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WILLIAMS COUNTY, ND

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9/4/2024 8:37 AM OR

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WILLIAMS COUNTY BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2024-08-20

TITLE: AN ORDINANCE AMENDING 2015 ZONING ORDINANCES TO ADD DATA CENTERS TO OTHER CONDITIONAL USES IN AGRICULTURAL DISTRICT AND TO AMEND TRANSFERABILITY OF CONDITIONAL USE PERMITS FOR ADDITIONAL SINGLE FAMILY RESIDENTIAL DWELLINGS

WHEREAS, the Williams County Board of County Commissioners (“the Board”), pursuant to the Williams County Home Rule Charter and North Dakota Century Code Chapter 11-33 and Chapter 11-33.2, adopted the Williams County Zoning Ordinance and Subdivision Regulations on September 15, 2015, and thereafter have adopted amendments thereto, with the most recent amendments having been adopted on January 2, 2024 (“2015 Zoning Ordinance”);

WHEREAS, the 2015 Zoning Ordinance, Article 3, Chapter 3-6, authorizes the Board from time to time on its own motion, or on the recommendation of the Williams County Planning and Zoning Commission (“PZ Commission”), to amend, supplement, repeal or revise any provision of the 2015 Zoning Ordinance;

WHEREAS, proposed amendments to the 2015 Zoning Ordinances to add Data Centers as an “Other Conditional Use” for the Agricultural District and to amend the transferability provisions of the 2015 Zoning Ordinance to allow for Conditional Use Permits for additional single family residential dwellings to run with the property were presented to the PZ Commission for consideration at its meeting held on August 15, 2024, at which time the PZ Commission recommended adoption of the proposed amendments as presented and set forth in this Ordinance;

WHEREAS, at its meeting held on August 20, 2024, the Board considered the proposed amendments presented to it as set forth in this Ordinance, including the PZ Commission’s recommendation to adopt the amendments; and

WHEREAS, a motion to adopt the proposed amendments as set forth in this Ordinance, having been made and seconded, was submitted to a roll call vote of the elected members of the Board and passed by majority roll call vote of the Board members present.



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NOW, THEREFORE, BE IT ORDAINED, by majority roll call vote of the Williams County Board of County Commissioners present at the meeting on August 20, 2024, the following amendments as set forth in this Ordinance are hereby adopted as amendments to the Williams County Zoning Ordinance and Subdivision Regulations adopted on September 15, 2015, as amended:

1. **Article 2, Chapter 2-2, Section 2-2-3(6)**: Section 2-2-3(6) ("Other Conditional Uses") shall be amended to add a new subsection for Data Centers as an additional conditional use as follows:

6. Other Conditional Uses

The following conditional uses are allowed in Agriculture District subject to Chapter 3.2:

i. Data centers (Ch. 6-16)

2. **Article 3, Chapter 3-2, Section 3-2-3**: Section 3-2-3 ("Transferability") for Conditional Uses Permits shall be amended as follows:

1. A CUP issued for more than one (1) single family dwelling, mobile home, or manufactured home on a single parcel of land shall run with the parcel and shall automatically transfer with any change in ownership of that parcel. Any CUP issued prior to the effective date of this Ordinance for more than one (1) single family dwelling, mobile home, or manufactured home on a single parcel of land shall run with the parcel and shall automatically transfer with any change in ownership of that parcel.
2. Except as stated in Section 3-2-3(1), the following shall apply to the transfer of CUPs:
 - a. A CUP is a non-transferable permit that is issued to a specific owner or entity for a single parcel of land and is not transferable from one owner or entity to another owner or entity.
 - b. If ownership of a parcel of land changes, except as stated in Section 3-2-3(2)(c), the CUP must be reevaluated by Planning and Zoning Division, Planning and Zoning Commission, and Board of County Commissioners for approval.



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- c. If ownership of a parcel of land changes between relatives or business partners, the Director of Development Services shall evaluate and process the request for the transfer of the CUP administratively.
 - d. A CUP is not transferable from one parcel of land to another parcel.
3. **Incorporation of Amendments into 2015 Zoning Ordinance.** The amendments adopted as set forth in this Ordinance shall be immediately incorporated into the text of the Williams County Zoning Ordinance and Subdivision Regulations effective September 15, 2015, as amended.
4. **Effective Date.** This Ordinance and the proposed amendments as set forth herein shall be effective as of the 20th day of August, 2024.

By: Steve Kemp, Chairman
Williams County Board of County Commissioners

Dated: August 20, 2024

ATTEST:

Beth M. Innis, Williams County Auditor

Dated: August 20, 2024

First Publication: August 2, 2024

Second Publication: August 9, 2024



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COUNTY RECORDER, WILLIAMS COUNTY, ND

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I certify that this instrument was filed and recorded

Patti Ogurchak, County Recorder

by Terri Benlikson Deputy

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