

TOWNSHIPS

CHAPTER 373

H. B. No. 840
(Stockman, Wheeler)

ZONING DISTRICTS AND COMMISSIONS

AN ACT

To amend and reenact sections 58-03-11 and 58-03-13 of the North Dakota Century Code, relating to zoning districts and township zoning commissions.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 58-03-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-03-11. Establishment of Zoning Districts—Limitation—Scope of Zoning Regulations and Restrictions.) For the purpose of promoting the health, safety, morals or the general welfare, or to secure the orderly development of approaches to municipalities, the board of township supervisors may establish one or more zoning districts and within such districts may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes. All such regulations and restrictions shall be uniform throughout each district, but the regulations and restrictions in one district may differ from those in other districts. No regulation or restriction, however, shall apply to or prevent the use of land or buildings for farming or any of the normal incidents of farming. The provisions of sections 58-03-11 through 58-03-15, shall not be construed to include any power relating to the establishment, repair and maintenance of highways or roads.

§ 2. **Amendment.)** Section 58-03-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-03-13. Township Zoning Commissions — Membership — Reports and Recommendations — District Boundaries — Hearings—Notice.) The board of township supervisors of a town-

ship desiring to avail itself of the powers conferred by sections 58-03-11 through 58-03-15, shall establish, by resolution, a township zoning commission to recommend the boundaries of the various township zoning districts and appropriate regulations and restrictions to be established therein. Membership of such commission shall consist of three township supervisors and two members appointed from the municipalities concerned in relation to which such zoning is contemplated. Where the area to be regulated and restricted is situated in two or more townships, a joint zoning commission may be established. Membership of a joint zoning commission shall consist of two township supervisors from each township and two members from the municipality in relation to which such zoning is contemplated. Each such commission shall make a preliminary report and hold public hearings thereon before submitting its final report and recommendations to the board or boards of township supervisors. The board or boards of township supervisors may thereupon establish, and from time to time change, the boundaries of township zoning districts and establish, amend, supplement, and enforce regulations and restrictions in such districts. No regulation, restriction, or boundary shall become effective until after a public hearing thereon at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be published in the official newspaper of the county and also in the official newspaper of the municipality in relation to which such zoning action is taken, if in such municipality an official newspaper other than the official newspaper of the county is published. The description of any land within any zoning district established by a zoning commission together with any regulations and restrictions established therein shall be filed with the governing bodies of the township and municipalities concerned, and in the event amendments are made to the boundaries of the zoning district or the regulations or restrictions established therein, such amendments shall be filed in the same manner.

Approved March 8, 1961.