

CHAPTER TWO - GENERAL PROVISIONS

I. JURISDICTION

The Mercer County Zoning Ordinance shall apply to the area of Mercer County exclusive of the Fort Berthold Indian Reservation and the zoning jurisdictions of the incorporated cities of Mercer County.

II. INTENT

It is the intent of the corporate limits of this Ordinance that the area within three (3) miles adjacent to the municipality shall be a zone of coordination for development between the Planning Commissions of the County and of the municipality within the County. Before taking action on an application for zoning authorization in a zone of coordination, the County Planning Commission may request a statement of acknowledgement and recommendation from the municipality in whose zone of coordination the zoning authorization is sought.

III. EROSION AND SEDIMENT CONTROL PLAN

An erosion and sediment control plan may be requested by the Planning Commission for those uses requiring substantial land modification or earth movement, or for non-agricultural uses on those soils identified by the Mercer County Soil Conservation District as belonging to wind erosion groups 1 or 2, or for uses on steep slopes (9 percent or greater) or for other types of critical erosion. This plan is to be made by the land user, and is to have written approval by the Soil Conservation District.

A compliance bond may be required by the Board of County Commissioners, the amount thereof being based on the complexity of control measures as determined by the Soil Conservation District. The bond shall be filed with the County Auditor prior to the issuance of a Certificate of Zoning Compliance.

Any project that involves land disturbance may require a North Dakota Pollution Discharge Elimination System (NDPDES) permit. The Contractor is required by the permit to adhere to the conditions of the storm water permit and storm water pollution prevention plan as it relates to controlling erosion and sedimentation during construction activities, maintaining erosion control devices, conducting inspections and maintaining appropriate records.

IV. STORM WATER MANAGEMENT PLAN

A. This section establishes requirements for storm water management systems within the zoning jurisdiction of

Mercer County. The purpose of these standards are as follows:

1. To protect and promote the health, safety, and welfare of the people and property through effective storm water management practices.
2. To provide for the protection of surrounding or adjacent properties from water erosion through the use of best management practices that meet the intended use; and
3. To provide for adequate storm water system analysis and appropriate storm water system design as necessary to protect public and private property, water quality, and existing natural resources. This section establishes and provides for the following storm water management criteria.

B. Scope

1. Every applicant for a subdivision approval must submit a Storm Water Management Plan to the County Water Resource Board. No subdivision approval shall be issued until approval of the Storm Water Management Plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this Section.

C. A storm water management plan shall be required in the following instances:

1. Prior to granting approval pursuant to Chapter 6 of any new subdivision or permitting the expansion of any prior existing subdivision;
2. Prior to issuing a conditional use permit for all mobile home, recreational vehicle, trailer house parks or other substantially similar activities which occupy five or more acres or have a density of four or more dwellings, mobile homes, recreational vehicles or other enclosed roofed structures per acre; or
3. Any other instances where an applicant seeks approval by Planning and Zoning Board and the Planning and Zoning Board feels a storm water plan is necessary to protect surrounding and adjacent property owners, public infrastructure, ecologically sensitive areas, erosion sensitive areas, or areas in need of protection from storm water flow events.

This plan is to be made by the land user and shall require written approval of the County Water Resource Board consistent with the below provisions.

D. Application

1. Procedure

- a. *Written Application.* When required, a written application for Storm Water Management Plan approval, along with the proposed Storm Water Management Plan, shall be filed with the County Planning Commission for distribution to the County Water Resource Board. The application shall include a statement indicating the grounds upon which the approval is requested, zoning district, and adequate evidence showing the proposed use will conform to the standards set forth in this section.
- b. *Copies.* 10 sets of legible copies of the drawings and required information and one digital copy shall be submitted to the County Planning Commission. Plans shall be prepared to a scale appropriate to the size of the project and suitable for the review to be performed.
- c. *Waiver.* The County Water Resource Board may waive any requirement of this section upon making a finding that compliance with the requirement will involve an unnecessary non-economic hardship, and the waiver of such requirement will not adversely affect the standards and requirements put forth in this section. The County Water Resource Board may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct, as may be necessary to adequately meet the said standards and requirements.

E. Contents of Storm Water Management Plan

At a minimum, The Storm Water Management Plan shall contain the following information:

1. *Written Report.* A written report discussing pre- and post-development hydrology and hydraulic analysis. The contents of the report shall contain the following information:
 - a. The name and address of the applicant;
 - b. The section, township and range;
 - c. The acreage of the development and the acreage of the disturbed area;

- d. A description of the existing soils on the site, if necessary, including a map indicating soil types of the area to be disturbed, information on the suitability of the soils for the type of development proposed, potential for erosion, the type of storm water management system proposed, and any remedial steps to be taken by the developer to render the soils suitable; and
 - e. The current land use of the area in which the site is located.
2. *Maps.* The following maps shall be included with the written report. Each map shall contain a north point indicator, date, scale of drawing, and the datum.
- a. *Location Map.* The location of the tract at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns, districts or other defining landmarks, and a watershed boundary map illustrating the project site location as a subwatershed within the watershed of the larger or major drainage basin.
 - b. *Existing Site Conditions Map.* A map of existing site conditions showing the site and immediately adjacent areas, including:
 - 1) Existing topography with a contour interval appropriate to the topography of the land, but in no case having a contour interval greater than two (2) feet;
 - 2) A watershed boundary map illustrating the subwatershed(s) both above and within the site or development;
 - 3) A delineation of streams, rivers, public waters and the presence or absence of wetlands located on and immediately adjacent to the site, including depth of water, a general description of vegetative cover found within the site, a statement of general water quality, and any classification given to the water body by state or federal agencies;
 - 4) Location and dimensions of existing storm water drain systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public ditch, or wetland, and setting forth those areas of the unaltered site where storm water collects or passes;

- 5) Current extent of vegetative cover and a clear delineation of any vegetation proposed for removal; and
- 6) The 100-year flood and floodway as designated on a FEMA published digital flood insurance rate map (DFIRM) or as determined by a site specific analysis.

c. Final Site Conditions Map. A plan of final site conditions on the same scale as the existing site conditions map showing the proposed site changes shall be provided, including:

- 1) The proposed final grading plan shown at contours at the same interval as provided above or as required to clearly indicate the relationship of the proposed changes to existing topography and remaining features. This grading plan should also indicate areas of cut and fill activity greater than two (2) feet;
- 2) A watershed boundary map illustrating the proposed subwatershed(s) both upstream and within the site or development;
- 3) A drainage plan of the developed site delineating the direction of storm water runoff and how it will be conveyed from the site and setting forth the areas of the site where storm water will be collected along with the method of collection including ponds, storm sewer or channels;
- 4) The proposed size, alignment, and intended use of any structures to be erected on the site;
- 5) A clear delineation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and
- 6) Any other information pertinent to the particular project which is necessary for the review of the project.

d. *Certification.* All Storm Water Management Plans, drawings, specifications, and computations for storm water management facilities submitted for review shall contain a validated seal and be signed by a Professional Engineer registered in the State of North Dakota. This requirement will be met as part of the properly completed Storm Water Management Plan.

F. Review

1. *Process.* Storm Water Management Plans meeting the requirements of this section shall be reviewed by the County Water Resource Board. After evaluation of the Storm Water Management Plan, the County Water Resource Board shall approve, approve with conditions, or deny

the Storm Water Management Plan. If a particular Storm Water Management Plan involves a drainage area of 80 acres or more, a complex application or has the potential for significant controversy, the County Water Resource Board may bring the proposed Storm Water Management Plan for public review and comment.

2. *Conditions.* A Storm Water Management Plan may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this section are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, require the acquisition of certain lands or easements, and require the conveyance to public entity of certain lands or interests therein. The County Water Resource Board may specify special requirements for specific watersheds within the County. The nature of these requirements will be subject to the unique environmental and natural resource environment of each subwatershed. Approval of a plan shall bind the applicant to perform all of the conditions and requirements of the plan prior to any land disturbing activities.

G. Approval Standards

1. *General.* This section describes approval standards against which proposed Storm Water Management Plans will be measured. A Storm Water Management Plan which fails to meet the standards contained in this section shall not be approved by the County Water Resource Board. Other standards, such as state and federal standards, shall also apply. If two standards of different agencies conflict, the more restrictive standards shall apply.

It shall be the responsibility of the applicant to obtain any required permits from other governmental agencies having jurisdiction over the work to be performed. Typically, such agencies could include the State Water Commission and State Engineer's Office, the State Department of Transportation, the State Department Environmental Quality, the State Historical Preservation Officer, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and possibly others.

The following sections describe routine approval standards to

be used in evaluating a proposed Storm Water Management Plan.

2. *Models/Methodologies/Computations.* Regionally hydrologic models and design methodologies used to determine runoff conditions and to analyze storm water management structures and facilities shall be approved in advance by the County Water Resource Board.
3. *Construction Plans and Specifications for Public Facilities.* The construction plans and specifications prepared for the construction of public storm water management facilities must:
 - a. Be consistent with the Storm Water Management Plan approved by the County Water Resource Board.
 - b. Be in conformance with the requirements of Mercer County and any other necessary permits issued by other governmental agencies.
 - c. Be sealed and signed by a Professional Engineer registered in the State of North Dakota.
 - d. Be submitted to the County Engineer and County Water Resource Board for approval.

No construction may commence until the construction plans and specifications have been approved by the County Water Resource Board and all other applicable permits and approvals are received from outside agencies.

4. *Storm Water Management Criteria for Permanent Facilities.* Storm water control facilities included as part of the final design for a permanent development shall be addressed in the Storm Water Management Plan and shall meet the following criteria:
 - a. *Pre-versus Post Hydrological Response of Site.* An applicant shall install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that the two (2) year, ten (10) year and one hundred (100) year storm peak discharge rates existing before the proposed development shall not be increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity.
 - b. *Natural Features of the Site.* The applicant shall reduce the need for storm water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to

the degree that they can accommodate the additional flow of water without compromising the integrity or quality of these natural features.

c. Storm Water Management Strategies. The following storm water management practices shall be investigated in developing a Storm Water Management Plan:

- 1) Natural infiltration of precipitation and runoff on-site, if suitable soil and geological conditions are available. The purpose of this strategy is to encourage the development of a Storm Water Management Plan that encourages natural infiltration. This includes providing as much natural or vegetated area on the site as possible, minimizing impervious surfaces, and directing runoff to vegetated areas rather than to adjoining streets, storm sewers and ditches. This shall include the identification of areas with known high water tables, natural springs and other areas with ground water implications.
- 2) The flow attenuation by use of open vegetated swales and natural depressions.
- 3) Storm water detention facilities.
- 4) Storm water retention facilities (on a case by case basis).
- 5) Storm sewer facilities.

A combination of successive practices may be used to achieve the applicable minimum control requirements specified in the above strategies. Justification shall be provided by the applicant for the method selected.

5. Adequacy of Outlets. The adequacy of any outlet used as a discharge point for proposed storm water management facilities must be assessed and documented to the satisfaction of the County Water Resource Board. The hydraulic capacities of downstream natural channels and basins, reaches, storm sewer systems, or streets shall be sufficient to receive post-development runoff discharges and volumes without causing increased property damages. In addition, projected velocities at the outlet shall not exceed that which is reasonably anticipated to cause erosion unless protective measures acceptable to the County Water Resource Board are approved and installed as part of the Storm Water Management Plan. The assessment of outlet adequacy shall be included in the Storm Water Management Plan and shall be certified by a Professional Engineer registered in the State of North Dakota.

6. Storm Water Detention/Retention Facilities. Storm water detention or retention facilities proposed to be constructed in the Storm Water Management Plan shall be designed to accommodate the Pre versus post hydrological design criteria.

V. STORM WATER PERMITS

Storm water permits will be required to ensure the Developer is building to the Storm Water Management Plan as submitted with the Final Plat. The Developer shall obtain a storm water permit prior to beginning work on site. If the Storm Water Management Plan changed, an updated Storm Water Management Plan must be submitted for approval.

A. Storm Water Management. It is unlawful to initiate land development, land disturbing, or other activities which result in an increase in storm water quantities, degradation of storm water quality, or restriction of flow in any storm sewer system, open ditch or natural channel, storm water easement, water body, or wetland outlet within the jurisdiction of the County, without having first complied with the terms of this section.

B. Storm Water Permits.

1. Mandatory Permits. Any person proposing a development or project which involves land development, land disturbing, or other activities as defined in this section, shall obtain a storm water permit before initiating those activities. If the Storm Water Management Plan submittal requirement is waived or deemed exempt by the County Water Resource Board, a storm water permit must be obtained in accordance with this section.

2. Permit Application. All persons' subject to meeting the requirements for a mandatory storm water permit shall complete and file with the County Planning Department. The permit application shall be accompanied by the following:

- a. A final grading plan;

- b. An approved, or revised Storm Water Management Plan as prescribed under this section or a waiver of this requirement;

- c. The applicable fee.

The County Water Resource Board will evaluate the data furnished as part of the Storm Water Management Plan and may require additional information. After evaluation and

acceptance of the Storm Water Management Plan, the County Water Resource Board may issue a storm water permit subject to any terms and conditions deemed necessary.

- C. Permit Conditions. Storm water permits are issued subject to all provisions of this section and all other applicable regulations, user charges and fees established by the County. Approvals may contain any of the following conditions:
1. Limits on the maximum rate of storm water discharge;
 2. Limits on water quality degradation of storm water discharge;
 3. Requirements for the installation, operation and maintenance of storm water detention/retention facilities;
 4. Compliance schedule;
 5. Other conditions as deemed appropriate by the County Water Resource Board to ensure compliance with this section.
- D. Permit Duration. Permits must be issued for a time period specified by the County Water Resource Board. The applicant shall apply for permit renewal in writing a minimum of thirty (30) days prior to the expiration of the applicant's existing permit. The terms and conditions of a permit are subject to modification by the County Water Resource Board during the term of the permit as set forth herein.
- E. Inspection. The County Water Resource Board may inspect the storm water management facilities to determine compliance with the requirements of this section. A developer shall allow the County Water Resource Board to enter upon the premises at all reasonable hours for the purposes of inspection, sampling or record examination.
- F. Suspension of Storm Water Management Plan or Storm Water Permit. The County Water Resource Board shall have authority to suspend a Storm Water Management Plan or a storm water permit upon finding that an actual or threatened discharge exists or when such conditions present an imminent or substantial danger to the health or welfare of persons downstream, environment, natural resources, storm water quantity, water quality, and/or environmentally sensitive lands. Upon issuance of suspension notice and order, all work in the area covered

by the permit, shall cease immediately. If any person fails to comply with the suspension order, the County shall commence whatever steps are necessary to obtain compliance. The County Water Resource Board may lift the suspension order upon proof of compliance with all Storm Water Management Plan or storm water permit conditions.

1. Appeal. All decisions of the County Water Resource Board dealing with violations of a storm water requirement or this section are subject to appeal to the Board of County Commissioners upon written notice of appeal filed within fifteen (15) days of issuance of the decision.
2. Hearing. Upon receiving the notice of appeal the Board of County Commissioners shall set a date for a hearing within thirty (30) days of receipt of the notice of appeal. Notice of the time and place for the hearing must be served upon the appellee by certified mail or in person not less than five (5) days prior to the hearing.

VI. COMPLIANCE AND EFFECTIVE DATE

- A. The regulations set by the provisions of this Ordinance shall apply uniformly within each district to each class or kind of structure of land.
- B. Both the Planning Commission and the Board of County Commissioners may require reasonable information deemed necessary.
- C. From the 3rd day of June, 1975, each new use shall be in compliance with the provisions of this Ordinance.

VII. AMENDMENTS

The Mercer County Planning Commission, the Board of County Commissioners or any person may initiate an amendment to the Mercer County Zoning Ordinance in the manner herein set forth.

VIII. PROCEDURE FOR MAKING AMENDMENTS

- A. Applications for amendments shall be submitted to the Land Use Administrator. Applications shall include:
 1. Name and address of the applicant.
 2. Date of the application.
 3. The applicant's statement of interest and a description of the proposed amendment.

- B. Upon receipt of such application, the Land Use Administrator shall immediately file such application with the County Auditor, shall set a date for a public hearing on the proposed amendment, and shall notify both the applicant and the Planning Commission of the date of such public hearing.
- C. Notice of the hearing shall be the responsibility of the applicant. Notice of the hearing shall be published once a week for two consecutive weeks prior to the hearing, in the official county newspaper. Notice shall include the time, place and purpose of the amendment, and shall also state the times at which it shall be available to the public for inspection and copying in the office of the County Auditor. The notice of hearing for a change of zoning shall also include a boundary line legal description of the site for which the change of zoning is sought. Proof of publication of the notice shall be filed by the applicant with the County Auditor and a copy thereof shall be presented to the Land Use Administrator.
- D. At the public hearing, the applicant and other persons with an interest in the amendment will be allowed to present information to the Planning Commission.
- E. Following the public hearing, the Planning Commission shall submit its recommendation to the Board of County Commissioners for a decision.
- F. Upon receipt of the recommendation of the Planning Commission, the Board of County Commissioners may request such further additional information from the Planning Commission as the Board of County Commissioners deems advisable, and upon receipt of such information, the Board of County Commissioners may either reject the amendment or adopt same with such changes as it deems advisable. Each amendment involving a change of zoning district classification shall be made by written resolution of the board of County Commissioners and the written resolution shall contain a description of the change of zoning district classification and a legal description of the land subject of said change. Any amendment adopted shall be published and shall take effect in the manner provided by Chapter 11-33 of the North Dakota Century Code.

IX. GRIEVANCE

Any person aggrieved by any amendment to the Mercer County Zoning Ordinance may petition for a separate hearing thereon before the Board of County Commissioners, pursuant to and in the manner provided by Section 11-33-10 of the North Dakota Century Code.

X. NONCONFORMING USE

Any parcel of land, structure, use of land or use of structures which are lawful before this Ordinance was passed, but would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments, shall be known as non-conforming uses. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended. (Reference 5.4.3 (5).).

If a nonconforming use of land or structure ceases for a period of twenty-four (24) consecutive months, any subsequent use of such land or structure shall conform to the regulations of the district in which it is located.

If a nonconforming structure is damaged or deteriorated, and the cost of repairs is greater than fifty (50) percent of the replacement cost, the use shall be discontinued.

XI. PROCEDURE FOR APPROVAL OF A CONDITIONAL USE.

Applications for approval of a conditional use shall be submitted to the County Auditor or the Land Use Administrator. Included in the application shall be:

- A. Applicant's name and address.
- B. Date of application.
- C. Description and map of the site and its relationship to the surrounding area.
- D. Sketch showing size and shape of the site.
- E. Preliminary map showing location of structures to be developed on the site.
- F. Topographic map showing existing site contours. Where applicable to mining activities, a map showing proposed post mining site contours is also required.
- G. General soils of the site.
- H. Location of all existing and any proposed utilities.
- I. Parking plan showing off-street parking areas, loading.
- J. A timing schedule indicating the anticipated starting and completion dates of the development.

- K. Written approval of respective highway authority regarding status of public access road(s), private approaches, etc., where applicable.
- L. Names and addresses of adjacent property owners.
- M. Written approval from the appropriate School District regarding school bus routes and the suitability of school bus access, where applicable.
- N. Prior to issuing a conditional use permit for all mobile home, recreational vehicle, trailer house parks or other substantially similar activities which occupy five or more acres or have a density of four or more dwellings, mobile homes, recreational vehicles or other enclosed roofed structures per acre.
- O. Any reasonable information the Planning Commission deems necessary.

XII. HEARING - CONDITIONAL USE AND VARIANCE APPLICATIONS

The Planning Commission shall hold a public hearing on all conditional use applications before action is taken on an application for approval by the Planning Commission and the County Commission.

The County Commission may elect to act on a variance without a public hearing or recommendation from the Planning and Zoning Commission. The County Commission may also elect to forward a variance application to the Planning Commission for the purpose of holding a public hearing before taking final action. No variances will be granted until structures are built.

Notice of the public hearing shall be published in the official newspaper of the County at least one week prior to the hearing. This notice is the responsibility of the applicant. In addition to time, place and purpose of the hearing, the notice of hearing shall also include a description of the conditional use or variance applied for. A boundary line legal description of the site under consideration for approval of a conditional use may also be required. Proof of publication of the notice shall be filed by the applicant with the County Auditor and a copy thereof shall be provided to the Land Use Administrator, prior to the public hearing.

Prior to recommending approval or disapproval of a conditional use or variance, the Planning Commission may hold further hearings and work sessions on the applications as the Planning Commission deems necessary.

In recommending approval of a conditional use or variance, the Planning Commission may set specific conditions to such approval in addition to those applicable thereto as stated in this Ordinance and recommend to the Board of County Commissioners that the same specific conditions be attached by the Board to any approval of such conditional use or variance. The recommendation may state which of the conditions should be met prior to final approval of the applications.

Upon completion of all hearings and work sessions, the Planning Commission shall recommend to the Board of County Commissioners approval or disapproval of the conditional use or variance.

If the applicant is not present at a hearing or meeting, the Land Use Administrator shall notify the applicant in writing of Planning Commission action. The Land Use Administrator shall also notify the Board of County Commissioners of Planning Commission recommendations including conditions that are forwarded to the Board for final action.

XIII. COUNTY COMMISSION CONSIDERATION, CONDITIONS, CERTIFICATE OF APPROVAL OF A CONDITIONAL USE OR VARIANCE.

Upon receiving the recommendation of the Planning Commission regarding an application for approval of a conditional use or variance, the Board of County Commissioners shall consider such application at its next regular meeting, to the extent practicable, and, upon the completion of such consideration, shall deny or approve an application. Prior to denying or approving the conditional use or variance, the County Commission may request further information and/or assistance from the Planning Commission, or other persons, as it deems appropriate.

The Land Use Administrator shall furnish the applicant a copy of conditional use or variance approval. If the application is denied, the Land Use Administrator shall notify the applicant in writing of a denial of an application for approval of a conditional use or variance.

Prior to final action on an application, the Board of County Commissioners may require a boundary survey and plat of the site. The survey and plat, if required, must be made and filed in accordance with North Dakota Century Code 40-50.1-01. The Board may attach other specific conditions to such use as the Board deems necessary and in addition to those applicable thereto as stated in this Ordinance.

The Board may require and specify that certain or all of such conditions be met prior to the issuance of a Certificate of Approval of a Conditional Use.

In order for zoning authorization and approval for a conditional use to continue, each condition applying to such use as stated in this Ordinance or attached to such use by the Board of County Commissioners shall be met within the time period prescribed by the specific condition or by the Certificate of Approval of a Conditional Use for such use.

Upon approval of a conditional use, the Board may issue to the applicant a Certificate of Approval of a Conditional Use and, if such Certificate of Approval specifies that certain of the conditions must be met prior to the issuance of a Certificate of Zoning Compliance for such use, the Board shall indicate the following procedures be followed for the applicant to obtain such Certificate of Zoning Compliance:

- A. The applicant shall present evidence to the Board of County Commissioners that those certain conditions required have been met. Upon its satisfaction that such conditions have been met, the Board of County Commissioners shall issue to the applicant a Certificate of Zoning Compliance for such conditional use.

XIV. ACCESSORY USES

- A. Shall be clearly incidental and customarily associated with the operation of a permitted use or conditional use in a zoning district.
- B. Shall be operated and maintained under the same ownership and on the same lot or site approved for such permitted or conditional use.
- C. Shall not contain structures or structural features inconsistent with such permitted or conditional use.
- D. May include residential occupancy only with the written approval of the Board of County Commissioners.
- E. May be allowed once such permitted or conditional use is present or under construction.
- F. Shall comply with the district regulations of the zoning district; and
- G. May be allowed only if such use is not set forth in this Ordinance as a permitted, conditional or temporary use.

An accessory use may be allowed only if the Board of County Commissioners first determines that all the requirements of this section are met.

Each Certificate of Zoning Compliance issued pursuant to this section shall particularly describe the nature, type and size of the accessory use which is approved by the issuance of said Certificate.

XV. USES NOT SPECIFIED

All uses of land, buildings or structures not specified in this Ordinance as permitted, conditional, temporary, are prohibited in Mercer County unless deemed to be accessory or specifically approved by the Board of County Commissioners.

XVI. SCHOOL BUS ACCESS

Upon approval of a non-farm residence conditional use permit, or upon issuing a certificate of zoning compliance for a farm residence in an agricultural zone, it shall become the responsibility of the applicant, and all subsequent owners, to provide suitable turn around, frontage roads or other bus access to the residence, as determined by the school district serving the non-farm residence.

XVII. COUNTY ROAD and HIGHWAY POLICY

Road maintenance, including snow removal, places top priority on major collector roads; followed by minor collector roads; followed by rural collector roads; and followed by other rural roads. A copy of a county map identifying these roads is available at the offices of County Auditor and County Highway Superintendent.

Emergency road maintenance will only be for medical emergencies, fire response, and other life-threatening situations. School busing, mail service, fuel needs, and other services are declared to be outside of life-threatening emergencies. Road maintenance and snow removal services that are not life-threatening emergencies will be billed to the party making the request according to the county fee schedule.

The cost of road construction needed for rural development including commercial, industrial, recreational, and residential uses are the responsibility of the applicable company, individual, or developer.