

RESOLUTION

ZONING SUBDIVISION AMENDMENT

SOUTH MINNEWAUKAN TOWNSHIP, RAMSEY COUNTY NORTH DAKOTA

WHEREAS, Chapter 58-03, and other appropriate statutes of the North Dakota Century Code, empowers this Township to enact, or amend zoning and subdivision regulations, and to provide their administration, enforcement, and amendment, and

WHEREAS, the South Mwkn. Twp Board deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the Township to enact such regulations or amendment, and

WHEREAS, the Board of Township Commissioners, pursuant to the appropriate provisions of the North Dakota Century Code has appointed a Planning-Zoning Commission to recommend the appropriate regulations and boundaries thereto, and

WHEREAS, the Planning-Zoning Commission has divided the Township into districts and has prepared regulations pertaining to such districts in accordance with a Comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provisions for transportation, water, sewage, schools, parks and other public requirements, and

WHEREAS, the Planning-Zoning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a

view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township, and

WHEREAS, the Planning-Zoning Commission has made a preliminary report and held public hearings thereon and submitted its final report to the South Mwkn. Twp Board, and

WHEREAS, the Board of Township Commissioners has given due public notices of hearings relating to zoning districts, regulations and restrictions and has held such public hearings, and

WHEREAS, all requirements of Chapter 58-03 of the North Dakota Century Code with regard to the preparation and amendments of the report of the Planning-Zoning Commission, acting as the zoning commission and the subsequent action of the Board of Township Commissioners have been met;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Supervisors, South Mwkn. Twp , Ramsey County, North Dakota, that the said report be hereby adopted, excepting therefrom the use of land, or buildings for farming, or any of the normal incidents of farming.

SOUTH MINNEWAUKAN TOWNSHIP BOARD, RAMSEY COUNTY, NORTH DAKOTA.

Signed:

Chairman, S. Minnewaukan Township Board,
Ramsey County, North Dakota

Attest:

Clerk, S. Minnewaukan Township Board,
Ramsey County, North Dakota

ZONING REGULATIONS
SOUTH MINNEWAUKAN TOWNSHIP, RAMSEY COUNTY NORTH DAKOTA

ARTICLE I. TITLE AND PURPOSE

Section 1. Title

These regulations shall be known and may be cited as the "Zoning Regulations of South Mwkn. Twp , Ramsey County, North Dakota".

Section 2. Purpose

The regulations and restrictions established herein have been made in accordance with a comprehensive plan, which plan is designed to:

- Lessen congestion in the streets;
- Secure safety from fire, panic and other dangers;
- Promote health and the general welfare;
- Provide adequate light and air;
- Prevent the overcrowding of land;
- Avoid undue concentration of population; and
- Facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements.

And such regulations have further been made with reasonable consideration as to the character of each district and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the township.

ARTICLE II. AUTHORIZATION, INTERPRETATION AND VALIDITY

Section 1. Authorization

The Zoning Regulations and Map of South Mwkn. Twp , Ramsey

County, North Dakota are authorized by Chapter 58-03 of the North Dakota Century Code and are hereby declared to be in accordance with all provisions of the Code.

Section 2. Interpretation

The provisions of these regulations shall be held to be minimum requirements adopted for the promotion of purposes stated herein. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

Section 3. Validity

If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions.

ARTICLE III. DEFINITIONS

Section 1. General

For the purpose of these regulations, certain words and terms are hereby defined as follows:

Words used in the present tense include the future; words used in the singular number include the plural, and words used in the plural include the singular; the word "building" includes the word "structure" and "structure" includes "building"; the word "shall" is mandatory and not directory. The words "used" or "occupied" shall include within their meaning, "intended, arranged or designed to be used or occupied". The word "person" shall include a corporation, partnership or other legal entity.

Any terms not defined herein shall be construed as defined in the ordinary, or dictionary meaning.

Section 2. Words and Phrases

Accessory Buildings and Uses. A subordinate building or portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

Alley. A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

Apartment. A room or suite of rooms in a multiple dwelling used or designed for occupancy by a single family.

Basement. A story having part, but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purposes of height regulations if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

Boarding House. See Lodging House.

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

Building Area. That portion of the lot that can be occupied by the principal use, excluding the front, rear and side yards.

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

Building Line. That edge of a building nearest a lot line,

including any overhang.

Inspecting Officer. The inspecting officer of South Mwkn. Twp Planning-Zoning Commission.

Cellar. A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for purpose of height measurement.

District. A section or sections of South Mwkn. Twp for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Dwelling. Any building or portion thereof which is designed and used exclusively for residential purposes.

Dwelling, Single Family. A building having accommodations for and occupied exclusively by one family.

Dwelling, Two Family. A building having accommodations for and occupied exclusively by two families.

Dwelling, Multiple. A single building designed for and occupied exclusively by more than two families.

Dwelling Unit. One or more rooms in a dwelling designed for occupancy by only one family unit.

Family. One or more persons related by blood, marriage of adoption occupying a dwelling unit as members of a single housekeeping organization. A family may include not more than two persons not related by blood, marriage or adoption.

Feed Lot. A parcel of land whereon there is contained an operation of feeding or raising animals in excess of 500 head per parcel of land.

Floor Area. The total number of square feet of floor space within the exterior walls of a building, not including space in cellars, basements, carports or garages.

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

Garage. Private. An accessory building or portion of a main building designed or used for the storage of not more than four vehicles owned and used by the occupants of the building to which it is accessory.

Garage. Public. A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling, or storage of vehicles.

Garage. Storage. A building or portion thereof, designed or used exclusively for housing more than four vehicles.

Home Occupation. Any occupation or activity carried on in a dwelling by a member or members of the immediate family residing therein. Home occupation shall include the use of a dwelling as an office by a doctor, dentist, lawyer, clergyman, or other person residing therein and not employing more than one person outside the immediate family residing therein. In connection with a home occupation, no sign or display other than a name plate not more than two square feet in area shall be used to indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling. No

commodity shall be sold in connection with the home occupation except that which is prepared in the dwelling or except that which is furnished in connection with services rendered therein. No mechanical equipment shall be used in connection with the home occupation which shall be objectionable to the surrounding residential district and any equipment permitted in this section shall be properly protected or grounded as necessary.

Hotel or Motel. A building used as a transient abiding place for persons that are lodged for compensation.

Institutions. A building occupied by a non-profit corporation or non-profit establishment for public use.

Lodging House. A building or place where lodging or lodging and boarding is provided (or equipped to provide lodging regularly) by pre-arrangement for definite periods of time, for compensation, for three or more persons in contra-distinction to hotels open to transients.

Lot or Parcel. A piece, plot or area of land, or contiguous assemblage as established by survey, plat or deed, occupied or to be occupied by a building, or a unit group of buildings, and/or accessory buildings thereto or for other use, together with such open spaces as may be required under these regulations and having its frontage on a street or officially approved place.

Lot Area. The legal area within the lot lines.

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

Lot. Depth of. The mean horizontal distance between the front and rear lot lines.

Lot. Double Frontage. A Lot having a frontage on two non-

intersecting streets, as distinguished from a corner lot.

Lot. Interior. A lot other than a corner lot.

Lot, of Record. A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Ramsey County, North Dakota, or a parcel of land, the deed to which was recorded in the Office of the Register of Deeds of Ramsey County, North Dakota, prior to the adoption of these regulations.

Mobile Home. A single or multi family residential unit which is designed to be transported and can support long term occupancy and requires only minor work after arrival on the site prior to occupancy, in contra-distinction to a prefabricated living unit designed to become a structure.

Mobile Home Park. A parcel of land where one or more trailers can be or are intended to be parked to be used as a living unit for one or more families.

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

Nursing Home or Convalescent Home. A home for the aged or infirmed in which three or more persons not of the immediate family are received and provided with food, shelter or care for compensation.

Parking Space. An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway con-

necting the parking space with a street or alley and permitting ingress and egress of an automobile.

Planned Unit Development (Residential). A grouping of buildings on a site of three or more acres in single ownership which is not limited by the yard or height limitations of the district but maintain the overall density or intensity of uses required, and where the owner submits a site plan of uses, arrangement distances between buildings and circulation for approval by the South Mwn. Twp Planning-Zoning Commission.

South Mwn. Twp Planning-Zoning Commission. South Mwn. Twp .

Planning-Zoning Commission:

Premises. A lot, together with all buildings and structures thereon.

Set Back. See Yard, Front.

Service (Filling) Stations. Any building or premises where automotive fuels are stored underground and made available for sale and dispensing, through fixed equipment into fuel tanks of motor vehicles and where automotive lubricants, supplies and accessories and related services to motorists may or may not be available except that if the sale and dispensing of automotive fuels is incident to the conduct of a public garage, the premises are classified as a public garage.

Signs. Any outdoor advertising having a permanent location on the ground, or attached to or painted on a building, including bulletin boards, billboards, and poster boards, or any device designed to inform or attract attention.

Story. That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Story. Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than 60% of the floor area is or may be finished off for use.

Street. Any thoroughfare or public space which has been dedicated to, and accepted by, the public for public use, and includes all the area between the right-of-way side lines.

Street Line. A dividing line, such as the right-of-way side line, between a lot, tract, or parcel of land and a contiguous street.

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, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and arbors or breeze-ways, but excepting utility poles, fences, retaining walls and ornamental light fixtures.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girder, or any complete rebuilding of the roof or exterior walls.

Trailers. See Mobile Home.

Trailer Park. See Mobile Home Park.

Variance. The relaxation of the terms of the Zoning Regulations in relation to height, area, size and open spaces where specific physical conditions, unique to the site, would create an unreasonable hardship in the development of the site for permitted uses.

Yard. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard. Front. A yard extending across the front of a lot between the side lot lines and extending from the front lot line to the front of the main building or any projections thereof. The front yard shall be on the side of the lot which has been established as frontage by the house numbering system.

Yard. Rear. A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building including any projections. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. In the case of through lots and corner lots there will be no rear yards, but only front and side yards.

Yard. Side. A yard extending from the front yard to the rear yard and being the space between the side lot line and the

side of the main building including any projections.

ARTICLE IV., DISTRICTS AND BOUNDARIES THEREOF

Section 1. Districts

In order to regulate and restrict the use of land and buildings and to accomplish the purposes stated herein, South Mwkn. Township, Ramsey County, North Dakota, and the area beyond and adjacent to the limits thereof is hereby divided, as shown on the Zone Map, into nine (9) zone districts known and designated as:

- R-1 Residential Single Family
- R-1A Residential Suburban Single Family
- R-2 Residential Multiple Family
- R-3 Residential Mobile Home
- C-2 Commercial General
- I-1 Industrial Limited-Use
- I-2 Industrial General
- A-1 Agricultural General
- S-D Shoreline Development

Section 2. Zoning Map and Boundaries of Zone Districts

A. The zone symbols and the boundaries of zone districts are shown on the accompanying map and are made a part hereof, being designated as "South Mwkn. Twp Zone Map". Said map and all the notations, references and other information shown thereon, are as much a part of these regulations as if the matters and information set forth by said map were fully described herein.

B. Preparation and Maintenance. The official zoning map

shall be prepared and accurately maintained by the Inspecting Officer and be displayed at all times in the office of the Inspecting Officer.

C. Certificate. The official zoning map shall bear a certificate with the signature of the Chairman and the certification of the Township Clerk and the date of adoption of these regulations. If any changes to the map are made by amendment of these regulations, such changes shall be made to the official zoning map and signed and certified upon the map or upon materials attached thereto.

D. Replacement. In the event that the official zoning map becomes damaged, lost or difficult to read or interpret because of the number or nature of the changes thereto, a new official zoning map shall be prepared by the Inspecting Officer, and shall be approved for certification by the Township Board, and signed by the Township Chairman and certified as the official zoning map by the Township Clerk.

E. Boundaries. In determining the boundaries of zone districts shown on the map, the following rules shall apply.

- (1) Unless otherwise indicated, the zone boundaries are the centerlines of rights-of-way for streets, roads, highways, alleys, channelized waterways and railroads or such lines extended:
- (2) In unsubdivided property, zone boundaries shall be determined by use of the scale on the map. A legal description acceptable to the Planning Com-

mission shall be made available if a controversy arises concerning zone district boundaries.

- (3) Where a district boundary is shown by a specific dimension as being located at any given distance from any right-of-way line, such specific dimension shall govern.

Section 3. Vacations

Whenever any street, alley or other public way is vacated by official action of the Board of Township Commissioners, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

ARTICLE V. GENERAL DISTRICT REGULATIONS

A. No building shall be erected, converted, enlarged, placed, or reconstructed, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.

B. No building shall be erected, converted, enlarged, placed, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.

C. No building shall be erected, converted, enlarged, placed, reconstructed or structurally altered except in conformity with the area and parking regulations of the district in which

the building is located.

D. The minimum yards and open spaces, including lot area per family, required by these regulations for each and every building at the time of the passage of these regulations or for any building thereafter erected shall not be encroached upon or considered as a yard or open space requirements for any other buildings, nor shall any lot area be reduced beyond the district requirements of these regulations.

E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided herein.

F. The listing of any use as being permitted in any particular district shall be deemed to be an exclusion of such use from any other district, unless such use is specifically permitted in another district under the language set forth in the use regulations.

ARTICLE VI. R-1. SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the R-1, Single Family Residential District.

Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

- A. Dwellings-single family.
- B. Churches, provided that each church is set back thirty (30) feet from side lot lines. Each church shall be situated on a lot of at least one-half (1/2) acre.
- C. Public buildings, parks, playgrounds and any other public recreational facility.
- D. Public schools, elementary and high and private educational institutions having a curriculum the same as ordinarily given in public schools.
- E. Colleges.
- F. Home occupations, provided that not more than twenty-five (25) percent of the dwelling is used for such purposes.
- G. Nursing homes and hospitals but not including sanitariums for contagious or infectious diseases or mental institutions.
- H. Golf courses but not including miniature courses or driving ranges operated for commercial purposes, and provided buildings and structures incidental to the course are located not less than three hundred (300) feet from the nearest residence.
- I. Electric substations and gas regulator stations provided:
 - (1) For each electric substation where transformers are exposed there shall be an enclosing fence at least six (6) feet high.
 - (2) A front yard of not less than thirty (30) feet.
 - (3) The height requirements may be exceeded provided

that for each additional one (1) foot of height an additional one (1) foot of front, rear and side yard shall be required.

J. Fire station.

K. Police station.

L. Telephone exchange, without shops, garages or general administrative offices.

M. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations. For each instance the water and/or sanitation district shall provide plot plans showing the proposed installation and its relationship to any nearby property. The South Mwkn. Twp Planning-Zoning Commission shall prescribe conditions as to setbacks, etc., for each installation so as to protect adjacent properties.

N. Buildings and uses other than academic buildings independent of or incidental to the administration and operation of elementary, high and parochial schools. The South Mwkn. Twp Planning-Zoning Commission shall prescribe conditions for each installation in order to protect adjacent properties.

O. Accessory buildings and uses customarily incident to the permitted uses of this district.

P. Signs for permitted uses as required by Section 3, Article XVI.

Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2,

Section 4. Height Regulations

Except as provided in Section 4, Article XVI the height regulations are as follows:

A. No dwelling shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

B. No other structure shall exceed three (3) stories or forty-five (45) feet.

Section 5. Area Regulations

Subject to the modifications set forth in Section 4, Article XVI the area regulations are as follows:

A. Minimum Floor Area. There shall be a minimum floor area of eight hundred (800) square feet per dwelling.

B. Minimum Lot Area. A lot upon which there is erected a dwelling shall contain not less than twenty thousand (20,000) square feet.

C. Minimum Lot Frontage. There shall be a lot frontage of not less than fifty (50) feet.

D. Minimum Front Yard. Measured from the front property line there shall be a front yard of not less than twenty (20) feet within the incorporated city and fifty (50) feet in unincorporated areas of the planning area.

E. Minimum Rear Yard. Measured from the rear property line there shall be a rear yard of not less than twenty (20) feet.

F. Minimum Side Yards. Measured from the side property lines there shall be side yards of not less than eight (8) feet

on each side of a lot.

ARTICLE VII. R-1A. SUBURBAN RESIDENTIAL DISTRICT REGULATIONS

Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the R-1A Suburban Residential District.

Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

- A. Single family dwellings.
- B. Churches as permitted in District R-1.
- C. Public buildings, parks, playgrounds and other public recreational facilities.
- D. Public schools, elementary and high, and private educational institutions having a curriculum the same as ordinarily given in public schools.
- E. Colleges.
- F. Domestic animals, provided such animals are household pets and that kennels are not maintained.
- G. Farm animals, provided such animals are kept on a parcel of land not less than one-half (1/2) acre in area, properly contained and cared for in the discretion of the said Board.
- H. Home occupations, provided that not more than twenty-five (25) percent of the dwelling is used for such purposes.
- I. Golf courses, except miniature courses or driving

ranges operated for commercial purposes.

J. Fences, hedges and walls, provided such uses are located where they will not obstruct motorists' vision at street intersections.

K. Public utility mains, lines and substations where no public office or no repair or storage facilities are maintained.

L. Nursing homes and hospitals.

M. Accessory buildings and uses.

N. Hospitals or clinics for animals, provided that if large animals are to be treated such hospital shall be located on a tract of land of not less than ten (10) acres and that no treatment rooms or pens for large animals shall be maintained closer than two hundred (200) feet to any property line, and provided further that if open kennels are to be provided, no kennels shall be located closer than two hundred (200) feet to any property line.

O. Signs for permitted uses as required by Section 2, Article XVI.

Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVI.

Section 4. Height Regulations

There are no height regulations except as provided in Section 4, Article XVI.

Section 5. Area Regulations

A. Minimum Floor Area. There shall be a minimum floor area of seven hundred (700) square feet per dwelling.

B. Minimum Lot Area. A lot shall contain not less than twenty thousand (20,000) square feet of area.

C. Minimum Lot Frontage. There shall be a minimum frontage of seventy-five (75) feet.

D. Minimum Front Yard. Measured from the front property line there shall be a front yard of not less than thirty (30) feet unless the property fronts on a state highway, the minimum shall then be fifty (50) feet.

E. Minimum Rear Yard. Measured from the rear property line there shall be a rear yard of not less than thirty (30) feet.

F. Minimum Side Yards. Measured from the side property lines there shall be side yards of not less than ten (10) feet on each side of a lot.

ARTICLE VIII. R-2. MULTIPLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the R-2 Multiple Family Residential District.

Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

A. All uses permitted in the R-1 Single Family Residential

District as stated therefor.

- B. Two family and multiple dwellings.
- C. Boarding and lodging houses.
- D. Private clubs and lodges.
- E. Fraternities and sororities.
- F. Automobile parking lots.
- G. Group housing projects.
- H. Planned unit development.
- I. Signs for permitted uses as required by Section 3, Article XVI.

Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVI.

Section 4. Height Regulations

No structure shall exceed three (3) stories or forty-five (45) feet in height except as provided in Section 4, Article XVI.

Section 5. Area Regulations

Subject to the modifications set forth in Section 4, Article XV, the area regulations are as follows:

A. Minimum Floor Area.

- (1) There shall be a minimum floor area of eight hundred (800) square feet per dwelling not including basements, cellars, garages or carports.
- (2) The minimum floor area per two family and multiple family dwelling unit shall be four hundred

fifty (450) square feet, not including basements, cellars, garages or carports.

B. Minimum Lot Area.

- (1) A lot upon which there is erected a single family dwelling shall contain not less than twenty thousand (20,000) square feet.
- (2) A lot, upon which there is erected a two or multiple family dwelling, shall contain not less than two thousand five hundred (2,500) square feet per unit; however, in no instance shall such a structure be built on a lot containing less than twenty thousand (20,000) square feet.
- (3) A lot upon which there is erected a private club or lodge, boarding or lodging house, fraternity or sorority, shall contain not less than twenty thousand (20,000) square feet.
- (4) A lot having an area less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of these regulations may be occupied by a single family dwelling or by any permitted non-residential use.

C. Minimum Lot Frontage.

- (1) A lot occupied by a single or two or multiple family dwelling shall have a minimum frontage of fifty (50) feet.
- (2) A lot occupied by a boarding or lodging house,

private club or lodge, fraternity or sorority, shall have a minimum frontage of seventy (70) feet.

- (3) A lot having a frontage less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of these regulations may be occupied by a single family dwelling or by any permitted non-residential use.

D. Minimum Front Yard. The front yard regulations are the same as those in the R-1, Single Family Residential District as stated therefor.

E. Minimum Rear Yard. The rear yard regulations are the same as those in the R-1 Single Family Residential District as stated therefor.

F. Minimum Side Yard. The side yard regulations are the same as those in the R-1 Single Family Residential District as stated therefor.

ARTICLE IX. MOBILE HOMES IN RESIDENTIAL DISTRICTS REGULATIONS

Section 1. General

Mobile home and trailer areas consisting of any premises where one or more mobile homes or trailer coaches are parked for living or sleeping purposes, or any premises used or set apart for supplying transient parking space for one or more trailer coaches for living or sleeping purposes, and which includes any structures, vehicles or enclosures used or intended

for use as a part of the equipment of such trailer court or camp; not including a trailer sales area or any other commercial establishment, is a mobile home residential district.

Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

A. Mobile homes.

B. Accessory buildings and uses incidental to and in conformance with the above use.

C. Schools, public and parochial, provided that all structures and buildings are set back not less than fifty (50) feet from side lot lines and one hundred fifty (150) feet from front property lines.

D. Churches, provided they are set back thirty (30) feet from the side lot lines.

E. Signs for permitted uses as required by Section 3, Article XVI.

Section 3. Design Requirements

The mobile home residential district may be created upon petition for an amendment to the zone map. When petitioning for this zone change there shall be provided a plot plan by a registered engineer, architect or qualified planner, complete in detail, meeting and showing the following requirements:

A. The minimum free-standing district shall not be less than two (2) acres, and the density of mobile homes shall not be greater than fourteen (14) to the net acre. Net acreage is

defined as the acreage remaining after the deduction of the areas set aside for storage, recreation, clothes drying, garbage and trash collection points, utility and service, building areas and spaces, roadways, driveways, walkways and off-street parking areas.

- B. Location and legal description.
- C. Entrance to and exits from the court.
- D. Vehicular roadways, driveways, and pedestrian walks.
- E. Plans, showing size and arrangement of mobile home lots and stands, locations of roadways, service and utility buildings.
- F. Topography map showing original and final contours and provisions for drainage.
- G. Areas set aside for recreation, clothes washing and drying, storage, and off-street parking (see Off-Street Parking, Section 2, Article XVI).
- H. Fencing and screen planting of the premises.
- I. Provisions for trash and garbage storage and removal.
- J. Plans for water supply and distribution.
- K. Plans for sewage collection and disposal.
- L. Typical lot plan.
- M. Statement of conformance with the Federal Housing Administration's Minimum Property standard for Mobile Home Courts. The Zoning Regulations will govern where more restrictive.

Section 4. Mobile Home Court Requirements

- A. Minimum width - two hundred fifty (250) feet.
- B. Minimum front yard setbacks - twenty-five (25) feet within the incorporated city and fifty (50) feet in unincorporated areas.
- C. Minimum rear yard setback - fifteen (15) feet; except when the rear yard abuts a dedicated public right-of-way, the minimum shall be twenty-five (25) feet within the incorporated city and fifty (50) feet in unincorporated areas.
- D. Minimum side yard setbacks - ten (10) feet along interior lot lines; fifteen (15) feet along public side streets within the incorporated city and fifty (50) feet in unincorporated areas.

Section 5. Mobile Home Lot Requirements

A. Minimum Area.

- (1) A maximum of twenty (20) percent of the total lots may be two thousand four hundred (2,400) square feet.
- (2) A minimum of seventy (70) percent of the total lots must be two thousand eight hundred (2,800) square feet.
- (3) A minimum of ten (10) percent of the total lots must be three thousand two hundred (3,200) square feet.

B. Maximum Height of Structures.

- (1) Mobile homes -- sixteen (16) feet.
- (2) Accessory buildings - two and one-half (2-1/2)

stories or thirty-five (35) feet.

C. Minimum width of mobile home lot at setback line - thirty (30) feet.

D. Minimum front yard setback of lot (this shall mean the entry side of the mobile home)-- ten (10) feet.

E. Minimum end yard setback of lots for yards with double frontage (these are considered as the front and rear of the mobile home) -- eight (8) feet, each end.

F. Minimum rear yard setback of lot - five (5) feet along interior lot lines.

G. Minimum side yards -- ten (10) feet along the street side of interior roadways or driveways.

H. No single mobile home used as a single family residential home in this said area, unless all of the restrictions pertinent to R-1 have been complied with, and a temporary permit obtained from said Board.

Section 7. General Rules - Page A-21

A. No mobile home shall be parked closer than eight (8) feet to a private interior roadway and it must have clear access to said roadway.

B. Primary entrance and exit roadways shall connect to a dedicated public right-of-way and shall not be less than thirty-six (36) feet wide from flow line to flow line. Secondary interior roadways and driveways shall not be less than twenty-eight (28) feet wide, flow line to flow line.

C. One off-street parking space shall be provided for

each mobile home lot (see Off-Street Parking Section 2, Article XVI).

D. Service and utility buildings and appurtenances, garbage and trash containers, racks and rack locations, rodent and insect control, water and sewage provisions, shall meet with the approval of the State Health Department.

E. Signs for permitted uses as required by Section 3, Article XVI.

ARTICLE X. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT REGULATIONS

Section 1. General

In the event of amendment providing for a C-1 area, the following shall apply:
the District Regulations in the C-1 Neighborhood Commercial District.

Section 2. Use Regulations

A building or premises shall be used only for the following purposes;

A. All uses permitted in the R-2 Multiple Family Residential District Regulations.

B. Business or professional offices including clinics.

C. Personal service and retail establishments employing not more than five (5) people on the premises, such as barber shop, beauty parlor, pickup station for laundry and dry cleaning, laundromats.

D. Signs for permitted uses as required by Section 3, Article XVI.

Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVI.

Section 4. Height Regulations

Except as provided in Section 4, Article XV, height regulations are as follows:

No structure shall exceed three (3) stories or forty-five (45) feet in height, or shall not exceed the height of the existing structures on adjacent premises (including premises across streets, easements and rights-of-way).

Section 5. Area Regulations

Subject to the modifications set forth in Section 4, Article XVI, the area regulations are as follows:

A. Minimum Floor Area. No restrictions for commercial area. Residential area shall be regulated by the R-2 District Regulation.

B. Minimum Lot Area. The minimum lot size and shape shall conform with that of the adjacent premises and meet parking requirements.

C. Minimum Lot Frontage. Frontage shall conform to Item B of this section.

D. Minimum Front Yard. The front yard regulations are the same as those in the R-2 Multiple Family Residential District Regulations.

E. Minimum Rear Yard. The rear yard regulations are the

same as those in the R-2 Multiple Family Residential District Regulations.

F. Minimum Side Yard. The side yard regulations are the same as those in the R-2 Multiple Family Residential District Regulations.

ARTICLE XI. C-2. GENERAL BUSINESS AND COMMERCIAL DISTRICT REGULATIONS

Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in the Article, are the District Regulations in the C-2, General Business and Commercial District.

Section 2. Use Regulations

- A. Places of amusement or recreation.
- B. Places for the conduct of any general business or commercial activity not of an industrial or manufacturing nature.
- C. Places of assembly.
- D. Automobile repair shops.
- E. Bakeries.
- F. Frozen food lockers -- not including slaughtering on the premises.
- G. Greenhouses.
- H. Laundries, laundrettes, and dry cleaning establishments.
- I. Plumbing shops.
- J. Printing and publishing establishments.

- K. Used car lots.
- L. Places serving food and/or beverages.
- M. Offices.
- N. Hotels and motels.
- O. Undertaking establishments.
- P. Automobile service stations.
- Q. Tourist homes.
- R. Medical and dental clinics.
- S. Membership clubs.
- T. Accessory buildings and uses customarily incident to the permitted uses of this district.
- U. Signs for permitted uses as required by Section 3, Article XVI.

Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVI.

Section 4. Height Regulations

No building shall exceed six (6) stories or seventy-five (75) feet except as provided in Section 4, Article XVI

Section 5. Area Regulations

There are no area requirements except as provided in Section 4, Article XVI.

ARTICLE XII. I-1. LIMITED USE INDUSTRIAL DISTRICT REGULATIONS

Section 1. General

The regulations set forth in this Article, or set forth

elsewhere in these regulations when referred to in this Article, are the District Regulations in the I-1, Limited-Use Industrial District.

Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

A. Any use permitted in the C-2 District as stated therefor.

B. Any kind of scientific research or manufacture, compounding, assembling, processing or treatment of products provided the following limitations are placed on all such uses.

- (1) All permitted uses shall be operated entirely within a completely enclosed structure.
- (2) All uses shall be regulated by the State Pollution Regulations (Regulation #82).
- (3) Travel and parking portions of the lot shall be surfaced with asphalt, concrete or equivalent paving.

C. Building supply yards, sale of cement and concrete products, and lumber yards.

D. Dairy processing and distribution plants.

E. Bottling works.

F. Ice and cold storage plants.

G. Machine, roofing and sheet metal shops.

H. Storage warehouses.

storage of oil, gasoline and petroleum products limited to one thousand (1,000) gallons above grade.

Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVI.

Section 4. Height Regulations

The height regulations are the same as those in the C-2, Commercial District as stated therefor.

Section 5. Area Regulations

There are no area requirements except as provided in Section 4, Article XVI. No yards are required except when abutting a residential district, in which event the regulations of the residential district shall apply.

ARTICLE XIII. I-2. GENERAL INDUSTRIAL DISTRICT REGULATIONS

Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the I-2, General Industrial District.

Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

A. Any uses permitted in the I-1 District as stated therefor.

B. Any industrial or manufacturing operations provided

the following limitations are placed on all such uses:

- (1) Dust, fumes, odors, smoke, vapor, noise, lights and vibration shall be confined within the I-2 District.
- (2) Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and adjoining residential district.

Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVI.

Section 4. Height Regulations

The height regulations shall be the same as those in the C-2 District as stated therefor.

Section 5. Area Regulations

The area regulations shall be the same as those provided in the I-1 District as stated therefor.

ARTICLE XIV. A-1. AGRICULTURAL DISTRICT REGULATIONS

Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the A-1, Agricultural District.

Section 2. Use Regulations

A building or premises shall be used only for the following

purposes:

A. General farming and dairying, including any of the normal incidents of farming.

B. Churches, provided they are set back thirty (30) feet from side lot lines and each church is situated on at least one (1) acre of ground.

C. Dwelling--single family.

D. Golf course, provided buildings and structures incidental to the course are located not less than three hundred (300) feet from the nearest residence.

E. Home occupations, provided that not more than twenty-five (25) percent of the dwelling is used for such purposes.

F. Library, provided the structure is set back thirty (30) feet from the side lot lines.

G. Non-profit making public park or recreational grounds, provided that the buildings or other structures incidental to the operation of the parks and recreational grounds may not be located closer than one hundred (100) feet from the nearest dwelling.

H. Schools, public and parochial, provided that all structures and buildings are set back not less than fifty (50) feet from side lot lines.

I. Electric substations and gas regulator stations provided:

- (1) For each electric substation where transformers are exposed there shall be an enclosing fence at

least six (6) feet high.

- (2) The height requirements may be exceeded provided that for each additional one (1) foot of height an additional one (1) foot of front, rear and side yard shall be required.

J. Fire station.

K. Police station.

L. Telephone exchange; without shops, garages or general administrative offices.

M. Private outdoor recreational grounds or waters; provided such use is operated for benefit of members and not for gain, (not including a private club which provides a service customarily carried on as a business). Incidental buildings shall not be closer than three hundred (300) feet from the nearest residence.

N. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations. For each instance the water and/or sanitation district shall provide plot plans showing the proposed installation and its relationship to any nearby property. The Board shall prescribe conditions as to setbacks, etc., for each installation so as to protect adjacent properties.

O. Buildings and uses other than academic buildings independent of or incidental to the administration and operation of elementary, high and parochial schools. The Board shall prescribe conditions as to setbacks, etc., for each installa-

tion so as to protect adjacent properties.

P. Riding academies, public stables and dog kennels, provided:

- (1) Riding academies and public stables are situated on at least one (1) acre of ground; and manure handled according to Health Department regulations.
- (2) Dog kennels are situated on at least one-half (1/2) acre of ground.

Q. Storage of agricultural products, and manure handled according to Health Department regulations.

R. Processing of agricultural products provided:

- (1) All uses shall be regulated by the State Pollution Regulations. (Regulation #82)
- (2) There are side yards of not less than fifty (50) feet.
- (3) There is a rear yard of not less than fifty (50) feet.

S. Greenhouses and nurseries, and manure handled according to Health Department regulations.

T. Fish hatcheries.

U. The growing and preservation of trees, provided that storage of manure shall not be permitted nearer than one hundred fifty (150) feet to any lot line.

V. Roadside stands for seasonal sale of farm products which are produced on the farm.

W. Radio or television towers, provided they are situated on a lot which is equal in width and depth to the height of the tower.

X. Fur farming.

Y. Stock raising, but not including feed lots.

Z. Accessory buildings and uses customarily incident to the uses permitted in this district.

AA. Signs for permitted uses as required by Section 3, Article XVI.

Section 3. Conditional Uses

A. Hospitals and sanitariums for contagious or infectious diseases or mental illness provided:

(1) The Commission shall approve the location of said hospital or sanitarium.

(2) The Commission shall prescribe all setback requirements.

B. Livestock sales rings provided:

(1) Auctioning of farm implements shall be conducted as a secondary "service" or "convenience" to the livestock auction and shall, in no manner, be conducted for the sale of general household wares, household appliances or furniture, miscellaneous items or junk.

(2) Parking or storage area for farm implements must be screened and enclosed by a chain link fence at least six (6) feet high. No piece of farm

equipment shall remain on the premises for more than fifteen (15) consecutive days except for machinery used for maintenance of the livestock sales ring and premises.

- (3) All corrals, or pens for live animals shall be placed at least two hundred (200) feet from any public street or public road and shall be to the rear of main buildings.
- (4) The area shall include adequate off-street parking for automobiles as well as trucks and shall be designed to provide adequate truck maneuvering space for both loaded and unloaded trucks.
- (5) Livestock sales rings shall not be operated in any manner so as to impair or in anywise affect the public health, safety, or welfare or to operate said livestock sales ring in any manner as to be a public nuisance.
- (6) No unusual amount of odor or noise disseminated beyond the boundaries of the lot on which the use is located shall be permitted.
- (7) No more than ten (10) percent of the total number of animals present for sale at any one auction shall be kept on the premises for more than ten (10) consecutive days preceding or following each auction.
- (8) The special permit for operations of a livestock

auction ring, as provided in these regulations, shall be revoked, if inspection by the S. Mwkn. Township Planning-Zoning Commission or its representatives reveals that the feeding and keeping of animals, as in the manner of a feed lot, is the primary use of the premises.

- (9) Storage of manure according to Health Department regulations.
- (10) Use of building or structure (temporary to permanent) for restaurant of "coffee shop" purposes shall be permitted during the days of the sale only. Structures used for such purposes shall be subject to all regulations of the S. Mwkn. Township Building Code and State Laboratories Department.
- (11) When the application for livestock auction rings is filed with the South Mwkn. Twp Planning-Zoning Commission, the applicant shall present a plan showing the proposed development. Included in the plan shall be the following:
 - (a) Topographic map showing two foot contour intervals for existing and proposed contours.
 - (b) Drainage plan showing method of handling drainage problems including storm sewer drainage location.
 - (c) Location of existing utilities and proposed

utility extensions.

- (d) Letters of commitment or intent from the utility companies concerning satisfactory water and sanitary sewer service, or from the State Health Department concerning satisfactory sewage facilities.
- (e) Plat showing dimensions and locations of all structures, existing or proposed, on the tract of land.
- (f) Parking plan defining off-street parking areas. Such plan is subject to the provisions of these regulations.
- (g) Driveway plan indicating all interior driveways, curb cuts and areas for maneuvering trucks.

C. Animal feed lots shall be allowed provided they meet the following requirements:

- (1) No unusual amount of odor or noise shall be disseminated beyond the boundaries of the premises on which the use is located, thereby creating a nuisance or hazard.
- (2) Storage of manure in accordance with Health Department regulations.
- (3) All corrals, pens and buildings shall be located at least one hundred fifty (150) feet from any lot line.
- (4) When the application for feed lot is filed with

the South Mwkn. Twp Planning-Zoning Commission
the applicant shall present a plan showing the
proposed development. Included in the plan shall
be the following:

- (a) Topographic map showing two (2) foot contours for existing and proposed contours.
- (b) Drainage plan.
- (c) Location of existing utilities and proposed utility extensions.
- (d) Letters of commitment of intent from the utility companies concerning satisfactory water and sanitary sewer service or from the State Health Department concerning satisfactory water and sewage facilities.
- (e) Plat showing dimensions and locations of all structures, existing or proposed, on the tract of land.
- (f) Parking and loading plan defining off-street parking and loading areas. Such plan is subject to Section 2, Article XV of these regulations.
- (g) Driveway plan indicating all interior driveways, curb cuts and area for maneuvering trucks.
- (h) Petition signed by at least seventy-five (75) percent of the property owners within a two

(2) mile radius of the radius of the site
of the proposed feed lot.

- (i) All plans, plot plans and petitions as required must be submitted to the South Mwn. Twp Planning-Zoning Commission.

D. Rock crushers, concrete and asphalt mixing plants, sand and gravel pits or any other such excavation shall be allowed provided they meet the following requirements:

- (1) When the application is filed, the applicant shall provide a plan showing the land proposed for excavation. This plan shall show the existing and proposed contours of the land on at least five (5) foot contour intervals, any improvements thereon and to a distance of three hundred (300) feet in all directions from the subject.
- (2) Concurrent with the above, the applicant shall also provide a plan showing the contemplated changed condition of the land due to the excavation. This plan must include the contemplated re-use of the land, what curing of the land is planned and the proposed final contours on at least five (5) foot intervals.
- (3) No excavation or processing of excavated materials shall be permitted nearer than thirty (30) feet to the boundary of adjacent property nor nearer than one hundred twenty-five (125) feet to any existing

residence, unless by written agreement the owner or owners of such adjacent property consent to a lesser distance and the South Mwkn. Twp Planning-Zoning Commission approves such lesser distance. The Commission may set a greater distance than above mentioned, when in their opinion it is justified.

- (4) The South Mwkn. Twp . PLanning-Zoning Commission shall specify the degree of slopes of banks for all excavations, the depth of and the distance from any public structures when excavations are made in or near stream beds. When excavations are near or adjacent to irrigation canals or ditches the applicant shall secure a written agreement from the ditch company or from officials responsible for the canals or ditches indicating their determination as to setbacks from public rights-of-way when excavation is contemplated near such rights-of-way.
- (5) Sand and gravel shall be excavated in such a manner so as to leave an average of two (2) feet of undisturbed sand or gravel, as evenly as possible, over the entire excavation tract, to provide a water bearing strata for any existing ground water, and more if the South Mwkn. Twp Planning-Zoning Commission deems it necessary.

- (6) After an excavation has been completed, the operator shall spread evenly over the bottom of the excavation the excess waste materials. He then shall spread evenly the topsoil to a minimum depth of eighteen (18) inches. The topsoil shall be spread last so as to produce a new surface for the purpose of growing crops, trees, shrubs, etc. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.
- (7) An excavation operation shall maintain haulage road within the premises covered by the permit and such roads shall be kept in a reasonably dust-free condition when said dust would be injurious to bordering premises. The South Mwkn. Twp Planning-Zoning Commission shall specify the conditions in each instance to insure this requirement. The hour of operation, unless otherwise specified by the Commission, shall be from 6:00 a.m. to 10:00 p.m., or unless a national emergency arises or special permission is granted by the South Mwkn. Twp Planning-Zoning Commission.
- (8) Rock crushers, concrete and asphalt mixing plants may be permitted providing the South Mwkn. Twp Planning Commission finds that the following facts prevail:

- (a) The use is accessory to the sand and gravel operation, and
 - (b) in the finished product the operator uses the product of the sand and gravel pit on which the operation is proposed. The S. Mwkn. Township Planning-Zoning Commission may set out additional conditions under which these operations may be permitted and the said conditions may vary by location due to abutting land uses.
- (9) The operator of any excavation shall post a bond in the form prescribed by the South Mwkn. Twp Planning-Zoning Commission in a sum equal to the number of acres covered by the permit multiplied by five hundred (500) dollars, to insure full compliance with all of the terms and conditions of the permit and the rules and regulations of the S. Mwkn. Township Planning-Zoning Commission pertaining to extraction and processing. The minimum amount of such bond shall be \$1,000 and the maximum amount, \$25,000. The South Mwkn. Twp Planning-Zoning Commission shall have the power and authority to provide for an alternative method of indemnifying the township in lieu of the posting of the bond herein mentioned.
- (10) The operator shall furnish evidence that he is in-

sured to the extent of not less than \$50,000 against liability for any negligent act or omission arising from the operation or maintenance of an excavation and all activities connected with or incident thereto.

- (11) Prior to the granting of a permit the property shall be posted for a period of thirty (30) days. This posting shall consist of a sign or signs, the number of which shall be determined by the inspecting officer of a size three (3) feet by four (4) feet, posted four (4) feet above grade, with lettering not less than two (2) inches in size, placed in conspicuous locations visible from the public rights-of-way.
- (12) At least fifteen (15) days prior to the hearing the inspecting officer shall, by registered mail, send notice of the hearing to all property owners within one-half (1/2) mile of the proposed excavation.
- (13) To defray the cost of posting the property, and determining property owners to whom notice must be sent, there shall be collected a fee of twenty-five (25) dollars.
- (14) Upon the granting of a permit by the South Mwn. Twp Planning-Zoning Commission the following fee schedule shall apply:

More than one acre to and including two acres	300.00
More than two acres to and including three acres	400.00
More than three acres to and including four acres	500.00
More than four acres to and including five acres	600.00
More than five acres to and including ten acres	1,000.00
In addition, land in excess of ten acres (per acre)	25.00
The above fee schedule shall apply to each individual ownership of land which is included in the operation.	

- (15) All permits shall be in full force for a period of five (5) years from the date of issuance thereof unless a shorter time is set by the South Mwkn. Twp Planning-Zoning Commission. Such temporary permits may be renewable by the South Mwkn. Twp Planning-Zoning Commission for the same period of time or less, without further notice, hearing or posting of the property involved provided, however, that the operator has complied with all the terms and conditions of the original permit. A renewal of a permit shall be considered as a new per-

mit with respect to fees.

- (16) The South Mwkn. Twp Planning-Zoning Commission shall have the power to cancel permits upon proof of violation of any of these regulations.
- (17) Rock crushers, concrete and asphalt mixing plants, sand and gravel operations or any other such excavations which are temporary operations (six (6) months or less) shall not be subject to any of the regulations of this section, except, they shall be required to obtain a permit from the South Mwkn. Twp Planning-Zoning Commission.

E. Airports and landing strips approved by the S. Mwkn. Twp Planning-Zoning Commission.

Section 4. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVI.

Section 5. Height Regulations

There shall be no height regulations except as may be set forth for airports.

Section 6. Area Regulations

Subject to the modifications set forth in Section 4, Article XVI, the area regulations are as follows:

A. Minimum Floor Area. There shall be a minimum floor area of eight hundred (800) square feet per dwelling, not including basements, cellars, garages or carports.

B. Minimum Lot Area. A lot upon which there is erected a dwelling shall contain an area of not less than one (1) acre.

C. Minimum Lot Frontage. There shall be a minimum lot frontage of not less than one hundred twenty-five (125) feet per dwelling and two hundred (200) feet for other principal structures.

D. Minimum Front Yard. Measured from the front property line there shall be a front yard of not less than fifty (50) feet for all principal structures.

E. Minimum Rear Yard. Measured from the rear property line every principal structure shall have a rear yard of not less than twenty-five (25) percent of the depth of the lot and for every accessory building there shall be a rear yard of not less than ten (10) feet.

F. Minimum Side Yard. Measured from the side property lines there shall be side yards of not less than fifteen (15) feet on each side of the lot.

ARTICLE XV. S-D. SHORELINE DEVELOPMENT DISTRICT REGULATIONS

Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article are the District Regulations in the S-D, Shoreline Development District.

Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

A. Dwelling--single family.

B. Churches, provided that each church is set back thirty (30) feet from side lot lines.

C. Golf courses, provided buildings and structures incidental to the course are located not less than three hundred (300) feet from the nearest residence.

D. Resorts, marinas, boat launching and rental facilities.

E. Educational, religious or philanthropic institutions or camps, but not including penal or mental institutions.

F. Home occupations, provided that not more than twenty-five (25) percent of the dwelling is used for such purposes.

G. Library, provided the structure is set back thirty (30) feet from the side lot lines.

H. Non-profit making public park or recreational grounds, provided that the buildings or other structures incidental to the operation of the parks and recreational grounds may not be located closer than one hundred (100) feet from the nearest dwelling.

I. Schools, public and parochial, provided that all structures and buildings are set back not less than fifty (50) feet from side lot lines.

J. Electric substations and gas regulator stations provided:

(1) For each electric substation where transformers are exposed there shall be an enclosing fence at least six (6) feet high.

(2) The height requirements may be exceeded provided that for each additional one (1) foot of height an additional one (1) foot of front, rear and side

yard shall be required.

K. Fire station.

L. Police station.

M. Telephone exchange; without shops, garages or general administrative offices.

N. Private outdoor recreational grounds or waters, provided such use is operated for benefit of members and not for gain, (not including a private club which provides a service customarily carried on as business). Incidental buildings shall not be closer than three hundred (300) feet from the nearest residence.

O. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations. For each instance the water and/or sanitation district shall provide plot plans showing the proposed installation and its relationship to any nearby property. The South Mwkn. Twp Planning-Zoning Commission shall prescribe conditions as to setbacks, etc., for each installation so as to protect adjacent properties.

P. Buildings and uses other than academic buildings independent of or incidental to the administration and operation of elementary, high and parochial schools. The South Mwkn. Twp Planning-Zoning Commission shall prescribe conditions for each installation in order to protect adjacent properties.

Q. Riding academies, public stables and dog kennels provided:

- (1) Riding academies and public stables are situated on at least one (1) acre of ground, and manure

handled according to Health Department regulations.

(2) Dog kennels are situated on at least one-half (1/2) acre of ground.

R. Commercial retail establishments operated only in conjunction with the recreational uses of this zone and for the convenience thereof, provided such commercial use is approved by the South Mwkn. Twp Planning-Zoning Commission.

S. Mobile homes located in an organized mobile home court, provided they meet the requirements set forth in the R-3 District of these regulations.

T. Greenhouses and nurseries, provided that manure handled according to Health Department regulations.

U. Fish hatcheries.

V. The growing and preservation of trees, provided that storage of manure shall be handled according to Health Department regulations.

W. Stock raising, but not including feed lots.

X. Accessory buildings and uses customarily incident to the uses permitted in this district.

Y. Signs for permitted uses as required by Section 3, Article XVI.

Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVI.

Section 4. Height Regulations

Subject to the modifications set forth in Section 4, Article XV the height regulations are as follows:

A. No dwelling shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

B. No other structure shall exceed three (3) stories or forty-five (45) feet.

Section 5. Area Regulations

Subject to the modifications set forth in Section 4, Article XVI the area regulations are as follows:

A. Minimum Floor Area. There shall be a minimum floor area of four hundred fifty (450) square feet per dwelling, not including basements, cellars, garages or carports.

B. Minimum Lot Area. A lot, upon which a structure is to be erected or placed, shall contain not less than one-half (1/2) acre, however; the lot area shall be subject to the minimum sanitary requirements of the State Health Department.

C. Minimum Lot Frontage. There shall be a minimum lot frontage of not less than fifty (50) feet per dwelling and one hundred (100) feet for other principal structures.

D. Minimum Front Yard. Measured from the front property line there shall be a front yard of not less than fifty (50) feet for all principal structures.

E. Minimum Rear Yard. Measured from the rear property line every principal structure shall have a rear yard of not less than twenty (20) percent of the depth of the lot and for every accessory building there shall be a rear yard of not less than ten (10) feet except for accessory structures used for the storage,

docking, etc., of boats which shall be exempt from this requirement.

F. Minimum Side Yards. Measured from the side property lines there shall be side yards of not less than fifteen (15) feet on each side of the lot.

ARTICLE XVI. SPECIAL REGULATIONS

Section 1. General

The District Regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the District Regulations appearing elsewhere in these regulations.

Section 2. Off-Street Parking

A. Design Criteria

- (1) An off-street parking space shall be at least nine (9) feet wide and twenty (20) feet long, exclusive of access drives or ramps, and have a vertical clearance of at least seven (7) feet.
- (2) All open off-street parking areas with four (4) or more spaces and all loading berths shall be:
 - (a) Improved with a cement binder material pavement to provide a durable, dust-free surface.
 - (b) Graded to dispose of all surface water within the area without damage, nuisance or hazard to adjacent premises.
 - (c) Arranged and marked to provide for orderly and safe parking.
 - (d) Provided with access road of 8 feet if a re-

sidence or 15 feet if a non-residential building from a public street or alley.

- (3) Off-street parking or loading requirements shall be met on the same lot as the building served or on a lot within 200 feet thereof especially reserved for such parking purposes, except that off-street parking facilities for separate activities may be provided collectively on a separate lot if the total spaces provided are not less than the total requirements of the separate uses.

B. No building shall be erected, enlarged to the extent of increasing the floor area by as much as fifty (50) percent, or changed in use unless there is provided on the lot, space for the parking of automobiles or trucks in accordance with the following minimum requirements.

- (1) Bowling alley: four (4) parking spaces for each alley.
- (2) Business, professional or public office building, studio, bank, medical or dental clinic; three (3) parking spaces, plus one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.
- (3) Church: one (1) parking space for each eight (8) seats in the main auditorium.
- (4) College or school: one (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.

- (5) Community center, library or museum: ten (10) parking spaces, plus one (1) additional space for each three hundred (300) feet of floor area in excess of two thousand (2,000) square feet.
- (6) Dwellings (Single or Multiple): one (1) parking space for each dwelling unit.
- (7) Hospital, sanitarium, home for the aged, or similar institutions: one (1) parking space for each three (3) beds.
- (8) Hotels: one (1) parking space for each three (3) sleeping rooms or suites, plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- (9) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment; one (1) parking space for every two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
- (10) Mortuary or funeral home: one (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors and individual funeral service rooms.
- (11) Private club or lodge: one (1) parking space for every ten (10) members.
- (12) Restaurant, night club, cafe or similar recreation

or amusement establishment: one (1) parking space for each one hundred (100) square feet of floor space.

- (13) Retail store or personal service establishment: one (1) parking space for each two hundred (200) square feet of floor area.
- (14) Rooming house, lodging house, fraternity or sorority: one (1) parking space for each two (2) beds.
- (15) Sports arena, stadium or gymnasium (except school): one (1) parking space for each five (5) seats or seating spaces.
- (16) Mobile home: one (1) parking space for each mobile home plus one additional space for each four (4) lots.
- (17) Theater or auditorium (except school): one (1) parking space for each five (5) seats or bench seating spaces.
- (18) When the number of off-street parking or loading spaces required for a building cannot be determined from the preceding minimum requirements, the off-street parking requirements shall be determined by the South Mwn. Twp Planning-Zoning Commission, using as a guide the parking requirements for a mentioned use which most resembles the proposed use.

Section 3. Signs

The following regulations shall govern the location, area

and type of signs permitted within the township.

A. General sign requirements:

- (1) All signs shall be structurally safe and shall be securely anchored or otherwise fastened, suspended, or supported so that they will not be a menace to the safety of persons or property.
- (2) No sign, outdoor commercial advertising device or lighting device constituting a nuisance to an adjacent residential district because of lighting glare, focus, animation or flashing of a sign, lighting or advertising device shall be erected or continued in operation.
- (3) No "revolving beacon" or "fountain" signs shall be permitted in any district.
- (4) No sign in any district shall conflict in any manner with the clear and obvious appearance of public devices controlling public traffic.
- (5) Ground signs shall not be located on public property except by specific approval of the governing body.
- (6) Temporary signs or banners on or over public property may be authorized by the governing body for a period not to exceed ten (10) days.
- (7) Signs projecting over a street, alley, or other public space shall project not more than ten (10) feet and be no closer than two (2) feet to a plumb-line from curblines; clearance below such signs shall

be a minimum of nine (9) feet.

- (8) Roadside market signs advertising produce grown and sold on the premises on which they are located. Said signs shall not remain continuously erected more than six (6) months of any calendar year.

B. Residential districts:

- (1) One (1) identification sign shall be permitted per residential use provided such sign does not exceed two (2) square feet in area; said sign may be wall, pedestal, ground or projecting type (but not projecting over public property).
- (2) One sign of a temporary nature, such as "for sale" or "for rent" shall be permitted per residential use provided such sign does not exceed six (6) square feet and is not lighted; said sign may be wall, pedestal or ground type.

C. Neighborhood Commercial District C-1:

One general identification sign shall be permitted provided such a sign does not exceed thirty (30) square feet, said sign may be wall, pedestal, ground or projecting type. Each separate business may have a wall mounted sign which conforms to the architectural form of the structure thereto attached.

D. Agricultural district:

- (1) Highway billboards, or other such highway oriented advertising devices shall be permitted, provided such signs, and devices are located at least one

thousand (1,000) feet from any existing advertising sign or device, regardless of political boundaries, width or rights-of-way, existing highways, streets, roads or easements.

- (2) Prior to construction of any highway billboard, or other such highway oriented advertising device, an Outdoor Advertising Structure Permit shall be obtained from the inspecting officer. Said permit shall be for a one (1) year term. Permit for all or any portion of a year shall be considered a permit for a full year. Said permit shall be renewed annually on or before December 31, provided that such renewal would not be adverse to the public health, safety, or welfare. If the inspecting officer judges any sign to be in poor repair, not properly located, obstructing public right-of-way, or in any way adjudged to constitute a public hazard or nuisance, said sign may be removed by the inspecting officer. Costs for removal and storage or disposal shall be paid by the permittee. Permits shall be clearly visible and firmly attached to the lower one-fourth of the sign, and located four (4) feet above ground level. The fee for said Outdoor Advertising Structure Permit shall be ten (10) dollars, plus five (5) cents per square foot for each sign having a total face advertising area of thirty-two (32) square feet or more. The fee

for each renewal of an Outdoor Advertising Structure Permit shall be ten (10) dollars.

E. Public or semi-public uses. One identification sign shall be permitted per public or semi-public use provided such sign does not exceed twenty (20) square feet in area; said sign may be wall, pedestal, ground or projecting type.

F. C-2, I-1 and I-2 districts. No restrictions except the general sign requirements of Section 3A above.

Section 4. Additional Height and Area Regulations

A. Public, semi-public, or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet, provided that the front yard depth shall be thirty (30) percent in excess of those specified in these regulations and further provided that the side yards of an interior lot shall be twenty (20) feet and the side yard on a corner lot shall be equal to the front yard requirements as stated hereinabove.

B. Chimneys, church steeples, cooling towers, elevator bulk-heads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances, are exempt from the height regulations as herein contained.

C. Accessory buildings may be built in a required rear yard. but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer

than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley at right angles, it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building, the garage shall be regarded as a part of the main building for the purposes of determining side and rear yards.

D. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.

E. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed, unless a conditional permit is obtained specifying the length of time of temporary residence.

F. Open-lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the inspecting officer for a distance of not more than three and one-half (3 1/2) feet and where the same are so placed as not to obstruct light and ventilation.

G. For the purpose of the side yard regulations, a two family dwelling, or a multiple dwelling shall be considered as one building occupying one lot.

H. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when such buildings

conform to all open space requirements around the lot for the district in which the lot or tract is located.

I. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one main building on the lot provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one story buildings, thirty (30) feet for two story buildings, and forty (40) feet for three or four story buildings.

J. Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one story buildings, thirty (30) feet for two story buildings and forty (40) feet for three or four story buildings.

K. Where lots have double frontage, the required front yards shall be provided on both streets.

L. The required side yard on the street side of a corner lot shall be one-half ($1/2$) the required front yard on such street, provided that no adjacent structures front on the same street, in which case the entire required front yard must be provided, except that the building width shall not be reduced to less than thirty-two (32) feet, and no accessory building shall project beyond the required front yard on either street.

M. The front yards heretofore established shall be adjusted in the following cases:

- (1) Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is developed with two or more buildings that have (with a variation of five (5) feet or less) a front yard greater in depth than herein required new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.
- (2) Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with two or more buildings that have a front yard of less depth than herein required, then:
 - (a) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or,
 - (b) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

ARTICLE XVII. NON-CONFORMING USES

Section 1. Non-Conforming Uses Discontinued

The lawful use or occupation of land or premises existing at the time of the adoption of these regulations may be continued, although such use or occupation does not conform to the provisions hereof, but if such non-conforming use or occupancy is discontinued for a period of more than two (2) years, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. If the State or County acquires title to any land or premises, all further use or occupancy thereof shall be a conforming use or occupancy.

Section 2. Non-Conforming Uses Changed or Expanded

Whenever the use of a building becomes a non-conforming use through a change in the Zoning Regulations or district boundaries, such use may be continued and if no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

No existing building devoted to a use not permitted by these regulations in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended or reconstructed unless such use is changed to a use permitted in the district in which such building is located. However, in order to provide for off-street parking and off-street loading, a non-conforming use of either building or land may be expanded by enlargement of either the building or land area by not more than twenty-five (25) percent of its size

existing at the time of adoption of these regulations.

Section 3. Non-Conforming Use Destroyed or Damaged

When a building, the use of which does not conform to the provisions of these regulations, is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, it shall not be restored except in conformity with the district regulations of the district in which the building is situated.

Section 4. Unlawful Use Not Authorized

Nothing in these regulations shall be interpreted as authorization for, or approval of the continuance of the use of a building or premises in violation of any regulations in effect at the time of the effective date of these regulations.

ARTICLE XVIII. ADMINISTRATION

Section 1. South Mwkn. Twp Planning-Zoning Commission

A. S. Mwkn. Twp Planning-Zoning Commission is hereby established, which shall consist of five members appointed, for overlapping terms of three years, by the Chairman, subject to confirmation by the Township Board. Members of the S. Mwkn. Twp

Planning-Zoning Commission may be removed from office by the Township Board for cause, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of the member affected.

B. Proceedings. The South Mwkn. Twp Planning-Zoning Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of these regulations. Meetings shall be held at the call of the Chairman and at such other

times as the Commission may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public with public notice of administrative meetings and business to be carried on published in a newspaper of general circulation in the township, at least one time five days prior to the meeting.

The South Mwkn. Twp Planning-Zoning Commission shall keep minutes of its proceeding, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, and the reasons for such actions, all of which shall be a public record and be immediately filed in the S. Mwkn. Township Planning-Zoning Commission's files.

C. Hearings, Appeals, Notice. Appeals to the S. Mwkn. Twp Planning-Zoning Commission concerning interpretation or administration of these regulations may be taken by any person aggrieved or by any officer or bureau of the governing body of the township affected by any decision of the inspecting officer. Such appeal shall be taken within a reasonable time, not to exceed 60 days, as provided by the rules of the South Mwkn. Twp Planning -Zoning Commission, by filing with the inspecting officer and with the South Mwkn. Twp Planning-Zoning Commission a notice of appeal specifying the grounds thereof. The inspecting officer shall forthwith transmit to the South Mwkn. Twp Planning-Zoning Commission all papers constituting the record upon which the action appealed from was taken and his comments on the matter.

The S. Mwkn. Twp Planning-Zoning Commission shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as notice to the parties interested, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

The S. Mwkn. Twp Planning-Zoning Commission shall decide the appeal within a reasonable time. The S. Mwkn. Twp Planning-Zoning Commission may reverse or affirm in whole or in part, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end, the S. Mwkn. Twp Planning-Zoning Commission shall have all the powers of the officer from whom the appeal is taken. Where there is practical difficulty or unnecessary hardship in the way of carrying out the strict letter of these regulations, S. Mwkn. Twp Planning-Zoning Commission, in passing upon an appeal may vary or modify any of the regulations or provisions of the regulations relating to the use, construction or alteration of buildings or structures or the uses of land so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

Notice of any required public hearing shall be published once a week for three (3) consecutive weeks before such public hearing in a newspaper of general circulation within the community and posted at or as near as possible to the site for which a permit is sought. The notice shall state:

- (1) The location and character of the proposed variance, change or interpretation of these regulations or the map;
- (2) The time and place of the public hearing; and
- (3) That the application for the variance, change or interpretation is on file for public inspection at the office of the Clerk.

A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white background and black letters not less than one and one-half (1-1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from a public street or roadway and shall be posted at least ten (10) days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

D. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the inspecting officer from whom the appeal is taken, certifies to the S. Mwkn. Township Planning-Zoning Commission, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceeding shall not be stayed other than by a restraining order granted by the S. Mwkn. Twp Planning-Zoning Commission or by a court of record on application, on notice to the administrative official from whom the appeal is

E. South Mwkn. Twp Planning-Zoning Commission Powers and Duties. The S. Mwkn. Twp Planning-Zoning Commission shall have the following powers and duties:

(1) Administrative Review -- To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the inspecting officer in the enforcement or interpretation of these regulations.

(2) Variances -- To authorize, upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship. A variance from the terms of these regulations shall not be granted by the South Mwkn. Twp Planning-Zoning Commission unless and until:

(a) A written application for a variance is submitted, demonstrating:

- I That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district, and
- II That literal interpretation of the provisions of these regulations would deprive

the applicant of rights commonly enjoyed by owners of other properties in the same district under the terms of these regulations, and

III That the special conditions and circumstances do not result from actions of the applicant, and

IV That granting the variance requested will not confer on the applicant any special privileges that is denied by these regulations to other land, structures or buildings in the district.

No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted or conditional use of lands, structures or buildings in any other district shall be considered grounds for the issuance of a variance.

- (b) Notice of public hearing shall be given as required in paragraph C.
- (c) The public hearing shall be held and any party shall be heard, either in person or by his representatives.
- (d) The S. Mwkn. Twp Planning-Zoning Commission shall make findings that the requirements within this section have been met by the applicant.
- (e) The Commission shall further make findings that:

I The reasons set forth in the application justify the granting of the variance and

that the variance is the minimum variance that would make possible a reasonable use of land, buildings or structures, and

- II The granting of the variance will be in harmony with the general purpose and intent of these regulations and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.

In granting any variance, the commission may prescribe appropriate conditions and safeguards in conformity with these regulations. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.

Under no circumstances shall the S. Mwkn. Twp Planning-Zoning Commission grant any variance to allow a use that is not permissible under the terms of these regulations in the district involved; variances apply only to yards, signs, height, coverage, or parking or loading requirements, but not to use of land or structures.

F. Decisions of the South Mwkn. Twp Planning-Zoning Commission. The concurring vote of four members of the Commission shall be necessary to reverse any order, requirement, decision, or determination of the inspecting officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance. Board Members Fee \$16.00 per meeting

G. Appeals from the Decisions of the S. Mwkn. Twp Planning-Zoning Commission. Any person or persons, or any board, taxpayer, department, or bureau of the township aggrieved by any decision of the S. Mwkn. Twp Planning-Zoning Commission may seek review by a court of record of such decision by certiorari in the manner provided by the laws of the State of North Dakota.

Section 2. Inspecting Officer

The inspecting officer designated by the Township Board from time to time, shall administer and enforce these regulations.

If the inspecting officer shall find that any provisions of these regulations is being violated, he shall notify in writing the person responsible for such violation and order corrective action. He shall order discontinuance of illegal use of land, structures or buildings; removal of illegal buildings or structures or of additions or alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to insure compliance therewith or to prevent its violation.

Section 3. Administrative Procedure for Inspecting Officer, S. Mwkn. Twp Planning-Zoning Commission and Township Board.

It is the intent of these regulations that all questions of interpretation and enforcement shall be first presented to the inspecting officer and that such questions shall be presented to the

S. Mwkn. Twp Planning-Zoning Commission only on appeal from the decision of the inspecting officer, and that recourse from the decisions of the S. Mwkn. Twp Planning-Zoning Commission shall be to the courts, as provided by law.

It is further the intent of these regulations that the duties of the Township Board in connection with these regulations shall not include hearing and deciding questions of interpretation or endorsement that may arise. The procedure for deciding such questions shall be as stated in this section of these regulations. Under these regulations, the Township Board shall have only the duty of considering and adopting or rejecting proposed amendments or the repeal of these regulations, as provided by law. The South Mwkn. Twp Planning-Zoning Commission shall approve permits for conditional uses, after hearings thereon.

Section 4. Building Permits

A. Application. Any person or persons intending to construct, re-construct or re-locate a building or other structure or addition thereto, shall before proceeding with said work, or commencing any excavation in connection therewith, file in the office of the inspecting officer a written application in duplicate designating the kind of building, structure or addition which he intends to erect or make, materials of which the same is to be composed, setting out sewer and water specifications as required, and the legal description and location of the real estate, the part or portion of the real estate to be occupied by the building, other structure or addition, or improvement, the probable cost thereof and a detailed description of the type of construction and material used therein, and especially for each chimney, smoke stack, flue and fireplace to be erected or constructed in connection therewith, together with such additional plans and specifications as may be required by the inspecting officer, and

shall obtain a permit therefor as hereinafter provided. The Uniform Building Code (Short Form) 19⁸²~~80~~ edition as published and recommended by the International Conference of Building Officials, together with any amendments hereafter made thereto, three copies of which are on file in the office of the Clerk, are hereby incorporated and made a part of this Article, the same as though spread at large herein. In construing the subject matter incorporated by reference herein, if any part of said subject matter shall conflict so that it cannot be reconciled with any other code ordinance or resolution duly enacted by the local governing body the provisions of said regulations which legislate directly and specifically upon the precise matter in question shall prevail.

B. Plats. Each application for a building permit shall be accompanied by a plat showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of these regulations. A record of applications and plats shall be kept in the office of the inspecting officer.

C. Application, Approval and Requirements; Issuance of Permits. The application shall be filed in the office of the inspecting officer who shall determine whether said application and proposed construction meets the requirements of these regulations. If it is determined that the proposed work will conform to the Statutes of the State of North Dakota, these regulations and the ordinances and regulations of the local jurisdiction and that no good cause of any nature exists why said work should not be done,

said officer shall there upon approve said building permit application and promptly issue a building permit. If the application be disapproved by the inspecting officer or if any citizen of the township shall file objection in writing with the Clerk to the issuance of said permit, the Clerk shall present said application, together with all plans and specifications, objections and findings, to the South Mwkn. Twp Planning-Zoning Commission at their next regular or special meeting and said Commission then shall determine whether the permit shall be issued.

D. Building Permit Fee. At the time of issuance of any permit as aforesaid, charge and collect in advance for issuance of said permit a fee to be in accordance with Section 6 of this Article. Said fee shall be the property of the local jurisdiction and shall be paid over to the Clerk for credit to the General Fund of said local jurisdiction.

E. Enforcement. Where there are practical difficulties or unnecessary hardship in the way of carrying out the provisions of this Article, the South Mwkn. Twp Planning-Zoning Commission by resolution, after due notice, may prescribe in a specific case a variation in the application of any provision in harmony with the general purpose and intent of the section so that the public health, safety and welfare may be conserved, and the Commission may grant in the case hardship or other unusual circumstance temporary and conditional permits, of not more than one year's duration for structures and uses not permitted by these regulations, but which are necessary for the development of the area. However, prior to any such action, the Commission shall

forward to the Township Board, in writing at least twenty (20) days prior to any decision, a request for comments and recommendations. The Commission shall not take any action until comments and recommendations from the Township Board have been reviewed. If however, said comments are not received from the governing body within fifteen (15) days following their receipt of the request for such comments and recommendations, the Commission may proceed with a decision. No building permit shall be issued for the erection of any building unless the plans conform to these regulations and no building shall be erected in violation of or which shall not conform to the provisions hereof and no building shall be erected in violation of or which shall not conform to the provisions hereof under any permit heretofore issued, unless construction thereof shall have been commenced in good faith prior to the enactment of these regulations.

Section 5. Occupancy Permits

A. Permits. Subsequent to the effective date of these regulations, no change in use or occupancy of land nor any change of use or occupancy in an existing building other than for single family and two family dwelling purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the inspecting officer. Every certificate of occupancy shall state that the new occupancy complies with all provisions of these regulations.

B. Application. No permit for the erection or alteration of any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance,

and no building or premises shall be occupied until such certificate and permit is issued.

C. Certificate of Occupancy for Non-Conforming Uses.

A certificate of occupancy shall be required for all lawful non-conforming uses of land or buildings created at the time of passage of these regulations. Application for such certificates of occupancy for non-conforming uses shall be filed with the inspecting officer by the owner or lessee of the land or building occupied by such non-conforming use within two (2) years from the effective date of these regulations. It shall be the duty of the inspecting officer to issue a certificate of occupancy for a lawful non-conforming use. But failure to apply for such certificate of occupancy for non-conforming use, or failure of the inspecting officer to issue such certificate of occupancy for non-conforming use, may be considered evidence that such non-conforming use did not lawfully exist at the effective date of these regulations.

D. Records. A record of all certificates of occupancy shall be kept on file in the office of the inspecting officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.

Section 6. Schedule of Fees, Charges and Expenses

The following schedule of fees, charges and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to these regulations is established. The schedule of fees listed below shall be posted

in the office of the inspecting officer and may be altered or amended only by the Township Board.

No permit, certificate, conditional use or variance shall be issued unless or until such costs, charges, fees or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the S. Mwkn. Twp Planning-Zoning Commission, unless or until preliminary charges and fees have been paid in full.

FEEES FOR BUILDING PERMITS

Private Garage Const.	Up to 900 sq. ft.	\$25.00
Storage Garage Const.	Above 900 sq. ft.	\$50.00
Home Remodeling	Up to \$4,000	\$25.00
Home Remodeling in excess of \$4,000		\$50.00
New Home Construction	.2% of construction cost	
All other construction equal to home const.	.2% of const. cost	
Opening Gravel Pit	\$200.00 plus performance bond to insure proper closing	
Penalty for Const. with no permit	3x's permit fee	

Section 7. Complaints Regarding Violations

Wherever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the inspecting officer. He shall record properly such complaint, immediately investigate and take action thereon as provided by these regulations.

ARTICLE XIX. GENERAL PROVISIONS, LEGISLATIVE PROVISIONS.

Section 1. Amendments

The Township Board may from time to time on its own motion or on petition initiate any amendment, supplement, change, modi-

fication or repeal by resolution the boundaries of districts, regulations, or restrictions herein established. If a protest petition against such change is signed by the owners of twenty (20) percent or more of the area of the lots included in such proposed change or of the area adjacent, extending one hundred fifty (150) feet from the area to be changed, excluding the width of streets, the amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all of the members of the S. Mwkn. Twp Planning-Zoning Commission. Such protest in writing must be filed with the Clerk prior to the time set for the public hearing on the proposed change. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the local governing body for its recommendations and report to be made in writing. Said report shall subsequently be submitted to the Planning Commission for its review, recommendations and report at the next regular meeting provided the Planning-Zoning Commission has had adequate and reasonable time for review. Said report shall be submitted in writing to the S. Mwkn. Twp Planning-Zoning Commission for final approval or disapproval. Said reports shall contain the findings regarding the effect of the proposed amendment, supplement, change, modification or repeal upon adjacent property and upon the Comprehensive Zoning Plan.

Prior to submission of the reports and recommendations of the Planning-Zoning Commission to the Township Board for enactment, the Planning-Zoning Commission shall hold a public hearing in relation thereto, giving notice of the time and place of such

hearing, as provided in Section 1 of Article XVIII. Before any action shall be taken as provided in this Article, the party or parties proposing or recommending a change in the District Regulations or district boundaries shall deposit with the Clerk, the sum specified in Section 6, Article XVIII to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Board. No deposit of money shall be required when any action is recommended by the local jurisdiction on its own motion or by any person or group officially designated to participate in the administration of these regulations. In the event the proposed amendment or change is denied by the Board, no new request shall be made for the same or substantially similar amendment or change within one year of said denial thereof.

Section 2. Enforcement

These regulations shall be enforced in accordance with Section 2, Article XVIII.

Section 3. Purposes of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of an index and they shall be wholly disregarded by any persons, officer, court or other tribunal in construing the terms and provisions of these regulations.

Section 4. Violation

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure, or land is used in violation of these regu-

lations, the proper Township authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceedings:

A. To prevent such unlawful erection construction, reconstruction, alteration, repair, conversion, maintenance, or use;

B. To restrain, correct, or abate such violations;

C. To prevent the occupancy of the building, structure, or land; or

D. To prevent any illegal act, conduct, business, or use in or about such premises.

Section 5. Repeal of Conflicting Regulations

All regulations and parts of regulations in conflict with these regulations be, and the same hereby, are repealed.

Section 6. Enactment

These regulations shall be in full force and effect from and after their passage, approval and publication as provided by law.

CERTIFICATE OF ADOPTION

SOUTH MINNEWAUKAN TOWNSHIP BOARD, RAMSEY COUNTY, NORTH DAKOTA

THIS DOCUMENT adopted by the S. Mwkn. Twp Planning-Zoning Commission, and recommended to the S. Mwkn. Twp Board as the official zoning regulations and subdivision regulations amending those original zoning regulations and subdivision regulations adopted on the 18th day of September, 1982, by the said South Mwkn. Twp Board. The purpose being specifically for protecting and guiding the township's physical development; to promote the general health and welfare; to secure safety from fire and other dangers; to protect the tax base; to encourage a distribution of population and utilization of land which will facilitate economic growth of the community and to make recommendations providing for adequate transportation, roads, water supply, drainage, sanitation, recreation, and/or other public requirements. Also, all maps, charts, or other descriptive matter accompanying this document and all other matters intended to form the whole, or a part hereof, are hereby made a part of this document the same as if set forth herein.

ADOPTED THIS DAY OF A.D., 19
BY THE SOUTH MINNEWAUKAN TOWNSHIP PLANNING-ZONING
COMMISSION AND RECOMMENDED TO THE SOUTH MINNEWAUKAN
TOWNSHIP BOARD, RAMSEY COUNTY, NORTH DAKOTA, FOR ADOPTION.

Signed:

Chairman, S. Minnewaukan Township Planning-
Zoning Commission

Attest:

Assistant Secretary, S. Minnewaukan Township
Planning-Zoning Commission

ADOPTED THIS DAY OF A.D., 19
BY THE SOUTH MINNEWAUKAN TOWNSHIP BOARD, RAMSEY COUNTY,

Signed:

Chairman, S. Minnewaukan Township Board,
Ramsey County, North Dakota

Attest:

Clerk, S. Minnewaukan Township Board,
Ramsey County, North Dakota

SUBDIVISION RESOLUTION

SOUTH MINNEWAUKAN TOWNSHIP

NORTH DAKOTA

A resolution adopted under the authority conferred by the Statutes of the State of North Dakota to regulate and control the subdivision of land within incorporated boundaries of South Mwkn. Township for the purpose, whether immediate or future, of transfer of ownership or building development; to prescribe standards for laying out subdivisions in harmony with the Comprehensive Plan; to require the installation of improvements by the owner, or by the creation of public improvement districts, or by requiring a good and sufficient bond guaranteeing installation of such improvements; and to require the dedication of land for public purposes; to provide for definitions and for amendments to these regulations; to provide for its enforcement and prescribing penalties for the violation of its provisions; to provide for invalidity of a part and for repeal of other resolutions or regulations in conflict herewith; and to provide for the effective date of this resolution --

BE IT RESOLVED by the Township Board of South Mwkn. Twp., Ramsey County, North Dakota --

LAND SUBDIVISION REGULATIONS

SOUTH MINNEWAUKAN TOWNSHIP :

RAMSEY COUNTY, NORTH DAKOTA

ARTICLE I. TITLE, PURPOSE AND ADOPTION

Section 1. Name and Citation of titles

These regulations shall be known, referred to and cited as "The Land Subdivision Regulations" of S. Mwkn. Twp , Ramsey County, North Dakota.

Section 2. Purpose

The purpose of these regulations is to insure the orderly development of S. Mwkn. Twp , by providing proper arrangements of streets in relation to other existing and planned streets and to the master plan; and to provide for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light and air; to avoid congestion of population and for easements for building setback lines or for public utilities.

Section 3. Adoption

The S. Mwkn. Twp Planning-Zoning Commission has adopted these Land Subdivision Regulations for the purposes stated herein, in accordance with the laws of the State of North Dakota.

ARTICLE II. REGULATION OF SUBDIVISIONS AND SALES OF PROPERTY

Section 1. Regulation

From and after the adoption of these regulations, and filing of a certified copy of the master street plan of S. Mwkn. Twp Ramsey County, in the Offices of the Register of Deeds,

Ramsey County, in accordance with Chapter 40-48 of the North Dakota Century Code, no plat of a subdivision of land within said S. Mwkn. Twp , as "subject" to subdivision regulations of S. Mwkn. Twp , shall be filed, or recorded until it shall have been approved by the Planning-Zoning Commission of S. Mwkn. Twp .

and such approval entered in writing on the plat by the Chairman and Secretary of said Planning-Zoning Commission.

Section 2. Sales of Property

In accordance with Section 40-48 of the North Dakota Century Code and subject to the penalties thereof, no person, firm, corporation or other entity proposing to make or having made a plat or subdivision of land in S. Mwkn. Twp or the jurisdiction of its Planning Commission and containing two or more lots, plots or tracts of less than 5 acres, or proposing to make or having made a plat or subdivision containing as part thereof a public street or highway, shall enter into any contract for the sale of, or shall offer to sell, said subdivision or plat, or any part thereof, until he or it has obtained from the Planning Commission of S. Mwkn. Twp final approval of the proposed plat, subdivision or dedication in accordance with the requirements of these regulations

ARTICLE III. DEFINITIONS

The following definitions represent the meanings of terms as they are used in these regulations.

1. Alley. A strip of land, dedicated to public use, primarily to provide vehicular service access to the side or rear of properties otherwise abutting on a street.

2. Comprehensive Plan. The Comprehensive Plan, or any portion thereof, made and adopted by the Planning Commission in accordance with the laws of the State of North Dakota indicating the general and specific locations recommended for streets, parks, public buildings, zoning districts, and all other public improvements.

3. Cul-de-sac. A short public way with one end open to traffic and the other end terminated by a vehicular turn-around.

4. Dedication. The intentional appropriation of land by the owner to some public use.

5. Easement. A grant by the property owner of the use of a strip of land by the public, or a public agency or utility for a specific purpose or purposes.

6. Final Subdivision Plat. The final plan of the plat, subdivision or dedication prepared for filing or recording in conformance with these regulations.

7. Improvements. Street grading and surfacing, with or without curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, and street trees or other such installations as designated by the Planning Commission.

8. Lot. A measured portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development.

9. Master Plan. See Comprehensive Plan.

10. Planning Commission. The Planning Commission of S. Mwn. Township.

11. Preliminary Subdivision Plat. The preliminary plan of the subdivision prepared in accordance with the requirements of these regulations.

12. Street. The term includes streets, highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and rights-of-way and other ways.

13. Street, Major. A street or highway used primarily for fast or high volume of traffic, including expressways, freeways, boulevards, and arterial streets.

14. Street, Collector. A street or highway which is intended to carry traffic from minor streets to the major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the developments.

15. Street, Minor. A street intended primarily to provide pedestrians and vehicular access to the abutting properties.

16. Subdivider. Any person, group, corporation, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.

17. Subdivision. The division of a tract or parcel of land into lots for the purpose, whether immediate or future, of sale or of building development, and 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, and the creation of new or enlarged parks, playgrounds, plazas or open spaces. "Subdivision" includes the

re-subdivision of one or more lots in a subdivision made and recorded prior to or after the date these regulations are adopted. However, the division of land for agricultural purposes into parcels of five or more acres, not involving any new street or easement of access, shall be exempted from these regulations.

ARTICLE IV. PROCEDURES

Section 1. Preliminary Steps

A. Before preparing the general plan of a subdivision the subdivider should prepare a preliminary sketch of his subdivision and consult informally with the Planning-Zoning Commission and the inspecting officer concerning the relation of his property to existing conditions, community facilities, utilities, services, regulations and conformance to the Comprehensive Plan.

B. The subdivider should also consult with parties interested with him, such as land planners, engineers, and lending institutions, to clearly establish the suitability and location of the proposed subdivision, and the most advantageous general plan or arrangement of streets, lots, and other features of the proposed development.

C. It will be the duty of the Planning-Zoning Commission to discourage the subdividing of lands that are far in advance of the needs of the community; or that by their location cannot be efficiently served by public utilities, fire protection, police protection or other municipal services; or that are located in areas subject to flooding, or that are topographically unsuitable for development; or that for any other reason are being unwisely or prematurely subdivided. It shall also be the duty of

the Planning-Zoning Commission to encourage the replatting of lands deemed to be unsatisfactorily subdivided and, therefore, are tax delinquent or are under-developed and represent an obstacle to the orderly and efficient growth of the township. It shall also be the duty of the Planning-Zoning Commission to encourage the coordinated platting of adjacent small parcels of land, and to this end the Planning-Zoning Commission shall make sketch plans for such coordinated platting, or shall arrange meetings of the several owners of such small parcels of land, or shall carry out the intent of this directive and the Comprehensive Plan by other means which are lawful and appropriate.

Section 2. Application for Tentative Approval

A. The subdivider shall apply on appropriate forms to the Planning-Zoning Commission for tentative approval of a subdivision plat at least 15 days prior to the meeting of the Planning-Zoning Commission at which it is to be considered.

B. Six (6) prints of the preliminary plan of subdivision shall be filed with the Inspecting Officer at the time application for tentative approval is made. The plat shall comply with the provisions of Article VI, Section 1, of these regulations. Fees charged for the filing of a subdivision plat shall be paid in full at the time of application for tentative approval in accordance with the fee schedule in Article VIII.

C. The Inspecting Officer shall retain one file copy, submit one copy each with a request for comment within five (5) days, to the County Health Officer and School Board and transmit three (3) copies to the Planning-Zoning Commission, together with his

comments on the subdivision proposal, within five (5) days. He shall affix a file number and date on the application for approval

For subdivisions within the adjacent territory, outside the township limits, a print of the preliminary plat shall be sent to the County Planning Commission with a request for comments within five (5) days.

D. At its next following meetin, or within thirty days of receipt thereof, the Planning-Zoning Commission shall:

- (1) Review the proposed preliminary plan and application for approval.
- (2) Consider the comments and recommendations received from the Inspecting Officer.
- (3) Determine whether the proposed subdivision plat and application meet the requirements of its regulations and the requirements of the Comprehensive Plan.
- (4) Approve, approve conditionally, or disapprove the application and preliminary plat.
- (5) Notify the subdivider, the Inspecting Officer and other officials of its action and reasons therefore, keeping a record thereof in its files.

If approved conditionally, the conditions and reasons therefore shall be stated and the Planning-Zoning Commission may require the subdivider to submit a revised preliminary plat. If disapproved, the reasons for that action shall be stated, and if

possible, the Planning-Zoning Commission shall make recommendations on the basis of which the proposed subdivision may be approved.

E. The action of the Planning-Zoning Commission shall be entered on the official records of the Planning-Zoning Commission, including any conditions imposed and the reasons' for any disapproval of a preliminary plat. The approval or disapproval of the Planning-Zoning Commission shall be noted on two prints of the preliminary plat, one of which prints shall be returned to the subdivider and the other retained by the Planning-Zoning Commission.

F. Tentative approval of a preliminary plat by the Planning-Zoning Commission is not an acceptance of the subdivision plat for record, but is rather an expression of approval of a general plat as a guide to preparation of a subdivision plat for final approval and recording, upon fulfillment of all requirements of these regulations.

G. Tentative approval shall be effective for a maximum period of twelve (12) months, unless, upon application by the developer, the Planning-Zoning Commission grants an extension. If the final plat has not been submitted for final approval within this time limit, a preliminary must again be submitted to the Planning-Zoning Commission for tentative approval.

Section 3. Vacation of a Plat of Record

A. Conditions: A subdivider may make application to the Planning-Zoning Commission to vacate any plat of record under the following conditions:

- (1) The plat to be vacated is a legal plat of record.
- (2) Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties, utility services or other improvements.
- (3) Vacation of the subdivision will not be contrary to the Devils Lake Comprehensive Plan, or South Mwn. Township's Master Plan.

B. Precedure: The land owner(s) shall present a proposal to the Planning-Zoning Commission containing the legal description of the subdivision and calling for vacation thereof. The Planning-Zoning Commission shall study the proposal and shall send recommendations to the appropriate governing body. The Governing body shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

Section 4. Final Subdivision Plat Approval

A. The subdivider shall apply on appropriate forms to the Planning-Zoning Commission for final approval of a subdivision representing part or all of a subdivision which has been tentatively approved by the Planning-Zoning Commission at least fifteen (15) days prior to the regular meeting of the Planning-Zoning Commission at which it is scheduled to be considered.

B. Two (2) plastic or cloth tracings and five (5) prints of the final subdivision plat shall accompany the application for final approval. The final plat shall comply with the provisions

of Article VI, Section 2, of these regulations, and shall be accompanied by such other documents and materials as may be required by these regulations. At the time application for final approval is made, an adjusted filing fee will be determined on the basis of the actual number of lots created by the subdivision, and any additional fee shall be paid at that time.

C. After receipt of the application for final approval, the Secretary of the Planning-Zoning Commission shall give notice of a public hearing on such proposed subdivision by advertising the date, time, place and purpose of such hearing in a newspaper of general circulation in the Township of South Mwn. in the County concerned, at least ten days prior to the date of such hearing, and send prints of the final plat with requests for comment to the Inspecting Officer, School Board and the County Health Officer.

The subdivider will furnish the name and address of the owner of the land, or his agent, at the time of application and the Secretary of the Planning-Zoning Commission shall send to said address by registered mail, a notice of the time and place of such public hearing not less than five (5) days before the date fixed for the hearing. The public hearing may be held at a regular or special meeting of the Planning-Zoning Commission.

D. At the appointed time and date, the Planning-Zoning Commission shall hold a public hearing on the application for approval of the final subdivision plat, giving those present an opportunity to be heard.

E. The Inspecting Officer shall, in reviewing the final

subdivision plat for comments, also prepare an estimate of the costs of providing the improvements required as a basis for determining the adequacy of posted deposit or surety bond for such improvements, and review the detailed drawings and specifications for such required improvements, indicating his approval or disapproval thereof.

F. After the public hearing, the Planning-Zoning Commission shall determine whether:

- (1) The requirements of these regulations for preparation of a plat have been met,
- (2) The necessary fees have been collected or paid,
- (3) All taxes and assessments on the property have been paid, evidenced by a certificate or receipt therefore,
- (4) Detailed design and specifications for improvements have been approved by the Inspecting Officer.
- (5) Other requirements of these regulations have been met.

G. If all of these conditions have been met, the Planning-Zoning Commission will act upon the request for final approval. If the Planning-Zoning Commission approved the subdivision, such approval will be entered upon the tracing and will be signed by the Secretary or the Chairman of the Planning-Zoning Commission. If the Planning-Zoning Commission disapproves the subdivision, such action, together with the reasons therefore, will be entered in the official records of the Planning-Zoning Commission and a copy of such record will be sent to the subdivider.

II. The Planning-Zoning Commission will act upon all requests for final approval of a subdivision within thirty (30) days after application for such approval is made. Failure by the Planning-Zoning Commission to act within such period shall be deemed as approval of the subdivision and the Secretary of the Planning-Zoning Commission shall issue a certificate to that effect upon demand. However, the subdivider may waive this requirement and agree to an extension of this period.

I. Upon final approval of a subdivision involving the creation of new streets, the widening, decreasing or vacation of existing streets or alleys, or the creation, enlargement or decrease of other lands devoted to public use, the Planning-Zoning Commission shall at the same time and without further public hearing, approve such change in streets, alleys or public lands as an amendment to the master plan. The Planning-Zoning Commission will transmit notice of such action to the Township Board of South Mwn. Township, together with appropriate recommendations concerning the acceptance of dedicated streets and alleys, or the vacation thereof, and of the acceptance of other dedicated lands.

J. Upon its approval, the subdivider shall file the approved final subdivision plat with the Register of Deeds of Ramsey County.

K. Final approval of a subdivision by the Planning-Zoning Commission shall in no way constitute legal acceptance of any dedicated streets, alleys, or other public lands.

ARTICLE V. DESIGN CRITERIA

The subdivider shall prepare his proposed plat in conformance

with the following provisions:

Section 1. Unsuitable Lands

Land, which the Planning-Zoning Commission has found to be unsuitable for subdivision, due to flooding, bad drainage, steep slopes, rock formation, or other features likely to be harmful to the safety, welfare, and health of the future residents and which the Planning-Zoning Commission considers inappropriate for subdivision, shall not be subdivided, unless adequate methods for subdivision are formulated by the developer and approved by the Inspecting Officer, and the Planning-Zoning Commission.

Section 2. Streets

A. The arrangements, classification, extent, width, grade and location of all streets shall conform to the Comprehensive Plan and shall be designed in relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.

B. Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(2) Conform to a plan for the neighborhood approved or adopted by the Planning-Zoning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

C. Minor streets shall be so laid out that their use by through traffic will be discouraged.

D. Where a subdivision abuts or contains an existing or

proposed primary street or highway, the Planning-Zoning Commission may require service streets, reverse frontage lots with screen planting in a reservation strip along the rear property line, deep lots with rear service alleys abutting the primary street or highway, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.

E. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning-Zoning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such land would be appropriately used for park purposes in residential districts, or for commercial or industrial purposes in non-residential districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.

F. Reserve strips in private ownership controlling access to streets shall be prohibited.

G. Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall be avoided.

H. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on major and collector streets.

I. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than four hundred (400) feet for minor and dol-

lector streets, and of such greater radii as the Planning-Zoning Commission shall determine for special cases.

J. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than eighty (80) degrees.

K. Curb radii on all block corners shall be ten (10) feet and a five (5) foot radius shall be used at intersections of streets and alleys.

L. Urban street rights-of-way shall be as shown on the Comprehensive Plan and, where not shown therein, shall be not less than the following:

- (1) Primary arterial streets - 100 feet,
Secondary arterial streets - 66 feet.
- (2) Collector streets - 60 feet.
- (3) Local streets - 50 feet.
- (4) Cul-de-sacs - 110 feet in diameter for turnaround.
- (5) Alleys, residential district - 16 feet.
- (6) Alleys, commercial or industrial district - 20 feet.

M. Graded widths or rural roadways shall be as shown on the Comprehensive Plan but shall be not less than the following:

- (1) Primary arterial streets - 48 feet.
Secondary arterial streets - 44 feet.
- (2) Collector streets - 40 feet.
- (3) Local streets - 32 feet.
- (4) Cul-de-sacs - 85 feet in diameter for turnaround.
- (5) Alleys - 16 feet.
- (6) Sidewalks - 4 feet.

N. Half streets shall be prohibited except where essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations; and where the Planning-Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

O. Cul-de-sacs shall not be longer than five hundred (500) feet.

P. No street names shall be used which will duplicate or be confused with the names of existing streets.

Q. Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

(1) Arterial streets (primary and secondary) - four (4) percent.

(2) Collector streets - five (5) percent.

(3) Local streets - six (6) percent.

R. No street grade shall be less than one-half ($1/2$) of one (1) percent.

S. Flat grades are preferred extending fifty (50) to one hundred (100) feet from an intersection, but in no case shall grades exceed four (4) percent for a distance of at least fifty (50) feet from an intersection.

T. General considerations:

(1) Intersections of more than two (2) streets at a point shall not be permitted.

- (2) Alleys shall be discouraged in residential districts but shall be provided in commercial and industrial districts.
- U. Dead-end streets as permanent features shall be prohibited.
- V. Other rights-of-way or easements.
- (1) Easements for utility rights-of-way shall be not less than ten (10) feet in width and wherever possible shall be provided along rear property lines. If provided along side property lines, their rights-of-way shall be in addition to the minimum lot width requirements.
- (2) Pedestrian walks shall be at grades no greater than ten (10) percent unless provided with steps whose design meet with the approval of the Inspecting Officer.
- (3) Where a subdivision is traversed by a water course, coulee, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction or both that will be adequate for such purpose. Parallel streets, parkways, walkways, culverts or bridges may be required in connection with such drainage easement.

Section 3. Blocks

- A. Block length should usually not exceed one thousand three

hundred twenty (1,320) feet nor be less than three hundred sixty (360) feet, where lot sizes average less than two (2) acres.

The length of blocks shall be considered to be the distance from street centerline to opposite street centerline and shall be measured through adjacent back lot lines or through the center of the block.

B. Pedestrian crosswalks not less than ten (10) feet wide may be required in blocks longer than nine hundred (900) feet where such crosswalks are deemed by the Planning-Zoning Commission to be essential to provide circulations, or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

C. The width of blocks shall generally be sufficient to allow two (2) tiers of lots and be at least two hundred (200) feet in width.

D. Blocks intended for business and industrial use should be specifically designated for such purposes with adequate space set aside for off-street parking and delivery facilities. The Planning-Zoning Commission may require service drives or frontage roads along major streets for business or industry.

E. Where frontage is on a major or secondary street, the long dimension of the block should front thereon.

Section 4. Lots

A. Lot dimensions and areas shall be no less than shown in the following table.

	<u>Minimum Width at Building Line (ft)</u>	<u>Minimum Depth (feet)</u>	<u>Minimum Area (sq. ft.)</u>
Lots served by public water supply and sanitary sewers	50	100	7,000
Lots served by only (a) public water supply, or (b) sanitary sewers	75	100	10,000
Lots served by neither public water supply nor sanitary sewers	100	200	20,000

Otherwise, the area and width of lots shall be as required by Zoning Regulations.

Residential lots fronting on or having the rear of the lot on major or community arterials shall have extra depth of at least twenty (20) feet.

B. Platting of lots for commercial purposes should be avoided in favor of the comprehensive design of a balanced shopping center provided for off-street parking and loading space.

C. Satisfactory access from a public street shall be provided for all lots.

D. Double frontage and reverse frontage lots shall be avoided, where possible.

E. Corner lots shall be of extra width sufficient to maintain lines on both streets.

F. Side lot lines shall be approximately at right angles or radial to street lines.

G. A screen planting easement may be required as set forth in the Zoning Regulations between residential and commercial or industrial lots.

H. Excessive depth in relation to width to over 3 to 1 shall be avoided.

Section 5. Public Sites and Open Spaces

A. Where a park, playground, school, or other site for public use shown on the Comprehensive Plan is located in whole or in part in the applicant's subdivision, the Planning Commission may require the dedication or reservation of such area within the subdivision.

B. Where deemed essential by the Planning-Zoning Commission upon consideration of the type of development proposed in the subdivision, and especially in large-scale developments not anticipated in the Comprehensive Plan, the Planning-Zoning Commission may request the dedication or reservation of such other areas or sites of a character extent or location suitable to the needs created by such development for school, parks, and other neighborhood facilities.

C. All subdivision shall be assessed an equitable amount in dollars and/or land to implement the public sites and open space segment of the Comprehensive Plan. The form and amount of assessment shall be fixed by the Planning-Zoning Commission at the meeting when the preliminary plat is considered.

Section 6. Tree Planting

The planting of trees of an appropriate species and at appropriate locations may be required by the Planning-Zoning Commission on the basis of standards established by the inspecting officer.

Section 7. Street Lighting

Street lights and their location shall be in accordance with the design standards established by the inspecting officer.

ARTICLE VI. SPECIFICATIONS FOR PLATS

Section 1. Preliminary Plat

The preliminary plat shall contain the following:

- A. Proposed name of subdivision.
- B. Location by section, township and range, or by other legal description.
- C. Names and addresses and telephone numbers of the subdivider and engineer, surveyor, landscape architect and/or land planner who made the plat.
- D. Scale of plat, which shall be one (1) inch equals one hundred (100) feet or less.
- E. Date.
- F. North point indication.
- G. Boundary line of proposed subdivision indicated by a solid heavy line, accurate and drawn to scale, showing distances and bearings.
- H. Total acreage within subdivision.
- I. Name, location and width of all existing or prior plat-
ted streets, indication of existing type and width of surfacing
thereon; name, dimensions and location of railroad and other uti-
lity rights-of-way, parks and other public open spaces, perman-
ent buildings or structures, corporation boundaries and section
lines within or adjacent to the subdivision.
- J. Existing water mains, storm sewers, sanitary sewers,

culverts, bridges and other utility structures within the tract, indicating pipe sizes, grades and exact locations, as obtained from public records.

K. Existing zoning of proposed subdivision and adjacent tracts in zoned areas.

L. Boundary lines of adjacent tracts of subdivided and unsubdivided land, showing owners.

M. Contours with a minimum contour interval of two (2) feet.

N. Layout of proposed streets, alleys, crosswalks and easements, showing all widths and proposed street names.

O. Layout, numbers and dimensions of lots.

P. Parcels and land intended to be dedicated or reserved for public use, or set aside for use of property owners or residents of subdivision.

Q. Building setback lines, showing dimensions.

R. A key map at a scale of one (1) inch equals four hundred (400) feet or less, showing the boundary of the proposed subdivision and covering the area within a half-mile radius thereof.

Section 2. Final Plat

The final plat shall be submitted on tracing cloth or plastic sheets thirty (30) inches by thirty-six (36) inches, provided that when more than one sheet is required, there shall also be filed an index sheet on tracing cloth or plastic and of the same dimensions, showing the entire subdivision on one sheet and giving block and lot numbers. The final plat shall contain the following:

A. Name of subdivision and date of tentative approval by

the Planning Commission.

B. Location by section, township and range, or other legal description.

C. Names of owners and surveyor of other professional person preparing the plat.

D. Scale, which shall be one (1) inch equals one hundred (100) feet or less and shall be shown graphically.

E. Date.

F. North point indication.

G. Boundary lines of subdivision based on an accurate traverse, showing distances and bearings.

H. Exact location width and name of all streets within and adjoining the subdivision, and the exact location of all alleys and crosswalks.

I. True bearing and distances to the nearest established street lines or official monuments (not less than three) which shall be accurately described on the plat.

J. Township, county or section lines accurately tied to the boundary lines of the subdivision by bearing and distance.

K. Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.

L. All easements for rights-of-way provided for public services and public utilities.

M. All lot numbers and lot lines, with accurate dimensions in feet and hundredths.

N. Accurate location of all monuments, which shall be on concrete, six (6) inches by thirty (30) inches, with an iron pipe

case in the center. One such monument shall be placed at each corner and at each change of direction in the boundary line of the subdivision; one such monument shall be placed at each block corner; and one such monument shall be placed at the point of curvature and point of tangency of each curve in a street line on one side of the street.

O. Accurate outlines and legal descriptions of any areas (not including streets, alleys or public utility easements) to be dedicated or reserved for public use; with the purposes indicated thereon; and of any area to be reserved by deed covenant for common use of all property owners.

P. Building setback lines, accurately shown with dimensions.

Q. Where required, detailed engineering drawings, cross-sections or profiles of streets, utility lines, catch basins or other installations of improvements as installed.

R. Certification by registered surveyor to the effect that the plat represents a survey made by him, and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.

S. Notarized certification by the owners of the land of the adoption of the plat and the dedication of sewers, water distribution lines and other improvements and of streets and other public areas.

T. Proper form for the approval of the Planning-Zoning Commission.

U. Proper form for acceptance of plat and amendment of master plan of South Mwkn. Twp Board.

Section 3. Covenants

Any proposed protective covenants that are to run with the land will be submitted with the final plat. These covenants may be shown upon the final plat, but if they are not so shown, they shall be submitted with the final plat in form for recording, and shall be recorded in the Office of the Register of Deeds at the same time the final plat is recorded.

ARTICLE VII. VARIANCES

Section 1. Hardship

A. Upon application by the subdivider therefore, and where it can be shown in the case of a particular proposed subdivision, that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography, or other such conditions, thus retarding the achievement of the objective of these regulations, then the Planning-Zoning Commission may vary, modify or waive requirements so that substantial justice may be done and the public interest secured; provided that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations, or of the Comprehensive Plan.

B. In no case shall any variance, modification or waiver be more than a minimum easing of the requirements; in no case shall it have the effect of reducing the traffic capacity of any major or secondary streets; and in no case shall it be in conflict with existing Zoning Regulations.

C. In granting variances, modifications or waivers, the Planning-Zoning Commission may require such conditions as will,

in its judgment, secure substantially the objectives of the standards and regulations so affected.

Section 2. Planned Unit Developments

If a planned unit development of over five (5) acres in a single ownership is proposed, detailed site plans showing the location of access, streets, buildings, parking facilities, recreational facilities and landscaping areas shall be submitted to the Planning-Zoning Commission for review, together with detailed information as to proposed use and occupancy.

After a public hearing thereon, if the Planning-Zoning Commission finds that the interests of the community in good design, environmental amenity and efficiency of public services would be enhanced thereby, the Commission may waive one or more of the subdivision regulations (excepting the requirements for the installation of improvements) or may establish additional conditions to be met by the development plan.

In approving such a development plan the Planning-Zoning Commission shall be assured that it provides and dedicates adequate open spaces and improvements for circulation, parking, recreation, education and service needs of the tract when fully developed and that such covenants, financial and legal guarantees are provided that will assure that the plan will be followed and achieved.

ARTICLE VIII. FEES

In order to cover the costs of advertising, holding public hearings, and other expenses incidental to the approval of a subdivision, the subdivider shall pay a fee at the time of applica-

tion for tentative approval of a preliminary plat. Such fee will be based upon the estimated number of lots created. At the time of application for final approval of the subdivision, the required fee will be re-calculated on the basis of the actual number of lots created, and an adjustment of the fee will be made, the subdivider to pay an additional amount or to receive a refund due to changes in the number of lots. If, because of failure of the subdivider to submit a final plat within twelve months after receiving tentative approval of a preliminary plat, it is necessary to re-submit a preliminary plat for tentative approval, the subdivider shall be required to pay the fee currently in effect at the time of re-submission.

The fees for approval of a subdivision shall be charged and collected at the following rates:

Number of Lots in

<u>Subdivision</u>	<u>Fees</u>
2 to 25	\$25.00
26 to 50	\$25.00 plus \$0.50 for each lot in excess of 25.
51 to 100	\$40.00 plus \$0.40 for each lot in excess of 50.
101 to 200	\$65.00 plus \$0.25 for each lot in excess of 100.
Over 200	\$95.00 plus \$0.15 for each lot in excess of 200.

All fees collected for the approval of subdivision shall be credited to the general fund of the Township.

ARTICLE IX. AMENDMENTS

Any change in these regulations shall be preceded by public hearing; shall be published as provided by law; and a copy thereof shall be certified by the Township Board and filed for record

by the Planning-Zoning Commission with the Register of Deeds of Ramsey County.

ARTICLE X. SEVERABILITY

If any article, section, sub-section, sentence, clause or phrase of these regulations be declared unconstitutional or void such decision shall not affect the validity of these regulations as a whole or any part thereof, other than the part so declared invalid.

ARTICLE XI. PENALTY

Any owner, or the agent of any owner, of land located within the territory of a subdivision that is subject to the approval of a Planning-Zoning Commission or governing body who transfers, sells, agrees to sell, or negotiates to sell any land by reference to or exhibition of a plat of a subdivision, or by any other use thereof, before such plat has been approved by the Planning-Zoning Commission and governing body and recorded as approved in the office of the Register of Deeds, shall forfeit and pay a penalty of one hundred (100) dollars for each lot parcel transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this article. The governing jurisdiction may enjoin such transfer, sale, or agreement by an action for injunction, or it may recover the penalty by a civil action.

ARTICLE XII. CONFLICTING REGULATIONS REPEALED

All regulations or parts of regulations in conflict herewith are hereby repealed, except any regulations that impose more restrictive regulations than are imposed herein.

ARTICLE XIII. EFFECTIVE DATE

These regulations shall be in effect from and after their adoption and publication as required by law.

CERTIFICATE OF ADOPTION

SOUTH MINNEWAUKAN TOWNSHIP, RAMSEY COUNTY NORTH DAKOTA

THIS DOCUMENT adopted by the South Mwkn. Twp Planning-Zoning Commission, and recommended to the South Mwkn. Twp Board as the official zoning regulations and subdivision regulations amending those original zoning regulations and subdivision regulations adopted on the day of , 19 , by the said South Mwkn. Twp Board. The purpose being specifically for protecting and guiding the township's physical development; to promote the general health and welfare; to secure safety from fire and other dangers; to protect the tax base; to encourage a distribution of population and utilization of land which will facilitate economic growth of the community and to make recommendations providing for adequate transportation, roads, water supply, drainage, sanitation, recreation, and/or other public requirements. Also, all maps, charts, or other descriptive matter accompanying this document and all other matters intended to form the whole, or a part hereof, are hereby made a part of this document the same as if set forth herein.

ADOPTED THIS DAY OF A.D., 19
BY THE SOUTH MINNEWAUKAN TOWNSHIP PLANNING-ZONING
COMMISSION AND RECOMMENDED TO THE SOUTH MINNEWAUKAN
TOWNSHIP BOARD, RAMSEY COUNTY, NORTH DAKOTA FOR ADOPTION.

Signed:

Chairman, S. Minnewaukan Township Planning-
Zoning Commission

Attest:

Secretary, S. Minnewaukan Township
Planning-Zoning Commission

ADOPTED THIS _____ DAY OF _____ A.D., 19_____
BY THE SOUTH MINNEWAUKAN TOWNSHIP BOARD,
RAMSEY COUTY, NORTH DAKOTA.

SIGNED: _____

Chairman, South Minnewaukan Township Board
Ramsey County, North Dakota

ATTEST: _____

Clerk, South Minnewaukan Township Board,
Ramsey County, North Dakota

RESOLUTION

ZONING SUBDIVISION AMENDMENT

SOUTH MINNEWAUKAN TOWNSHIP, RAMSEY COUNTY NORTH DAKOTA

WHEREAS, Chapter 58-03, and other appropriate statutes of the North Dakota Century Code, empowers this Township to enact, or amend zoning and subdivision regulations, and to provide their administration, enforcement, and amendment, and

WHEREAS, the South Mwkn. Twp Board deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the Township to enact such regulations or amendment, and

WHEREAS, the Board of Township Commissioners, pursuant to the appropriate provisions of the North Dakota Century Code has appointed a Planning-Zoning Commission to recommend the appropriate regulations and boundaries thereto, and

WHEREAS, the Planning-Zoning Commission has divided the Township into districts and has prepared regulations pertaining to such districts in accordance with a Comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provisions for transportation, water, sewage, schools, parks and other public requirements, and

WHEREAS, the Planning-Zoning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a

view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township, and

WHEREAS, the Planning-Zoning Commission has made a preliminary report and held public hearings thereon and submitted its final report to the South Mwkn. Twp Board, and

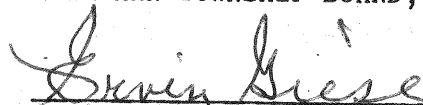
WHEREAS, the Board of Township Commissioners has given due public notices of hearings relating to zoning districts, regulations and restrictions and has held such public hearings, and

WHEREAS, all requirements of Chapter 58-03 of the North Dakota Century Code with regard to the preparation and amendments of the report of the Planning-Zoning Commission, acting as the zoning commission and the subsequent action of the Board of Township Commissioners have been met;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Supervisors, South Mwkn. Twp , Ramsey County, North Dakota, that the said report be hereby adopted, excepting therefrom the use of land, or buildings for farming, or any of the normal incidents of farming.

SOUTH MINNEWAUKAN TOWNSHIP BOARD, RAMSEY COUNTY, NORTH DAKOTA.

Signed:



Chairman, S. Minnewaukan Township Board,
Ramsey County, North Dakota

Attest:

Clerk, S. Minnewaukan Township Board,
Ramsey County, North Dakota