apple creek

TOWNSHIP

PO Box 1432
Bismarck, ND 58502

APPLE CREEK TOWNSHIP ZONING ORDINANCES

Article and Section **Page**

Article One: Introduction

Section 1.1 – Authority 4
Section 1.2 – Title 4
Section 1.3 – Purpose and Intent 4
Section 1.4 – Jurisdiction 4
Section 1.5 – Severability 4
Section 1.6 – Rules of Interpretation 5
Section 1.7 – Effective Date 5
Section 1.8 – Amendments 5

Article Two: Definitions

Section 2.1 – Definitions 5

Article Three: General Provisions

Section 3.1 – Compliance with Zoning Ordinances 9
Section 3.2 – Non-Conforming Uses 9
Section 3.3 – Land Suitability 10
Section 3.4 – Comprehensive Plan 10
Section 3.5 – Variance Procedure 10
Section 3.6 – Special Use Permits 11
Section 3.7 – General Prohibition Against Actions Contrary to Ordinance 12

Article Four: Designation of Zoning Areas

Section 4.1 – Statement of Purpose of Zoning Areas 12
Section 4.2 – Zoning Classifications 12
Section 4.3 – Default Zoning Classifications – Agricultural 12
Section 4.4 – Zoning Map 13
Section 4.5 – Agricultural District 13
Section 4.6 – Residential District 13
Section 4.7 –Commercial District 13
Section 4.8 – Industrial District 13

Article Five: Building and Construction Requirements

Section 5.1 – Adoption of Standards and Codes 13
Section 5.2 – Building Permits 14
Section 5.3 – Building Requirements 15
Section 5.4 – Building Inspector and Minimum Standards for Dwelling Unit 15
Section 5.5 – Accessory Building Size Limitations 17
Section 5.6 – Building Setback Requirements 18

Article and Section **Page**

Article Six – Land Use Restrictions

Section 6.1 – Minimum Lot Size Requirements 18
Section 6.2 – Residential Subdivisions 18
Section 6.3 – Mobile Home Subdivision 20
Section 6.4 – Tree and Shrub Setbacks from Road Rights of Way 20
Section 6.5 – Private and Public Drives 20

Article Seven – Supplemental Provisions

Section 7.1 – Home Based Business 21
Section 7.2 – Nuisances 21
Section 7.3 – Abandoned, Unlicensed and Inoperable Motor Vehicles 21
Section 7.4 – Multiple Family Residences 21
Section 7.5 – Wind Turbines/Generators 21

Resolution of Adoption of Zoning Ordinances 22

Zoning Ordinances of Apple Creek Township, Burleigh County, North Dakota

ARTICLE ONE: Introduction

1.1 Authority:

These Rules and Regulations are adopted by the Board of Apple Creek Township Supervisors for Apple Creek Township, Burleigh County, North Dakota, under the authority granted in Chapter 58-03 of the North Dakota Century Code.

1.2 Title:

These Rules and Regulations, (hereafter referred to as "Zoning Ordinances" or "Ordinances") shall be known and may be cited and referred to as the "Zoning Ordinances of Apple Creek Township, Burleigh County, North Dakota."

1.3 Purpose and Intent:

The purpose of enactment of these Ordinances is to promote the health, safety, morals, and the general welfare, and to secure the orderly development of approaches to municipalities adjacent to Apple Creek Township.

In enacting these Ordinances it is the intent of the Board of Apple Creek Township Supervisors to protect the rural characteristics enjoyed by the property owners and residents of Apple Creek Township.

In accordance with N.D.C.C. §58-03-11.1, the Board of Township Supervisors for Apple Creek Township, Burleigh County, North Dakota, these Ordinances are not intended to prohibit, nor do they prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming or ranching.

1.4 Jurisdiction:

1.4.1 These Zoning Ordinances shall apply to the use and enjoyment of all lands within Apple Creek Township, Burleigh County, North Dakota.

1.4.2 When an incorporated municipality has declared its intent in exercising its extraterritorial authority as provided by Chapter 40-47 of the North Dakota Century Code, or by other written agreement with such municipality between the Apple Creek Township Supervisors, these Zoning Ordinances shall not apply to the area delineated for that purpose.

1.5 Severability:

If any part of these Zoning Ordinances are adjudged to be invalid by a court of competent jurisdiction, the remainder of these Ordinances shall continue to be binding and shall not be affected by such invalidation.

1.6 Rules of Interpretation:

1.6.1 These Ordinances are minimum requirements adopted for the purposes set forth above in Article 1.3. Whenever the requirements of these regulations are at variance with the requirements of other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive shall govern unless otherwise specifically stated.

1.6.2 In construction of these Ordinances, the rules and definitions contained herein shall be observed and applied except when the context clearly indicates otherwise.

1.6.3 If a topic is not specifically addressed by these Ordinances, the Township Board defers to, and hereby expressly adopts, the applicable Burleigh County rules or regulations for such topic. In doing so, the Township Board may, in the future, adopt by way of amendment to these Ordinances, its own rules, regulations and ordinances on any such topic.

1.7 Effective Date:

These Ordinances shall be effective after a public comment period and adoption by resolution of the Supervisors of Apple Creek Township, Burleigh County, North Dakota at or after the 2011 annual township meeting on March 15th, 2011.

1.8 Amendments:

The Township Board may, from time to time, on their own motion or on petition or on recommendation from the Apple Creek Zoning Board, amend, supplement, modify or repeal provisions of these Ordinances after having given Notice at least fifteen (15) days in advance of a public hearing on the proposed amendment.

ARTICLE TWO: Definitions

2.1 Definitions:

Accessory Building – A subordinate building, the use of which is customarily incidental to the main building on the same lot such as garages, sheds, barns, stables, storage buildings, etc.

Accessory Use – A use subordinate to and exclusively for a purpose incidental to the principal use.

Agricultural District – Primary use is for general farming and ranching purposes. The default zoning classification for lands within Apple Creek Township, unless otherwise designated by resolution or amendment.

Apartment – A room or suite of rooms in a multiple family dwelling intended to be designed for use as a residence by a single family.

Arterial Roads – Public roadways that are maintained by Burleigh County.

Billboard – See "sign", outdoor advertising.

Board of Supervisors – Apple Creek Township Board of Supervisors

Building – Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Building Height – The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

Building Inspector – The building inspector of the existing agency or his authorized representative.

Collector Roads – Public roadways that are maintained by Apple Creek Township.

Commercial District – Any zoning district whose primary purpose is for the sale of goods or services which were not manufactured on the premises or are otherwise included in an Industrial District.

Corner Lot – A lot abutting upon two or more streets at their intersection.

Double Frontage Lot – A lot having a frontage on two non-intersecting streets, as distinguished from a Corner Lot.

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

Family – A group of one or more persons occupying a premises and living as a single house-keeping unit as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

Farm – A zoned area of Apple Creek Township containing at least forty (40) acres, which is used for the growing of the usual farm products, such as vegetables, fruit trees, and grain, and their storage on the area, as well as for raising thereon the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory

uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the commercial feeding of garbage or offal to swine or other animals.

Filling Station – Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuel or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a Public Garage, the premises are classifies as a Public Garage.

Frontage – All the property on one side of a street or highway between two intersecting streets or highways (crossing or terminating) measured along the line of the street or highway or if the street or highway is dead ended, then all of the property abutting on one side between an intersecting street or highway and the dead end of the street or highway.

Home Based Business – Any occupation or profession carried on by a member of the immediate family, residing on the premises; in connection with which there is used no sign other than a name plate to more than one square foot in area or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling; in which no person is employed other than in domestic service; and in which no mechanical equipment is used except such as is permissible for purely domestic or household purposes.

Industrial District – A district where the primary purpose is for the manufacture of goods.

Junk Yard – The use of more than two hundred (200) square feet of the area of any lot whether inside or outside a building, or area of any lot whether inside or outside a building, or the use of any portion of that half of any lot that adjoins the street, for the storage, keeping, or abandonment of junk, including scrap metals, rags, paper or other scrap materials and equipment, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Local Roads – Private roads, included but not limited to roads within residential or mobile home subdivisions, which are not maintained by Burleigh County or Apple Creek Township.

Lot – A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, including the open space required upon a street or upon an officially approved place.

Lot Depth – The mean horizontal distance between the front and real lot lines.

Multiple Family Residence – A building or portion thereof designed for or occupied by more than one families.

Non-Conforming Use – Any building or land lawfully occupied by a use at the time of passage of these Ordinances or amendments thereto, which does not conform after the passage of these Ordinances or amendments of the district in which it is situated.

Notice – Notice, as designated in these Ordinances, shall consist of holding a public hearing after providing at least fifteen (15) days advance notice of such public hearing by publication in the official newspaper of the county. The Township Board shall also make every effort to post the contents of such public notice on the township's official website located at www.applecreektownship.org, and provide the contents of such notice by email notification to township residents when such a system is established.

Nuisance – Unlawfully doing an act or omitting to perform a duty, which act or omission: (1) Annoys, injures, or endangers the comfort, repose, health, or safety of others; (2) Offends decency; (3) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake, navigable river, bay, stream, canal, basin, public park, square, street, or highway; or (4) In any way renders other persons insecure in life or in the use of property.

Outdoor Advertising Sign – A sign, including a Billboard, which directs attention to a business, commodity, service, entertainment or other activity conducted, sold or offered elsewhere than on the premises upon which the sign is located.

Principal Dwelling – A residence to which an accessory building is attached or primarily dependent upon.

Private Garage – An accessory building housing motor vehicles on the property of and for the exclusive use of the owner or occupants of the lot on which it is located.

Public Garage – Any building or premises used for equipment, repairing, hiring, selling or storing motor driven vehicles.

Residence – Any building, or portion thereof, which is designed or used for residential dwelling purposes.

Residential District – Any District designed as such under authority of this resolution for primarily and exclusively residential purposes.

Residential Subdivision – A parcel of property greater than or equal to forty (40) acres made up of single lots for the construction of single family residences which are governed by covenants between the property owners.

Salvage Yard – A place where used parts of automobiles or other equipment are collected, abandoned or processed for resale.

Sign – Any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

Single Family Residence – A building designed for or occupied by one family unit.

Structure – Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

Temporary Structure – A structure such as a tent or a building of sectional construction whose design and construction is such that it will be used for only a short period of time or that it can be readily moved to another location.

Township – All references to the Township are to Apple Creek Township, Burleigh County, North Dakota.

Township Board – The Apple Creek Township Board of Supervisors.

Variance – The relaxation or release of a building or parcel of property from the strict compliance with one or more terms of these Ordinances.

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

ARTICLE THREE: General Provisions

3.1 Compliance with Zoning Ordinances:

No building or land shall hereafter be used or occupied and no building shall be erected, moved, or altered unless in conformity with these Ordinances.

3.2 Non-Conforming Uses:

3.2.1 Prior Use – The lawful use of a building, structure or premises which does not comply with these Ordinances may continue, subject to the restrictions set forth below in Section 3.2.2., if the non-conforming use:

a. Was in compliance with, or provided a variance from, the Apple Creek Zoning Regulations and Amendments effective since June 6, 1988 and its subsequent amendments through the date of the adoption of these Ordinances; or,

b. If such use was not restricted at the time the use was commenced.

3.2.2 Termination, Alteration or Destruction of Non-Conforming Use – Where a non-conforming use is discontinued for a period of more than twelve (12) consecutive months any subsequent use or occupancy of such premises shall conform to these regulations. Whenever a non-conforming building is destroyed or damaged by fire or other casualty to the extent of more

than fifty- percent (50%) of its current market value, it shall not be restored unless it is brought into conformity with these Ordinances. Non-conforming uses shall not be expanded to occupy a larger area of land than existed at the date of adoption of these Ordinances unless approved by the Zoning Board after a public hearing.

3.3 Land Suitability:

No land shall be used for a purpose which is held unsuitable for the reason of flooding, soil limitations, inadequate drainage, incompatibility with adjoining uses or any condition likely to be harmful to the health, safety or the welfare of the people in the area. The Township Zoning Board may require information and date to determine the land suitability on a case-by-case basis. The Township may consult with county and state agencies to assist in its determination.

3.4 Comprehensive Plan:

These Ordinances support and ratify the "Apple Creek Township Comprehensive Plan" which was adopted by the Apple Creek Township Board of Supervisors on August 11, 1980 and is required by N.D.C.C. §58-03-12 to support zoning ordinances.

3.5 Variance Procedure:

The Township Board may vary or adjust the strict application of any of the requirements of these Ordinances in the case of other exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of an Ordinance would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved.

No adjustment in the strict application of any provisions of these regulations shall be granted by the Township Board unless the variance applicant notifies the Township Board in advance of their request and adequately describes the variance that they will be requesting. The request for a variance will be publicly heard by the Township Board after Notice of the request has been published by the Township Board at least fifteen (15) days prior to the public hearing in the official Township newspaper.

Before granting a variance, the Township Board must find:

A. That there are special circumstances or conditions, fully described in the findings of the Township Board, applying to the land or buildings for which the variance is sought, which are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood and have not resulted from any act of the applicant taken subject to the adoption of these Ordinances, whether or not in violation of the provisions of the Ordinances.

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

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

3.6 Special Use Permits

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

1. The keeping, raising or harboring of more than two outdoor dogs at any one residence.
2. The operation of any Home Based Business.
3. The construction or installation of any residential wind turbine or generator.
4. The display of any Sign, Billboard or Outdoor Advertising Sign which is visible to the public.
5. The use of land for a commercial livestock feed lot. Such a feed lot shall require at least 160 acres in total area and shall be located at least one mile from the nearest residential dwelling.
6. The construction of a Filling Station or the installation of an underground or above ground storage tank.
7. The operation of a Private Garage, Junk Yard or Salvage Yard.

3.6.2 Special Use Permit Procedures – Before approving the issuance of a special use permit, the Board shall find:

a. The proposed use is in harmony with the purpose of the regulations.
b. The proposed use will not adversely affect the health and safety of the public, workers and residents, or agricultural uses in the area and will not be detrimental to the use or development of adjacent properties or of the general neighborhood.
c. The proposed use will comply with all appropriate regulations for the district in which it will be located.

d. The proposed use will comply with all special regulations established by the Board and all special conditions necessary for the sanitation, safety and general welfare of the public.
e. The construction of any accessory building.

The Board is authorized to impose any conditions on the grant of a special use permit it deems necessary for the protection of the neighborhood and the general welfare of the public.

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

The Board shall refuse to authorize the issuance of special use permit if the Board finds that such special use would fail to comply with any requirements of these Ordinances.

3.7 General Prohibition Against Actions Contrary to Ordinance:

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless done in conformity with all of the provisions of these Ordinances. The violation of these Ordinances is punishable pursuant to N.D.C.C. §58-03-14.

ARTICLE FOUR: Designation of Zoning Areas

4.1 Statement of Purpose of Zoning Areas

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

4.2 Zoning Classifications:

The land in Apple Creek shall be one of the following zoning classifications:

1. Agricultural District
2. Residential District
3. Residential Subdivision
4. Mobile Home Subdivision
5. Commercial District
6. Industrial District

4.3 Default Zoning Classification - Agricultural:

Land in Apple Creek Township is, by default, presumed to be zoned Agricultural unless it is specifically zoned otherwise.

4.4 Zoning Map:

The map titled "Apple Creek Zoning Jurisdiction" indicates the areas within Apple Creek Township which are subject to these Ordinances. This map appears on the last page of these Ordinances and is hereby incorporated into these Ordinances by reference.

4.5 Agricultural District:

The purpose of this District is to provide for preservation and protection of agricultural lands and to discourage uses incompatible with agricultural operations or detrimental to agricultural lands utilization.

4.6 Residential District:

The purpose of this District is to provide for the preservation and protection of areas to be solely and primarily used for residential living and to discourage uses incompatible with residential living, specifically but not limited to commercial and industrial uses.

4.7 Commercial District:

The purpose of a Commercial District is to provide for the placement and concentration of commercial activities which derive profit from the sale of good or services, or the admission to property into a specific, exclusive District.

4.8 Industrial District:

The purpose of an Industrial District is to provide for the placement and concentration of industrial activities, including the manufacture, fabrication, or assembly of goods or products into a specific, exclusive District.

ARTICLE FIVE: BUILDING AND CONSTRUCTION REQUIREMENTS

5.1 Adoption of Standards and Codes:

All land and buildings constructed, remodeled, or hereafter altered within Apple Creek Township must comply with the requirements set forth in the following codes and standards:

1. 2009 International Building Code (IBC);
2. 2009 International Residential Code (IRC), including Appendices E & J;
3. 2009 International Mechanical Code (IMC);
4. 2009 International Fuel Gas Code (IFGC);
5. Wiring Standards of North Dakota;

6. North Dakota State Plumbing Code (including Appendix H).
7. The requirements set forth in Section 4-08-07(4) of Title 4 of the Code of Ordinances of the City of Bismarck is adopted by reference regarding mobile home tie downs.

5.2 Building Permits:

5.2.1 Building Permit Required - No person shall commence the construction, moving or alteration of any building or structure without first obtaining a building permit from the Township Building Inspector with approval by the Apple Creek Township Board. A building permit is valid as long as construction is commenced within six months from the date of issuance.

5.2.2 Building Permit Fees – The fee for building permits shall be stated as follows unless otherwise set by resolution of the Township Board:

Total Cost of Job	Permit Cost
$0.00 - $500.00	$40.00
$500.01 to $2000.00	$40.00 for the first $500.00, plus $1.85 for each additional $100.00
$2000.01 to $25,000.00	$67.75 for the first $2,000, plus $8.40 for each additional $1,000.00
$25,000.01 to $50,000.00	$260.95 for the first $25,000.00 plus $6.10 for each additional $1,000.00
$50,000.01 to $100,000.00	$413.45 for the first $50,000.00 plus $4.20 for each additional $1,000.00
$100,000.01 to $500,000.00	$623.45 for the first $100,000.00 plus $3,40 for each additional $1,000.00
$500,000.01 to $1,000,000.00	$1,983.45 for the first $500,000.00 plus $2.85 for each additional $1,000.00
$1,000,000.01 or more	$3,408.45 for the first $1,000,000.00 plus $2.20 for each additional $1,000.00

5.2.3 Other Fees – The Township shall assess fees, in addition to the building permit fees, for the installation or construction of the following items. The fee for the items identified below shall either be the designated flat fee, or else calculated by multiplying the square footage times the amount shown below for each item, and then applied to the schedule stated in 5.2.2. (For example: The calculation for an attached garage measuring 30' x

20' would be as follows: 600 sq. ft. x $21/sq. ft. = $12,600.00, resulting in a permit cost of $156.79 when applied to the rate schedule in 5.2.2.)

Plumbing and Mechanical Permits:

$1.00 to $2,000	$40.00
$2,001 to $20,000	$40.00 for the first $2,000, plus $1.65 for each additional $1,000.00
$20,001 to $100,000	$69.70 for the first $20,000, plus $1.10 for each additional $1000.
$100,001 and up	$157.70 for the first $100,000, plus $.60 for each additional $1,000.

Electrical Permits	$25.00
Septic Tanks, Evaluations/Perk Test	$75.00
Mobile Homes	$75.00
Decks	$15.00/sq.ft. of the deck.
Home Occupation	$25.00
Temporary Structure	$50.00
Temporary Use	$100.00
Demolition	$75.00
Moving	$25.00
Finishing Basement	$20.00/sq.ft. of finished area.
Attached Garage	$21.00/sq.ft. of garage.
Detached Garage	$16.00/sq.ft. of the proposed garage.
Pole Barn	$12.50/sq.ft. of the proposed pole barn.
Pole Barn with Concrete Slab	$16.00/sq.ft.

5.3 Building Requirements:

5.3.1 – Conformity with Zoning Classification – No building shall be erected, enlarged, structurally altered or moved unless it is designed to make the premises conform to the regulation for the district in which the premises is located.

5.4 Building Inspector and Minimum Standards for Dwelling Unit:

5.4.1 Responsibilities of Dwelling Owners and Occupants – Every occupant of a dwelling or building shall keep it in a clean and sanitary condition. All rubbish and other organic waste shall be placed in containers for disposal in a clean and sanitary manner. No owner shall occupy or let any vacant dwelling unless it is clean, sanitary, fit for human habitation and not in violation of any other Ordinance. Every property owner shall be responsible for the prevention and extermination of infestations of insects, rodents or other pests.

5.4.2 Building Inspector – A Building Inspector shall be appointed by the Township Board to enforce the provisions of these Ordinances. No structure of any kind used for residential,

commercial or industrial purposes, including accessory buildings, shall be built, altered or moved within the zoned area of the township until a building, alterations, or moving permit has been obtained from the building inspector. Such permit shall not be issued until permit fees or fees required by these Ordinances have been paid. No permit is required for maintenance or repair of existing residences, commercial structures, or accessory structures which does not alter the strength or plan of said structure or its mechanical installations, but such maintenance or repair shall comply with all the requirements of these Ordinances. No amendment to a permit shall be approved until the additional fee, if any, due to an increase in the estimated cost of a building or structure shall have been paid.

The Building Inspector shall determine whether a dwelling is unfit for human habitation or a structure is substandard, if he or she finds that any of the following conditions exist:

A. The structure has been damaged by fire, wind or other causes that endanger the lives, safety or welfare of the occupants or other people of the Township.

B. The structure is dilapidated, decayed, unsanitary or in disrepair which is likely to cause sickness or disease or injury to the health, safety or welfare of the occupants or other people in the Township.

5.4.3 Substandard Building or Dwelling Unit – Any building or dwelling unit that violates the terms of these Ordinances will be treated as a public nuisance and dangerous to public health or welfare.

Whenever the Building Inspector determines there has been a violation of these Ordinances, he or she shall notify the owner and occupants of the building, structure or dwelling, as well as any other owner of record, in writing by registered mail.

The Building Inspector shall provide a report to the Township Board regarding his or her findings on the condition of the property. Based on the Building Inspector's findings, the Township Board may order that the structure, building or dwelling be vacated, repaired, destroyed, or otherwise remedied as determined by the specific conditions on the property.

If the Township Board issues an Order, the Building Inspector shall affix a sign to each structure, dwelling or building indicating that it has been deemed to be substandard and describing the defect, which shall remain on the building until it has been repaired, demolished, or otherwise remedied.

If the owner of the property fails to commence the repairs, demolition or remedies ordered by the Township Board within thirty days of the Order, the Township Board may order that the necessary repairs, demolition or other remedies be commenced and charged against the land upon which the building, structure or dwelling is located.

5.5 Accessory Building Size Limitations:

5.5.1 Accessory Building Uses – All accessory buildings to a single family residence shall comply with the maximum area, side wall height and overall Building Height limitations set forth below in section .

5.5.2 Maximum Side Wall And Overall Accessory Building Height – All accessory buildings shall have a maximum side wall height of sixteen (16) feet and a maximum Building Height of twenty eight feet (28).

5.5.3

Lot Size (Acres)	Max. Area of All Accessory Buildings	Lot Size	Max. Area of All Accessory Buildings
< 2.0	1,800 sq. ft.	19 acres	8,276 sq. ft.
2.0 acres	1,800 sq. ft.	20 acres	8,712 sq. ft.
3 acres	1,800 sq. ft.	21 acres	9,148 sq. ft.
4 acres	1,800 sq. ft.	22 acres	9,583 sq. ft.
5 acres	2,178 sq. ft.	23 acres	10,019 sq. ft.
6 acres	2,614 sq. ft.	24 acres	10,454 sq. ft.
7 acres	3,049 sq. ft.	25 acres	10,890 sq. ft.
8 acres	3,485 sq. ft.	26 acres	11,326 sq. ft.
9 acres	3,920 sq. ft.	27 acres	11,761 sq. ft.
10 acres	4,356 sq. ft.	28 acres	12,197 sq. ft.
11 acres	4,792 sq. ft.	29 acres	12,632 sq. ft.
12 acres	5,227 sq. ft.	30 acres	13,068 sq. ft.
13 acres	5,663 sq. ft.	31 acres	13,504 sq. ft.
14 acres	6,098 sq. ft.	32 acres	13,939 sq. ft.
15 acres	6,532 sq. ft.	33 acres	14,375 sq. ft.
16 acres	6,970 sq. ft.	34 acres	14,810 sq. ft.
17 acres	7,405 sq. ft.	35 ≥ acres	15,000 sq. ft.
18 acres	7,841 sq. ft.		

Accessory buildings include barns, stables, storage buildings, garages and similar structures.

A garage, when attached to a Principal Dwelling, is provided a one thousand (1,000) square foot exemption in addition to the maximum allowable accessory building area computations delineated in the table above.

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

A. Hold a scheduled public hearing during which the Zoning Board will provide its recommendation.

B. A garage, barn or shed constructed pursuant to this section shall be limited to not more than one structure, which shall be limited to a maximum side wall height of 16 feet and a maximum Building Height of 28 feet. It must also comply with the following maximum area limitations below:

Lot Size	Maximum Accessory Building Area Limitations
< 10.0 acres	1,200 sq. ft.
10.0 acres – 34.0 acres	1,800 sq. ft.
> 34.0 acres	2,400 sq. ft.

5.6 Building Setback Requirements:

The setback requirements for any building or structure are determined by the highest classification of any roads which abut the property. The setbacks are measured from the centerline of the roadway and are as follows:

Road Classification	Setback
Arterial Roads	250 feet
Collector Roads	200 feet
Local Roads	125 feet

ARTICLE SIX: Land Use Restrictions

6.1 Minimum Lot Size Requirements:

The minimum lot sizes for which building permits will be issued by the Township Board are exclusive of, and must be in addition to, any area within a lot that is subject to a road right of way:

7.1.1 Single Family Residence Not Within A Residential Subdivision – The minimum size of a lot for which a building permit will be issued by the Township Board for a Single Family Residence not within a Residential Subdivision is **no less than** five (5) acres.

7.1.2 Mobile Homes – The Township Board will not approve a building permit for a mobile home which is not within an existing Mobile Home Subdivision.

7.1.3 Multiple Family Residences – The Township Board will not approve a building permit for Multiple Family Residences.

6.2 Residential Subdivisions:

6.2.1 Minimum Allowable Acreage for Subdivision – The minimum amount of land that will be considered by the Zoning Board or Township Board for a subdivision is forty (40) acres. This is to avoid spot zoning, which Apple Creek Township discourages.

6.2.2 Minimum Lot Size Within a Subdivision – The minimum size of a lot for which a building permit will be issued by the Township Board for a Single Family Residence within a Residential Subdivision is **no less** than five (5) acres.

6.2.3 Private Maintenance of Roadways – Every residential subdivision is responsible for maintaining their own private drives or roadways.

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

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

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

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

D. The proposed plat shall be properly surveyed by a certified professional surveyor. Roads within the subdivision must be dedicated to and approved by Burleigh County before lots may be sold. Any easements necessary to provide access to the subdivision must also be obtained and such easements presented to the Board before lots may be sold. Building permits will not be issued until dedication and approval of roads within the subdivision is received by the Township from Burleigh County. No roads within a subdivision will be allowed to be maintained privately with the exception of two or less single family dwellings on forty (40) acres or more.

E. Land zoned to any other use than agricultural shall be taxed by its zoned classification from the date of zoning change. Taxes on homes under construction shall be prorated from date of construction to completion. For example, if construction began in July and was half completed at the end of the year, then the property owner would only pay ½ of the normal taxes on the structure. Taxes on the land will be charged at residential rates from the date of the zoning change to developer tor date of purchase by home owner.

F. Plat and covenants shall be properly recorded with the Burleigh County Recorder's Office upon signed approval from the Township Board. One copy of the plats and restrictive covenants and verifications from Burleigh County , both which have been recorded with the Burleigh County Recorder's Office, shall remain on file with the Township clerk. All landowners governed by such restrictive covenants shall comply with all contingencies listed therein. Failure of the landowners to comply will constitute a violation of these zoning ordinances and can be punishable by the Township Board in accordance with these ordinances.

6.3 Mobile Home Subdivision:

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

6.4 Tree and Shrub Setbacks from Road Rights of Way:

6.4.1 All trees, shrubs or bushes to the north or west of a roadway must be planted a minimum of eighty five (85) feet from the centerline of the roadway.

6.4.2 All trees, shrubs or bushes to the south or east of a roadway must be planted a minimum of sixty five (65) feet from the edge of the centerline of the roadway.

6.5 Private and Public Drives:

6.5.1 Private Drive – A private drive is a road serving as a driveway or approach to two or fewer single family residences. A private drive does not need to be built in accordance with Burleigh County specifications.

6.5.2 Public Drive – A public drive is a road serving as a driveway or approach to three or more single family residences. A public drive must be built in accordance with Burleigh County specifications.

ARTICLE SEVEN: Supplemental Provisions

7.1 Home-Based Business:

A Home Based Business shall require a permit from the Township Board. Home Occupations shall be limited to the inside areas of a dwelling. The area used for such occupation shall not exceed twenty-five percent (25%) of the main floor area of the dwelling, excluding basement or garage floor space.

7.2 Nuisances:

7.2.1 – Prohibition of Nuisances - No person shall allow a Nuisance to be present, remain or continue on their property within the Township.

7.3 Abandoned, Unlicensed and Inoperable Motor Vehicles:

All motor vehicles stored in the Township must be operable and licensed. Unlicensed or abandoned motor vehicles will not be permitted and must be removed

7.4 Multiple Family Residences:

No building permit shall be approved for a Multiple Family Residence in Apple Creek Township.

7.5 Wind Turbines / Generators

No permit will be issued for commercial wind turbines or wind generators within Apple Creek Township. A permit is required from the Township in order to construct and maintain one non-commercial -use wind turbine. The maximum allowable height for personal-use wind turbines is sixty (60) feet, and it must be set back from the property line at least 85 feet.

RESOLUTION OF ADOPTION

Whereas, the Township Zoning Board has approved these Zoning Ordinances, and recommends they be adopted by the Township Board. Now and therefore, be it resolved that the Township Board hereby adopts these Apple Creek Township Zoning Ordinances.

_____

Township Clerk Date

_____

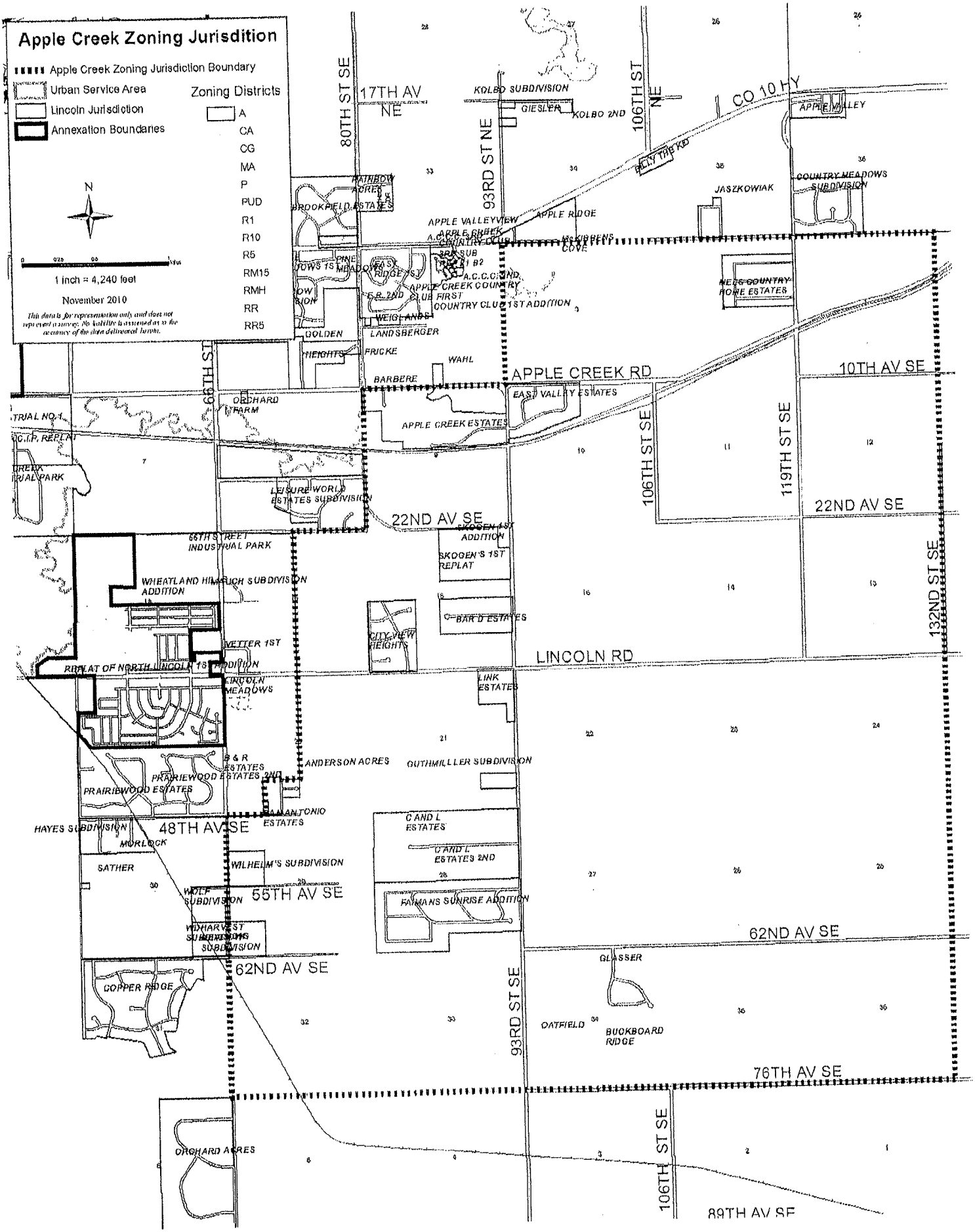
Board Chairman

_____

Supervisor Date

_____

Supervisor Date


Apple Creek Zoning Jurisdition
Apple Creek Zoning Jurisdiction Boundary
Urban Service Area
Lincoln Jurisdiction
Annexation Boundaries
Zoning Districts
A
CA
CG
MA
P
PUD
R1
R10
R5
RM15
RMH
RR
RR5
N
1 inch = 4,240 feet
November 2010
This data is for representation only and does not represent a survey. No liability is assumed as to the accuracy of the data delivered herein.
80TH ST SE
17TH AV NE
93RD ST NE
106TH ST NE
CO 10 HY
KOLBO SUBDIVISION
GIESLER
KOLBO 2ND
APPLE VALLEY
COUNTRY MEADOWS SUBDIVISION
JASZKOWIAK
RAINBOW ACRES
BROOKFIELD ESTATES
APPLE VALLEYVIEW
APPLE RIDGE
APPLE CREEK COUNTRY CLUB
NEUBERGER COVE
PINE MEADOWS 1ST
EAST RIDGE 1ST
APPLE CREEK COUNTRY CLUB FIRST
A.C.C.C. 2ND
NEES COUNTRY HOME ESTATES
WEIGLANDT
LANDSBERGER
GOLDEN HEIGHTS
FRICKE
WAHL
BARBERE
APPLE CREEK RD
10TH AV SE
66TH ST
ORCHARD FARM
EAST VALLEY ESTATES
APPLE CREEK ESTATES
106TH ST SE
119TH ST SE
LEISURE WORLD ESTATES SUBDIVISION
22ND AV SE
SKOGEN 1ST ADDITION
SKOGEN'S 1ST REPLAT
66TH STREET INDUSTRIAL PARK
WHEATLAND HILLCREST SUBDIVISION ADDITION
BAR D ESTATES
CITY VIEW HEIGHTS
132ND ST SE
VETTER 1ST
REPLAT OF NORTH LINCOLN 1ST ADDITION
LINCOLN MEADOWS
LINCOLN RD
LINK ESTATES
B & R ESTATES
ANDERSON ACRES
GUTHMILLER SUBDIVISION
PRAIRIEWOOD ESTATES 2ND
PRAIRIEWOOD ESTATES
SAN ANTONIO ESTATES
HAYES SUBDIVISION
48TH AV SE
MORLOCK
C AND L ESTATES
C AND L ESTATES 2ND
SATHER
WILHELM'S SUBDIVISION
WOLF SUBDIVISION
55TH AV SE
FAIRMANS SUNRISE ADDITION
WOHARVEST SUBDIVISION
62ND AV SE
GLASSER
COPPER RIDGE
93RD ST SE
OATFIELD
BUCKBOARD RIDGE
76TH AV SE
ORCHARD ACRES
106TH ST SE
89TH AV SE