by the Board of Supervisors of Roland Township.

E. DEFINITIONS

For the purpose of this Ordinance certain words or phrases used herein are defined as follows:

1. **ACCESSORY STRUCTURE or FACILITY:** Any structure or facility incidental to another structure or facility on the same lot. Examples of such structures and facilities include but are not limited to: Swimming pools; tennis courts; saunas; solar collectors; wind generators; satellite dishes; detached garages; storage buildings; and recreational trailers and vehicles.
2. **ACCESSORY USE:** Any use which is incidental to the principal use of a lot.
3. **AGRICULTURE:** The use of land for agricultural purposes.
4. **AGRICULTURAL STRUCTURE:** Any structure existing or erected and used principally for agricultural purposes, with the exception of dwelling units.
5. **ANIMAL HOSPITAL or CLINIC:** A place where animals are treated and accommodated by a veterinarian.
6. **BED & BREAKFAST:** A single-family, owner-occupied dwelling where four (4) or fewer rooms are rented to transient guests on a limited nightly basis and where one meal, generally breakfast, is offered in connection with the sleeping room.
7. **BOARD OF APPEALS:** The Roland Township Board of Appeals as appointed by the Roland Township Board of Supervisors.

8. **BOATHOUSE:** A structure designed and used solely for the storage of boats or boating equipment. Defined as a single story building, minimum dimension of eighty square feet (80 sf) to a maximum of two hundred square feet (200 sf), not to exceed eight foot (8') side walls, minimum 3-12 pitch to a maximum 4-12 pitch roof, new exterior construction, colored to blend in with natural surroundings, accessible to water, located no closer than seven and one-half feet (7 1/2') or more than ten feet (10') from the normal high water mark. CANNOT BE USED FOR LODGING, PATIO OR BALCONY.
9. **BOARDING HOUSE:** A building where three or more persons are accommodated for lodging and meals.
10. **BUILDING:** Any structure, either temporary or permanent, having a roof or other covering, and designed for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property and used for purposes of a building.
11. **BUILDING HEIGHT:** The vertical distance measured from the average elevation of the finished grade to the highest point of the roof.
12. **BUILDING LINE:** That line measured across the length or width of a lot at the point at which the principal structure may not extend without violating setback provisions.
13. **CAMPGROUND:** An area accessible by vehicle and containing campsites or camping spurs for tent and/or RV camping.
14. **COMMERCIAL USE:** The principal use of land or buildings for the sale, lease, rental or trade of products, goods or services.
15. **CONDITIONAL USE:** A land use or development as defined by Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls, upon a finding that standards and criteria stated in this Ordinance will be satisfied. A conditional use must be compatible with the surrounding neighborhood.
16. **CONDOMINIUM:** Multifamily housing which allows separate ownership of individual units, with all common areas and facilities held in undivided ownership by all unit owners. Any real estate which satisfies the requirements set forth in the provisions of North Dakota Statutes.
17. **DECK:** A horizontal un-enclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site.
18. **DOCK:** Portable structure extending into the water intended for facilitating water-oriented activity, normally removed from the water seasonally.
19. **DUPLEX, TRIPLEX and QUADRIPLEX:** Dwelling structures on a single lot having two, three and four units respectively, being attached by common walls and each unit having separate sleeping, cooking, eating, living and sanitation facilities.
20. **DWELLING:** Any structure or portion of a structure or other shelter designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.

- a. DWELLING-MULTI-FAMILY: A structure designed or used for residential occupancy by more than one family, with or without separate kitchen, dining or sanitation facilities, including apartment houses, rooming houses, boarding hotels, duplexes, triplexes, quadriplexes, hospitals or nursing homes.
  - b. DWELLING-SINGLE FAMILY: A structure designated or used for residential occupancy by one family.
- 21. EASEMENT: A grant by a property owner for specified use of land by a corporation, the public or specified persons.
  - 22. FARM: An area which is used for the growing and storage of the usual farm products and the raising of the usual farm animals, containing not less than ten acres.
  - 23. FEEDLOT: A lot or building or group of lots or buildings intended for the confined feeding, breeding, raising or holding of animals.
  - 24. FENCE: A partition, wall or gate erected as a dividing marker, visual or physical barrier or enclosure.
    - a. Decorative: Open type, such as post and rail or wire link
    - b. Privacy: Closed type, such as vertical or horizontal boards with minimal spacing
  - 25. FILL: Soil, sand, gravel, rock or any similar material that is deposited, placed, pushed or transported.
  - 26. FINAL PLAT: A drawing or map of an approved subdivision meeting all requirements of this Ordinance.
  - 27. GARAGE: A fully enclosed building designed or used for the storage of motor vehicles, not including buildings in which fuel is sold or in which repair or other services are performed. Guest sleeping quarters may be permitted; separate apartment or full living accommodations not permitted.
  - 28. GUEST COTTAGE: A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
  - 29. HOME OCCUPATION: A gainful occupation conducted by members of the family within the residence or accessory buildings, provided that the only articles sold are those made on the premises.
  - 30. INERT PIT: A site where biodegradable material such as yard and garden material, trees, branches and lake weeds may be disposed of. Household garbage, animal waste, furniture, appliances, construction materials, chemicals, paints, batteries and fertilizers shall not be allowed.
  - 31. INITIAL PLAT: The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the administrative authority for their consideration.
  - 32. LOT: A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plat or other accepted means, and separated from other parcels or portions by said description for the purpose of sale, lease or separation.
  - 33. LOT AREA: The area of land within the boundaries of a lot, not including land located below the ordinary high water level of a lake or stream lying within this township.

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- 34. LOT LINE: A line bounding a lot. <
  - a. FRONT LOT LINE: For a riparian lot, the front lot line is that line indicating the ordinary high water level. For non-riparian lots, the front lot line is a line dividing a lot from any public road. <
  - b. REAR LOT LINE: Any lot line opposite a front lot line. <
  - c. SIDE LOT LINE: Any lot line that meets the end of the front lot line and the end of the rear lot line. <
  
- 35. LOT WIDTH: The horizontal distance between the side lot lines of a lot measured at right angles to the depth.
  
- 36. MANUFACTURED or MOBILE HOME: A structure of one or more sections designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any given time such wheels attached or is jacked up or skirted. Mobile homes shall be treated as single family housing.
  
- 37. MANUFACTURED or MOBILE HOME PARK: Any premises with three or more mobile home sites or any premises used or held out for the purpose of supplying to the public a parking space for three or more such mobile homes. Sales lots on which automobiles or unoccupied mobile homes, new or used, are parked for purposes of inspection or sale are not included in this definition. For purposes of the Ordinance, manufactured home parks shall be considered a residential Planned Unit Development.
  
- 38. MARINA: Commercial docking area to moor one or more watercraft.
  
- 39. NONCONFORMITY: Any legal use, structure or parcel of land already in existence, recorded and authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
  
- 40. ORDINARY HIGH WATER LEVEL: The boundary of public waters and wetlands indicated by an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape.
  
- 41. PATIO: A horizontal un-enclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site and at no point extending more than two feet above ground.
  
- 42. PIER: A permanent structure extending into the water and intended for facilitating of water-oriented activity; not removed seasonally.
  
- 43. PLANNED UNIT DEVELOPMENT (PUD): A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases and a mix of structure types and land uses. These developments may be organized and operated as condominiums, timeshare condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these; or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels; including conversions of structures and land uses to these types of uses.

- a. PLANNED UNIT DEVELOPMENT-COMMERCIAL: Uses that provide transient, short-term lodging spaces, rooms or parcels with primarily service-oriented operations. Hotel/motel accommodations, resorts, recreational vehicle parks and campgrounds, and other primarily service-oriented activities are examples of commercial planned unit developments.
  - b. PLANNED UNIT DEVELOPMENT-RESIDENTIAL : A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, single family residences; duplexes; triplexes; residential apartments; mobile home parks; condominiums; timeshare condominiums; townhouses; cooperatives; and conversions of structures and land uses to these. Developments of more than four such dwelling units or sites shall be considered Residential Planned Unit Developments.
- 44. PLANNING AND ZONING COMMISSION: The Roland Township Planning and Zoning Commission as duly appointed by the Roland Township Board of Supervisors.
  - 44a. POINT: A projecting or tapering piece of land; promontory; cape.
  - 45. PREMISES: A lot, together with all buildings and structures thereon.
  - 46. PRINCIPAL USE: The primary or main use of the premises which is subject to this Ordinance.
  - 47. RECREATIONAL VEHICLE (RV): Any vehicle or vehicular portable structure built on a chassis, fully self-contained, less than four hundred square feet (400 sf) in size, and designed to be used as a temporary dwelling for travel, recreation or other vacation use.
  - 48. RECREATIONAL VEHICLE CAMPGROUND: Any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis for the accommodation of three or more tents, recreational vehicles, or a combination thereof, either free of charge or for compensation.
  - 49. RESORT: A private recreational development which includes multiple units intended for habitation on a temporary basis for relaxation or recreational purposes.
  - 50. RIGHT-OF-WAY: Land used as a road, street, alley or crosswalk.
  - 51. RIPARIAN LOT: A lot or parcel, any part of which abuts a public water.
  - 52. ROAD: A right-of-way which affords the principal means of access to abutting property. A road may be designated as a highway, thoroughfare, street, parkway, boulevard, avenue, drive, place or other appropriate designation.
  - 53. SEPTIC TANK: Any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building's sewer, to separate solids from liquids, digest organic matters and store liquids for a period of detention, and allow the liquids to discharge to a soil absorption system.
  - 54. SETBACK: The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
  - 55. SEWAGE TREATMENT SYSTEM: A system, including the septic tank and soil absorption system, whereby septic tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil. This includes those systems commonly known as: seepage bed, trench, drainfield or mounds.

56. SEWER SYSTEM: Pipelines, conduits, pumping stations, force main and all other construction, devices, appliances or appurtenances used for conducting sewage or industrial wastes to a point of ultimate disposal.
57. SHORELAND: Land located within the following distances from public waters: one thousand feet (1,000') from the ordinary high water level of a lake, pond or flowage; and three hundred feet (300') from a river or stream.
58. SIGN: An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land; and which directs attention to a product, place, activity, person, institution or business.
59. STRUCTURE: Any building or appurtenance, including decks; but not including aerial or underground utility lines such as sewer, electric, telephone, gas lines, towers, poles or other supporting facilities.
60. STRUCTURAL ALTERATION: Any change, except those required by law or ordinance, which would prolong the life of the supporting members of a structure or building, such as bearing walls, columns, beams or girders.
61. SUBDIVISION: Land that is divided for the purpose of investment, sale, rent or lease, including Planned Unit Developments.
62. SUBSTANDARD LOT: Any lot that does not conform to the minimum lot area prescribed by the Ordinance.
63. TEMPORARY STRUCTURE: Any structure which has been erected or moved onto a lot in order to be utilized for any purpose for a period not to exceed six (6) months. Any structure which is not a temporary structure is considered a permanent structure and must comply with all applicable provisions of this Ordinance.
64. TOWNSHIP: The Roland Township, T163N-164N, R75W.
65. VARIANCE: Any modification or variation of the requirements of this Ordinance granted after application and consideration pursuant to the Ordinance.
66. WATER-ORIENTED ACCESSORY STRUCTURE or FACILITY: A small, above-ground building or other improvement, except stairways, fences, docks and retaining walls, which because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures include boathouses and storage sheds.
67. WATER-ORIENTED STORAGE SHED: An above-ground building used solely for the storage of recreational type equipment, maximum area of one hundred forty-four square feet (144 sf); not to exceed eight foot (8') side walls, minimum 3-12 to a maximum 4-12 pitch roof; new exterior construction, colored to blend in with natural surroundings; accessible to water; located no closer than seven and one-half feet (7 1/2') from the ordinary high water level and no closer than seven and one-half feet (7 1/2') from the side lot line. CANNOT BE USED FOR LODGING, PATIO OR BALCONY. < <

## SECTION II GENERAL PROVISIONS

A. JURISDICTION

The jurisdiction of this Ordinance shall include all lands within Roland Township. Any lands not affected by this Ordinance due to governmental ownership shall be subject to this Ordinance upon transfer to non-governmental ownership.

B. AMENDMENTS

The Board of Township Supervisors may from time to time, on their own motion or on petition, amend, supplement or repeal provisions of this Ordinance after a public hearing.

C. NON-CONFORMING USES

The lawful use of a building, structure or premises existing at the time of adoption or amendment of this Ordinance may be continued although such use does not conform with the provisions of the Ordinance.

1. The total structural repairs or alterations in such a non-conforming building or structure shall not, during its life, exceed fifty percent (50%) of the appraised fair market value of the building or structure, unless permanently changed to a conforming use.
2. If a non-conforming use is discontinued for a period of twelve (12) months or more, any future use of the building, structure or premise shall conform with this Ordinance.
3. Where the non-conforming structure is to be the PRINCIPAL DWELLING on the property, the provisions of Item C.1. do not apply, PROVIDED there shall be no changes resulting in an increase to any of the exterior dimensions of the existing structure. This exception applies only to repairs to existing habitable structures and those necessary because of accidental fires or Acts of God, and is not intended to otherwise allow for reconstruction of demolished or dilapidated structures.

D. NON-CONFORMITIES AND SUBSTANDARD LOTS OF RECORD

Non-conformities in existence as of the date of enactment of this Ordinance shall not be allowed to continue, with the following exceptions:

1. Buildings or structures which were legally constructed prior to adoption of this Ordinance, but that do not meet the provisions of this Ordinance, may continue in use.
2. Deck additions to structures that do not meet the minimum setback from the ordinary high water level are allowed, with a building permit, provided:
  - a. The structure existed on the date the structure setbacks were established;
  - b. The deck shall be not closer than thirty feet (30') from the normal high water mark.
  - c. The deck is constructed primarily of wood, and is not roofed or screened; and
  - d. The deck surface is not over three feet (3') above existing grade at any point along its perimeter.
3. Non-conforming Use of Land may continue, provided:
  - a. Uses which are declared to be a public nuisance shall not continue; and
  - b. When a non-conforming use of land is discontinued for more than twelve (12) months, the new use of land must conform to the provisions of this Ordinance.

D. Non-Conformities and Substandard Lots of Record (cont.)

- 4. Development of Substandard Lots of Record
  - a. Lots of record as recorded in the Office of the Bottineau County Register of Deeds prior to adoption of this Ordinance shall be allowed as building sites, provided that:
    - i. The lot was created in compliance with applicable Zoning Ordinance and law in effect at that time;
    - ii. The use is permitted in the zoning district;
    - iii. The lot has been in separate ownership from abutting lands at all times since it became substandard;
    - iv. The sewage treatment and setback requirements of this Ordinance are complied with; and
    - v. A building permit is obtained from the Township Zoning Administrator.
  - b. Setback Variance Requirements:
    - i. A Variance from setback requirements must be obtained before any use, sewage treatment system or building permit is issued for a lot that does not meet setback requirements.
    - ii. In evaluating the Variance application, consideration shall be given to the sewage treatment and water supply capabilities or constraints of the lot. The Variance shall be denied if compliant facilities cannot be provided.
  - c. Combining of Contiguous Substandard Lots:
    - i. If, in a group of two or more contiguous lots under the same ownership any individual lot does not meet the minimum lot width and lot area requirements specified in this Ordinance, the lot shall not be considered as a separate parcel of land for purposes of sale or development.
    - ii. The lot must be combined with one or more contiguous lots so that they equal one or more parcels of land, each meeting the requirements of lot area and lot requirements.

E. SHORELAND AREAS

Shoreland areas shall include all lands within one thousand feet (1,000') from the normal high level of a lake, pond or flowage, and three hundred feet (300') from a river or stream.

- 1. SETBACKS: Setbacks from water in shoreland areas for all buildings and structures, except piers, hoist and boathouses, shall be not less than fifty feet (50') from the normal high water line. The land elevation at the building site shall not be less than four feet (4') above the normal high water line. POINTS OF LAND: The minimum setback from the point - or narrowest frontal piece of property - shall be not less than fifty feet (50') from the ordinary high water mark. The setback from the side Lot lines shall be not less than twenty-five percent (25%) of the horizontal distance of the Lot as measured across the front building line. An exception to the 50' setback may be allowed to align with existing adjacent dwellings closer than 50' to normal high water line.
- 2. REMOVAL OF TREES: Removal of trees in excess of twenty percent (20%) of the number of trees within fifty feet (50') of the shoreline shall be prohibited, unless a Variance has been granted.

3. TOPOGRAPHY VARIANCE: Where, because of topography or other factors a Variance is applied for, the Zoning Administrator and board shall consider scenic beauty, control of erosion and reduction in effluent and nutrient flow from the shoreland in deciding to grant or deny the Variance.
4. FILLING & GRADING-DETRIMENTAL: Filling and grading which would result in harm to the lakes and streams by increasing sedimentation, erosion or impairing fish and aquatic life and the quality of the water, shall be prohibited.
5. FILLING & GRADING-NOT DETRIMENTAL: Where filling and grading for the purpose of lakefront development is not deemed detrimental to the scenic beauty and water quality, a Variance to grade and fill not to exceed one thousand square feet (1,000 sf) of a lot/s area may be granted, provided that such grade and fill conforms to adjacent topography.
6. SEWAGE DISPOSAL SYSTEMS: To protect the public health, abate nuisance and odor conditions, to control water pollution and to abate the problem of nutrients of sewage and waste sources entering the lakes and streams, construction of privies and cesspools shall be prohibited in shoreland areas. The following regulations apply:
  - a. Septic tanks and drain fields shall be located no closer than seventy-five feet (75') from, and not less than four feet (4') above, the normal high water line.
  - b. The water well shall be located no closer than fifty feet (50') from the septic tank and the drain field or seepage pit.
  - c. There shall be no discharge or deposition of the liquid or solid wastes from the septic tank upon lands within the shoreland areas.
  - d. In the non-shoreland areas, all privies, septic tanks, drainage fields and seepage pits shall be adequate to handle all liquid wastes in order to avoid ground and surface water pollution.
  - e. Areas of developments where watershed or effluent drainage may be deemed to have an adverse impact on the Lake Metigoshe water basin may be required to be annexed into the Lake Metigoshe Recreational Service District public sewer service area.
  - f. The Lake Metigoshe Recreational Service District and North Dakota State Health Department First District Health Unit regulations, and all amendments thereto, are adopted by reference into this Ordinance.
7. BOATHOUSES: The construction of boathouses after the date of enactment of this Ordinance shall be prohibited. Boathouses in existence at the time of enactment of this Ordinance may continue in use, provided:
  - a. They are maintained in a reasonably neat appearance and are structurally safe.
  - b. Repairs necessary to keep such a structure in use are subject to the requirements set forth in Section I.E.-Definition 8.
  - c. Changing from a flat roof to a pitched roof will not be considered a change in dimensions. A maximum pitch can be 4-12.

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E. Shoreland Areas (continued)

8. ACCESSORY USES AND STRUCTURES:

Where a lot is devoted to a permitted principal use or customary accessory uses and where structures are authorized, except as specifically prohibited or prohibited by implication of this or any other ordinance, the following special rules apply:

- a. All accessory buildings, including carports and breezeways, ATTACHED to the principal building shall be made structurally a part thereof and shall comply in all respects with the requirements applicable to the principal building.
- b. All DETACHED accessory buildings or structures shall be located on the side or rear yards; they shall comply with all yard requirements applicable to the principal building.
- c. PIERS and DOCKS are allowed, but must comply with this Ordinance and North Dakota law.
- d. Each lot may have one WATER-ORIENTED accessory structure not meeting the normal structure setback as specified in Section II.E.1, provided that such structure complies with the provisions provided for under Section I.E.-Definitions 8 and 67.
- e. FENCES: A Fence Permit shall be obtained before starting construction and will require that the property owner sign a waiver releasing Roland Township from liability related to the proposed fence. Adjoining property owners shall sign to show their agreement with the location of the placement of the fence, within the following guidelines:
  - i. Fences shall be a minimum of ten feet (10') from the edge of the road where no defined right-of-way exists or is known; where right of way is defined the fence can be on the right of way line, but in no case shall the fence be closer than 10' from the edge of the road.
  - ii. A DECORATIVE fence shall be allowed not closer than 7 1/2' from the ordinary high water mark and shall not exceed 4' in height, within 30' of the ordinary high water mark. <
  - iii. A PRIVACY fence shall be allowed not closer than 30' from the ordinary high water mark and shall not exceed 8' in height. <
  - iv. SINGLE wire, single chain or single cable type fences are not allowed, due to danger to children, bikers, runners, etc.

F. LAND SUITABILITY

- 1. Land with inadequate drainage, soil limitations or any other condition likely to be harmful to health and safety shall not be used for seasonal or permanent uses.
- 2. Where any uncertainty exists as to the suitability of the land for on-site sewage disposal, the Soil Conservation Service may be requested to study the soil conditions and file a report with the Zoning Administrator prior to a decision being made on suitability.

## G. SIGNS

No signs shall be located, erected, moved and/or enlarged in the Residential, Recreational and Commercial districts, except as permitted by this Ordinance.

1. The signs permitted in Residential and Recreational districts shall be limited to:
  - a. Real estate signs, not to exceed eight square feet (8 sf);
  - b. For charitable or religious institutions, not to exceed eight square feet (8 sf);
  - c. Official signs for traffic control, information and notice, not to exceed two square feet (2 sf) or as per Federal, State or County regulations;
  - d. Home occupations and property identification, not to exceed two square feet (2 sf);
  - e. Signs for resorts and other permitted uses, not to exceed eight square feet (8 sf).
2. The signs permitted in the Commercial district shall be limited to:
  - a. Ground signs not exceeding twenty feet (20') in height above the road grade and not exceeding one hundred square feet (100 sf) in area;
  - b. Wall signs not exceeding one hundred square feet (100 sf) in area;
  - c. Window signs not exceeding twenty-five percent (25%) of the window area.
3. Permitted signs shall be located as close as feasible to, without actually encroaching upon, highway right-of-ways.
4. A sign existing at the time of adoption of this Ordinance may be continued, although it shall be deemed a non-conforming use if it does not conform with the provisions of this Ordinance.

## H. CONDITIONALLY PERMITTED USES

Applications for Conditional Use Permits may be granted only if all of the following conditions are present. Additional conditions may be imposed in the discretion of the Zoning Administrator and Zoning Board:

1. The uses, values and enjoyment of other property shall not be impaired or diminished by the proposed use.
2. The proposed use will not be detrimental to or endanger public health, safety, comfort or general welfare.
3. The proposed use will not impede the normal and orderly development and improvement of surrounding property for permitted uses.
4. Adequate utilities, access roads, drainage and other necessary site improvements exist.
5. The proposed use shall conform to all applicable regulations of the Zoning District in which it is located.

## I. LOT AREA REGULATIONS

Except as otherwise provided for in this Ordinance, no new lot shall be created by plat, metes and bounds description or otherwise, which does not meet the minimum dimensional requirements required by this Ordinance. This regulation does not prohibit the conveyance or creation of a substandard parcel but will result in the denial of building permits.

1. No lot area shall be reduced or diminished so that the yards or other open spaces are smaller than prescribed herein, nor shall the number of dwelling units be increased in any manner except in conformity with this Ordinance.
2. The area of any lot shall not be reduced below the minimum standards required by this Ordinance.

J. PROPERTY OWNERSHIP

Applicants for zoning changes, building permits, variances and all other matters requiring an application must be the record title owner of the real estate described in the application.

K. PLAT PLANS

Applicants requesting zoning changes will be required to provide plans on the property, a plat of the real estate to be rezoned, and blueprints and other necessary plans for any proposed improvements to be made on the real estate.

L. EXCAVATION

Applicants will be required to provide plans for any and all excavation projects.

M. REZONING APPLICATION FEE

An Application Fee of Two Hundred Dollars (\$200.00) will be required when an application is made to rezone property.

1. If the application for rezoning is accepted, the fee will not be refunded.
2. If the application is withdrawn by the applicant, the fee will not be refunded.
3. If the application for rezoning is denied, the fee less expenses incurred in advertising, meeting fees, etc. will be refunded.

N. TRANSIENT SITE VENDING PERMITS

Upon application and approval, temporary Vending Permits may be issued for a specified period of time, not to exceed seven (7) consecutive days, and for a sum of Twenty-five Dollars (\$25.00) per day.

1. Permits will be valid for the period of time and location as specified on the permit.
2. Permits are granted in the discretion of the Zoning Administrator regardless of the zoning status of the property for which the permit is issued.
3. The Zoning Board reserves the right, in its discretion, to make changes in vending permit fees.
4. Valid North Dakota Sales Tax permits are required. Applicants must provide all required Sales Tax Permits and comply with this Ordinance and North Dakota law.

O. FOUNDATIONS

1. All homes shall be placed on permanent foundations according to requirements set forth under the current Uniform Building Code and amendments thereto.
2. Mobile or manufactured homes shall have their wheels removed, be placed on a permanent foundation, properly anchored and fully enclosed, except when used as temporary housing for a maximum period of one year during construction of a permanent dwelling.

P. MOBILE HOME PARKS, TRAILER PARKS & CAMPGROUNDS

The definitions, rules and regulations of the North Dakota Department of Health are hereby adopted and incorporated by reference into this Ordinance. See attached APPENDIX A.

Q. PLANNED UNIT DEVELOPMENTS

See Section I.E.-Definitions 16 and 43. Requests for approval or consideration of Planned Unit Developments shall require the applicant to submit in writing the following:

1. A detailed plat plan of the proposed development with the legal description of the real estate and showing the proposed number, size and location of all structures, streets, roads and accessory facilities.
2. A plan for providing and maintaining water, sewer and garbage collection services.
3. Who will be responsible for the construction and maintenance of streets and access roads.
4. A verified statement by the applicant that the real estate is properly zoned or that rezoning has been applied for.

R. LOAD HAULING REQUIREMENT

All loads are required to be tarped or secured before hauling to eliminate debris, hazards or damages to other property.

S. TOWNSHIP GUIDELINE FOR INSTALLATION OF APPROACHES ON ASPHALT PAVEMENT ROADS

Any landowner adjacent to a Township Paved Road wishing to construct an Approach must have the location approved by a representative of the Township prior to construction. The Approach shall maintain drainage along the pavement by means of a culvert or other grading procedures to avoid ponding water along the paved shoulder. The finished surface of the Approach shall be level with or lower than the shoulder elevation of the paved shoulder for a distance of five feet (5 ) from the shoulder edge. A minimum distance of three feet (3 ) may be approved for extreme slope conditions. The maximum approach width shall be twenty-four feet (24 ).

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## **SECTION III ZONING DISTRICTS**

For the purpose of this Ordinance, Roland Township is divided into the following zoning districts:

A - Agricultural District

RR - Rural Residential District

RE - Recreational District

RE-1 = Single family dwellings only

RE-2 = Single/Multi family dwellings

C - Commercial District

### **A. ZONING DISTRICT MAP**

1. The location and boundaries of the Zoning Districts are hereby established as shown on the map entitled "Zoning District Map" on file in the office of the Zoning Administrator. The Zoning Administrator shall regularly update the "Zoning District Maps" to show any changes in the zoning district boundary lines resulting from changes or amendments to zoning.
2. **Location of District Boundaries**  
The zoning district boundaries are the same as the township boundaries. The following rules shall apply with respect to the boundaries of the zoning district as shown on the "Zoning District Maps":
  - a. Where the zoning district boundary lines are indicated as following highway, road, railroad right-of-ways, such boundary lines shall be construed to be the centerline of said right-of-ways unless clearly shown to the contrary.
  - b. Where any uncertainty exists as to the exact location of the zoning district boundary line, the board of Appeals shall determine the location of such boundary lines.

B. A - AGRICULTURAL DISTRICT

1. Permitted Uses:

- a. General farming, dairying, livestock and poultry raising, horticulture, nurseries, greenhouses and roadside stands for sale of those products which are grown or produced on the premises.
- b. Single family detached dwelling units on lots with not less than five (5) acres in area.
- c. Churches and facilities related to religious institutions.
- d. Golf courses, not including miniature golf courses.
- e. Public parks and playgrounds.
- f. Public and parochial schools including elementary and secondary schools, and colleges and universities.
- g. Temporary structures incidental to construction work not extending beyond the period of work.
- h. Utility lines and facilities for public services, but not including buildings used for offices, storage or garages.

2. Conditionally Permitted Uses:

- a. Airports.
- b. Cemeteries and crematoriums.
- c. Radio, television and wireless communication towers and accessory buildings.
- d. Mineral extraction including sand and gravel operations for commercial purposes.
- e. Inert landfill sites; Sewage lagoons.
- f. Convenience stores, excluding service/gasoline facilities.
- g. Grain elevators.
- h. Skeet, trap and rifle ranges, if not closer than eight hundred feet (800') to any residences.
- i. Home occupations.
- j. Seasonal retail facilities (utilized for six months or less per year).
- k. Rental storage facilities.
- l. Mobile home parks, trailer parks and campgrounds,
- m. Bed and Breakfast establishments.
- n. Commercial wind-powered electrical generation towers, not to exceed one hundred twenty-five feet (125') in height, as well as necessary associated facilities and transmission lines

3. Building Height Limits:

- a. Residential buildings hereafter erected or structurally altered shall not exceed two and one half (2 1/2) stories or thirty-five feet (35').
- b. For all other uses, except communication towers, the maximum height shall be sixty-five feet (65').

4. Setback Requirements:

- a. The minimum setback (or building line) measured from front lot line, shall be not less than fifty feet (50'), or one hundred fifty feet (150') from the center line if abutting a federal, state, county or township road.
- b. The minimum setback measured from the side lot line shall be not less than fifteen feet (15'), or one hundred fifteen feet (115') from the center line if abutting a federal, state, county or township road.
- c. The minimum setback measured from the rear lot line shall be not less than fifty feet (50'), or one hundred fifty feet (150') from the center line if abutting a federal, state, county or township road.

C. RR - RURAL RESIDENTIAL DISTRICT:

[NOT APPLICABLE TO SHORELAND AREAS]

1. Permitted Uses:
  - a. Single-family nonfarm dwellings and accessory buildings.
  - b. Churches, schools and related facilities.
  - c. Home occupations.
  - d. Public parks, playgrounds and golf courses, including miniature golf courses.
2. Conditionally Permitted Uses:
  - a. Multi-family dwellings.
  - b. Hospitals and nursing homes.
  - c. Public buildings and facilities, not including storage and repair shops.
  - d. Sewage lagoons.
  - e. Condominiums and Planned Unit Developments.
  - f. Seasonal retail facilities (utilized six months or less per year).
  - g. Rental storage facilities
3. Area and Density Requirements:
  - a. Where a public sewer collection system is available, the minimum lot area shall be fifteen thousand square feet (15,000 sf).
  - b. Where a public sewer collection system is not available, the minimum lot area shall be one acre (43,560 sf), or meet the requirements set forth by the governing Public Health Agency, whichever is greater.
  - c. Multi-family dwellings, condominiums and Planned Unit Developments may require larger minimum lot sizes as per Public Health Agency requirements.
  - d. The minimum lot area for non-residential uses shall be one acre.
  - e. The principal and accessory buildings shall occupy not more than thirty percent (30%) of the lot area.
  - f. The minimum area for a residential subdivision shall be not less than ten (10) acres.
  - g. The number of access points to township, county and state roads shall be kept to a minimum by providing direct access from the residential streets designed for that purpose.
4. Building Height Limit:
  - a. Residential buildings hereafter erected or structurally altered shall not exceed two and one half (2 1/2) stories or thirty-five feet (35') in height.
  - b. Other buildings shall not exceed fifty feet (50') in height.
5. Setback Requirements:
  - a. The minimum setback (or building line) measured from the front lot line shall be not less than fifty feet (50'), or one hundred fifty feet (150') from the center line if abutting a federal, state, county or township road.
  - b. The minimum setback from the side lot lines shall be not less than fifteen feet (15'), or one hundred fifteen feet (115') from the center line if abutting a federal, state, county or township road.
  - c. The minimum setback from the rear lot line shall be not less than twenty-five feet (25'), or one hundred twenty-five feet (125') from the center line if abutting a federal, state, county or township road.

D. RE - RECREATIONAL DISTRICT:

1. RE-1 Permitted Uses:

- a. Single family dwellings, lake cabins and cottages.
- b. Temporary use of RV's for additional sleeping space or guest accommodations up to a maximum of thirty (30) days, provided that adequate provisions for storage and/or disposal of waste-water and/or sewage effluent has been made.
- c. Use of RV's for more than thirty (30) consecutive days shall require a Location and Conditional Use Permit.

2. RE-1 Conditionally Permitted Uses:

- a. Temporary use of RV's for additional sleeping space or guest accommodations, provided that adequate provisions for storage and/or disposal of waste-water and/or sewage effluent has been made.
- b. Planned Unit Developments.
- c. On-site private business establishments, i.e. professional/consulting offices, beauty parlors and internet-oriented occupations, providing that there is adequate on-site/off-road parking for patrons.

3. RE-2 Permitted Uses: [MAY REQUIRE REZONING OF PROPERTY]

- a. Single-family dwellings, lake cabins and cottages.
- b. Multi-family dwellings, lake cabins and cottages.
- c. Temporary use of RV's for additional sleeping space or guest accommodations up to a maximum of thirty (30) days, provided that adequate provisions for storage and/or disposal of waste-water and/or sewage effluent has been made.
- d. Use of RV's for more than thirty (30) consecutive days shall require a Location and Conditional Use Permit.
- e. Golf courses, including miniature golf courses.
- f. Public campgrounds, parks and playgrounds.
- g. Churches, schools and related facilities - including transient housing facilities.

4. RE-2 Conditionally Permitted Uses:

- a. Temporary use of RV's for additional sleeping space or guest accommodations, provided adequate provisions for storage and/or disposal of waste-water and/or sewage effluent has been made.
- b. Sewage lagoons,
- c. Commercial campgrounds.
- d. Seasonal retail establishments (utilized for six months or less per year).
- e. Condominiums and apartment complexes.
- f. Planned Unit Developments.
- g. Bed and Breakfast establishments.
- h. Wireless communication repeater type antennas/towers not to exceed one hundred feet (100') in height.

5. Area and Density Requirements RE-1 & RE-2:
  - a. Where a public sewer collection system is available, the minimum lot area shall be fifteen thousand square feet (15,000 sf) with a minimum front lot width of seventy-five feet (75').
  - b. Where a public sewer collection system is not available, the minimum lot area shall be one acre (43,560 sf), or meet the requirements of the governing Public Health Agency, whichever is greater.
  - c. The minimum lot area for non-residential uses shall be one acre (43,560 sf).
  - d. The principal and accessory buildings shall occupy not more than thirty percent (30%) of the lot area.
  
6. Building Height Limits RE-1 & RE-2:

Residential buildings hereafter constructed and/or structurally altered shall not exceed two and one half (2 1/2) stories or thirty-five feet (35') in height.
  
7. Setback Requirements RE-1 & RE-2:
  - a. The minimum setback requirements from the edge of roads and highway right-of-ways shall be thirty feet (30') for all principal and accessory buildings.
  - b. The minimum setback requirements from the side lot lines shall be seven and one half feet (7 1/2') and shall be measured from the edge of a structure's overhang.
  - c. The minimum distance, measured from the edge of the structure's overhang, between structures on adjacent properties shall be fifteen feet (15').
  - d. For condominiums and apartment complexes, the minimum setback requirements from side lot lines shall be required to be increased to be equal to or greater than the height of the structure(s).

E. C - COMMERCIAL DISTRICT:

1. Permitted Uses:
  - a. Single and multi-family non-farm dwellings.
  - b. Marinas and commercial resorts.
  - c. Hotels, motels and eating and drinking establishments.
  - d. Rooming and boarding houses.
  - e. Retail and service uses, including grocery, drug and convenience stores, gasoline/service facilities.
  - f. Professional offices and clinics.
  - g. Golf courses, including miniature golf courses and amusement establishments.
  - h. Lumber yards.
  - i. Mobile home parks, trailer parks and commercial campgrounds.
  - j. Warehouse and rental storage facilities.
  - k. Recreational water slides.

(continued next page)

E. C-COMMERCIAL DISTRICT (continued)

2. Conditionally Permitted Uses:

- a. Sale and service of automobile and farm implements.
- b. Grain storage facilities.
- c. Pet kennels; Riding stables; Slaughter houses.
- d. Mineral extraction, including commercial sand and gravel operations.
- e. ATV courses and race tracks.
- f. Sewage lagoons.
- g. Utility facilities (Substations, etc.)
- h. Manufacturing and processing of wood, metal, concrete and blacktop mixing.
- i. Outdoor theaters and movie houses.
- j. Wireless communication towers and associated facilities.
- k. Planned Unit Developments.

3. Area and Density Requirements:

- a. Where a public sewer collection system is available, the minimum lot area shall be fifteen thousand square feet (15,000 sf) with a minimum front lot width of seventy-five feet (75').
- b. Where a public sewer collection system is not available, the minimum lot area shall be one acre (43,560 sf), or meet the requirements of the governing Public Health Agency, whichever is greater.
- c. The principal and accessory buildings shall occupy not more than sixty per cent (60%) of the lot area.

4. Building Height Limits:

- a. Buildings hereafter constructed and/or structurally altered shall not exceed sixty-five feet (65') in height.

5. Setback Requirements:

- a. The minimum setback requirements from the front lot line shall be not less than twenty feet (20'), or one hundred twenty feet (120') from the center line if abutting a federal, state, county or township road.
- b. The minimum setback requirements from the side lot lines shall be twenty-five feet (25'), or one hundred twenty-five feet (125') from the center line if abutting a federal, state, county or township road.
- c. The minimum setback requirements from the rear lot line shall be thirty feet (30'), or one hundred thirty feet (130') from the center line if abutting a federal, state, county or township road.
- d. Front and rear setback requirements shall be the same as Recreational if adjacent to or in a predominately Recreational zoned area.

## **SECTION IV**

### **ADMINISTRATION AND ENFORCEMENT**

The administration and enforcement of this Ordinance is hereby vested in the Board of Supervisors of Roland Township and the Roland Township Zoning Administrator.

A. BOARD OF SUPERVISORS

All amendments to the text of this Ordinance and the Township Zoning District Maps shall be approved by the Board of Supervisors after a Public Hearing held by the Zoning Board.

B. ZONING BOARD

The Zoning Board shall consist of three township supervisors. It shall hold Public Hearings for the following:

1. Applications to amend the Zoning District Maps (request a rezone of previously zoned property).
2. Applications for Conditional Use Permits (except Location and Conditional Use Permits for RVs and Mobile Homes).
3. Applications to amend the text of the Zoning Ordinance.
4. Notices of Public Hearings shall be published in accordance with the provisions of the North Dakota Century Code.

C. BOARD OF APPEALS

The Board of Appeals for the purpose of this Ordinance shall be the Board of Township Supervisors. Meetings of the Board shall be at the call of the chairman and shall be open to the public.

1. Any person, firm or corporation aggrieved by the decision or ruling of the Zoning Administrator may appeal to the Board of Appeals. The Zoning Administrator shall transmit to the Board of Appeals all records on which his or her decision was based.
2. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and to give due notice thereof.
3. The Board of Appeals shall hear and decide appeals where there are alleged errors in the administration of this Ordinance; to hear and decide on Variances from the terms of this Ordinance as will not be contrary to the purpose and intent of this Ordinance.
4. Where the literal enforcement of this Ordinance will result in practical difficulty or unnecessary hardship, the concurring vote of the majority shall uphold or reverse the order or decision of the Zoning Administrator, and the Board shall record the grounds for its decision.
5. The Board of Appeals shall base its findings upon the evidence presented to it and shall determine that all of the following conditions are present:
  - a. The particular physical surrounding, the topographic condition of the property, would result in unnecessary hardship.
  - b. The purpose of the Variance is not based on a desire for economic or other material gain.

C. 5. Board of Appeals (continued)

- c. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property.
  - d. The Variance shall not be detrimental to the public welfare or injurious to other properties in the area.
  - e. The Variance shall not be contrary to the purpose and intent of this Ordinance.
6. Any person, firm or corporation aggrieved by the decision or ruling of the Roland Township Board of Appeals may appeal to the District Court of Bottineau County.

D. ZONING ADMINISTRATOR

- 1. The Zoning Administrator receives, files and assists in the preparation, presentation and issuance of Building Permits, Variances, Certificates of Compliance and Requests for Rezoning and/or amendments to the Zoning Ordinance and Zoning District Map, as well as maintaining records and making necessary inspections.
- 2. The Zoning Administrator shall report all complaints and possible violations of the Zoning Ordinance to the Roland Township Zoning Board for appropriate action.

E. BUILDING PERMITS

- 1. It shall be unlawful for any person to commence excavation for, or construction of, any building, structure or structural changes in any existing building or structure without FIRST obtaining a Building Permit; except those buildings and structures directly used in connection with farming operations.
- 2. Building improvements which will result in changes in dimension(s) shall require a Building Permit; (repairs not changing dimensions do not require a permit); converting a flat roof to a pitched roof is not considered a change in dimension, but it must not exceed the 35' height maximum <
- 3. A Building Permit shall be valid for a term of one year from the date of issue.
- 4. A project incomplete at the time of expiration of the Building Permit shall require a new Building Permit before continuation of the project will be permitted.

F. CERTIFICATE OF COMPLIANCE

~~No building or structure shall be occupied until a Certificate of Compliance shall have been issued for determining the conformity with the specification(s) for which the Building Permit has been issued.~~ Deleted per intention, Public Meeting 3/16/10, adopted 4/12/10.

G. VIOLATIONS AND PENALTIES

- 1. Violators of the Load Hauling Requirements (see Section II.R.) shall be subject to fines of up to Five Hundred Dollars (\$500.00).
- 2. In addition to all other legal remedies, violations of all other provisions of this Ordinance are punishable by a fine not to exceed Two Hundred Dollars (\$200.00).
  - a. Each day the violation exists shall constitute a separate offense.
  - b. Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto; all such complaints shall be filed with the Zoning Administrator who shall investigate the alleged violation and report to the Roland Township Zoning Board for appropriate action.
- 3. The remedies and penalties available through NDCC 58-03-14 also apply.

H. \_\_\_\_\_

>

ACKNOWLEDGEMENTS

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Glenore Gross, Clerk/Treasurer

# **ADDENDUM-A**

## **To Roland Township**

## **Zoning Ordinance**

**ND Dept of Health Regulations  
for Mobile Home Parks,  
Trailer Parks and Campgrounds**

# **ADDENDUM-B**

**To  
Roland  
Township**

**Zoning  
Ordinance**

**Liquified Petroleum Gas (LPG)  
Regulations**

**(As adopted October 29, 2002)**

**1. NFPA 58 Liquefied Petroleum Gas Code**

(For informational purposes, an example from the LP Gas Code)

Table 3.2.2.2 Separation Distances Between Containers, Important Buildings, and Other Properties

<u>Water Capacity</u>	<u>Aboveground Containers</u>	<u>Between Containers</u>
<125 gal.	0	0
125-250	10	0
251-500	10	3
501-2000	25	3
2001-30,000	50	5

**2. Section 8210 - 1994 UNIFORM FIRE CODE -  
Protecting Containers From Vehicles**

When exposed to probable vehicular damage due to alleys, driveways or parking areas, LP-gas containers, regulators and piping shall be suitably protected.

**3. Section 8001.9.3 - 1994 UNIFORM FIRE CODE -  
Protection From Vehicles**

Guard post or other approved means shall be provided to protect storage tanks and piping, valves and fittings, dispensing areas and use areas subject to vehicular damage.

When guard posts are installed, the post shall be:

1. Constructed of steel not less than 4 inches in diameter and concrete filled.
2. Spaced not more than 4 feet between posts on center.
3. Set not less than 3 feet deep in a concrete footing not less than 15 inches in diameter. (NOTE: Post holes can be drilled at 12-inch diameter and reamed out with a shovel to allow 15-inch diameter.)
4. Set with the top of the posts not less than 3 feet above ground.
5. Located not less than 5 feet from the tank.

# **ADDENDUM-C**

**To  
Roland  
Township**

**Zoning  
Ordinance**

**Nuisance Ordinance No. 1**

**(As adopted August 14, 2006)**

# Index

## A

ACCESSORY definition 5  
ACCESSORY USES AND STRUCTURES 14  
adverse impact on water basin 13  
AGRICULTURAL DISTRICT 20  
ALTERATION, STRUCTURAL definition 10  
amendments (by Board) 25  
AMENDMENTS procedure for 11  
APPEALS 25  
APPROACHES 17  
ATTACHED ACCESSORY 14

## B

BED & BREAKFAST definition 5  
BOARD OF APPEALS 25  
BOATHOUSE definition 6  
BOATHOUSES 13  
breezeways to comply 14  
BUILDING definition 6  
Building Height Limits 23  
BUILDING PERMITS 26

## C

CAMPGROUNDS, also Addendum A 16  
carports, to comply 14  
CERTIFICATE OF COMPLIANCE 26  
cesspools, regulations 13  
changing dimensions, Permit required 26  
COMMERCIAL DISTRICT 23  
COMMERCIAL USE definition 6  
complaints 26  
CONDITIONAL USE definition 6  
Conditional Use Permits 25  
CONDITIONALLY PERMITTED USES 15  
CONDOMINIUM definition 6  
Contiguous Substandard Lots, combining 12

## D

Deck additions, in non-conforming lots 11  
DECK definition 6  
Decorative Fence definition 7  
DECORATIVE fence Permit 14  
DETACHED accessory 14  
dilapidated structures, non-conforming 11  
DOCKS, comply 14  
drain fields, regulations 13  
DWELLING definition 6

## E

EASEMENT definition 7  
Enforcement authority 25  
EXCAVATION, plans required 16

## F

FARM definition 7  
FEE SCHEDULE 27  
FENCE definition 7  
Decorative, Privacy 7  
FENCES, regulations 14  
FILL definition 7  
FILLING & GRADING-DETRIMENTAL 13  
FILLING & GRADING-NOT DETRIMENTAL 13  
First District Health, sewage disposal regs 13  
flat roof to pitched roof 26  
FOUNDATIONS 16

## G

GARAGE definition 7  
GUEST COTTAGE definition 7  
Guest sleeping quarters 7

## H

HEIGHT, BUILDING definition 6  
HOME OCCUPATION definition 7

## L

Lake Metigoshe Recreational Service District 13  
LAND SUITABILITY 14  
LOAD HAULING REQUIREMENT regulations 17  
Load Hauling Requirements violations 26  
LOT AREA REGULATIONS 15  
LOT definition 7

## M

MANUFACTURED HOME definition  
MOBILE HOME 8  
MAP on file (see also last page) 19  
Maps, amendments 25  
minimum lot area 23  
Mobile homes (also see Appendix A)  
Manufactured homes 16  
MOBILE HOME PARKS 16  
MULTI-FAMILY DWELLING definition 7  
Multi-family dwellings (RE-2) 22

## N

NON-CONFORMING USES 11  
NONCONFORMITY definition 8  
NUISANCE ORDINANCE see Addendum C

## O

ORDINARY HIGH WATER LEVEL definition 8

## **P**

PATIO definition 8  
PENALTIES 26  
PIER definition 8  
PIERS 14  
PLANNED UNIT DEVELOPMENT definition 8  
PLANNED UNIT DEVELOPMENTS 16  
PLAT PLANS 16  
POINTS OF LAND setbacks 12  
Privacy Fence definition 7  
PRIVACY fence regulations 14  
privies regulations 13  
PROPERTY OWNERSHIP (required for application) 16  
Public Hearings 25  
Purpose of Ordinance 4

## **R**

reconstruction (non-conforming uses) 11  
REZONING APPLICATION FEE 16  
Roof, flat to pitched 26  
RV's, Temporary use of 22

## **S**

Sales Tax permits (Transient Site Vending) 16  
Septic tanks 13  
Setback Requirements RE-1 & RE-2 23  
SETBACKS Shoreland Areas 12  
SEWAGE DISPOSAL SYSTEMS 13  
SHORELAND AREAS 12  
SIGNS regulations 15  
soil conditions (Land Suitability) 14  
STRUCTURE definition 10  
Substandard Lots development 12  
substandard parcel (Lot Area Regs) 15

## **T**

temporary housing (foundation exception) 16  
thirty percent, lot area use 23  
topographic condition 25  
TOPOGRAPHY VARIANCE 13  
TRAILER PARKS 16  
TRANSIENT SITE VENDING PERMITS 16  
TREES Removal of 12

## **U**

Uniform Building Code (Foundtion regs) 16

## **V**

Variance (Substandard lots) 12  
VARIANCE definition 10  
Variance, not detrimental 26  
Variance, not for economic gain 25  
Variances (Board of Appeals) 25  
Vending Permits 16  
VIOLATIONS AND PENALTIES 26

## **W**

water well (distance from sewage disposal) 13  
WATER-ORIENTED accessory structure 14  
WATER-ORIENTED ACCESSORY definition 10  
WATER-ORIENTED STORAGE definition SHED 10

## **Z**

ZONING ADMINISTRATOR 26  
zoning changes (Plat Plans required) 16  
ZONING DISTRICTS 19